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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/704,736	02/12/2010	Minoru Takizawa	6639P886	6833

8791 7590 03/29/2011
BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP
1279 OAKMEAD PARKWAY
SUNNYVALE, CA 94085-4040

EXAMINER
SAWYER, STEVEN

ART UNIT	PAPER NUMBER
2835	

MAIL DATE	DELIVERY MODE
03/29/2011	PAPER

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

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

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

In re Application of	**: DECISION ON REQUEST TO**
TAKIZAWA et al.	**: PARTICIPATE IN THE PATENT**
Application No.: 12/704,736	**: PROSECUTION HIGHWAY**
Filed: 12 February 1010	**: PROGRAM AND PETITION**
Attorney Docket No.: 6639P886	**: TO MAKE SPECIAL UNDER**
For: ELECTRONIC DEVICE	**: 37 CFR 1.102(a)**

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed 16 February 2011, to make the above-identified application special.

The request and petition are **GRANTED**.

Discussion

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

1. The U.S. application is
    a. a Paris Convention application which either
        i. validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the JPO, or
        ii. validly claims priority to a PCT application that contains no priority claims, or
    b. a national stage application under the PCT (an application which entered the national stage in the U.S. from a PCT international application after compliance with 35 U.S.C. 371), which PCT application
        i. validly claims priority to an application filed in the JPO, or
        ii. validly claims priority to a PCT application that contains no priority claims, or
        iii. contains no priority claim, or
    c. a so-called bypass application filed under 35 U.S.C. 111(a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application
        i. validly claims priority to an application filed in the JPO, or
        ii. validly claims priority to a PCT application that contains no priority claims, or
        iii. contains no priority claim;
2. Applicant must submit a copy of:
    a. The allowable/patentable claim(s) from the JPO application(s);

b. An English translation of the allowable/patentable claim(s) and
c. A statement that the English translation is accurate;

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

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

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

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

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

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

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 03/24/12

TO SPE OF : ART UNIT 1761

SUBJECT : Request for Certificate of Correction for Appl. No.: 12704784 Patent No.: 8003712

CofC mailroom date: 03/12/12

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

FOR IFW FILES:

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

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

FOR PAPER FILES:

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

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

Note: Should the changes to the Inventorship be approved?

Lamonte Newsome

Certificates of Correction Branch

571-272-3421

Thank You For Your Assistance

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

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

X Approved — **All** changes apply.

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

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

Comments: OK to enter the changes

/Harold Pyon/ 1761

SPE **Art Unit**

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Paper No.

HERCULES INCORPORATED
HERCULES PLAZA
1313 NORTH MARKET STREET
WILMINGTON DE 19894-0001

MAILED

JAN 18 2011

OFFICE OF PETITIONS

In re Application of	:	
Vaynberg	:	DECISION ON PETITION
Application No. 12/704,799	:	PURSUANT TO
Filed: February 12, 2010	:	37 C.F.R. § 1.182
Attorney Docket No. DKT 10753	:	
Title: RHEOLOGY MODIFIER FOR	:	
AQUEOUS SURFACTANT-BASED	:	
FORMULATIONS	:	

This is a decision on the petition pursuant to 37 C.F.R. § 1.182, filed April 23, 2010. Petitioner requests that the above-identified application, including a concurrently-submitted substitute specification that contains matter that was not present on filing, be accorded a filing date of February 12, 2010, as part of the original disclosure.

The petition is **DISMISSED**.

Receipt of the $400 petition fee is acknowledged.

The application was deposited on February 12, 2010 with a 14-page specification.

With this Petition, Petitioner has indicated that prior to depositing the application, his assistant "formatted the instant patent application in final form in Microsoft Office Word (sic - trademark registration mark omitted) format," and the document was "19 pages in length comprising 39 paragraphs."[1]

[1] Petition, page 1.

The documents were then converted from Microsoft Office Word® into an Adobe® PDF file, and the "Adobe (sic - trademark registration mark omitted) '.pdf' version of the instant patent application contained 19 pages and comprised 39 paragraphs."[2]

Petitioner then submitted the PDF file via EFS-Web, and the submission was accorded a filing date of February 12, 2010.

Petitioner later discovered that during the conversion process from the Word® document to the Adobe® document, the Adobe® program "failed to accurately convert text contained on pages 3, 4, and 7. In each of the listed pages, text contained in the portion of the bridging paragraph was not generated on the page but rather the pages start with a new numbered paragraph."[3] Petitioner adds that in "spite of this conversion error, the '.pdf' version of the instant patent application still contained 19 pages and 39 paragraphs."[4]

Petitioner submitted a substitute specification ("in which pages 3, 4, and 7 now contain the text lost" (as a result of the conversion error)),"[5] and requests that the Office accord both the substitute specification and this application a filing date of February 12, 2010.

Petitioner's request cannot be entertained, as the matter which was not present on filing constitutes new matter. 35 U.S.C. § 132 explicitly states that "[n]o amendment shall introduce new matter into the disclosure of the invention." See also MPEP § 2163.06.

Section Section B3 of the EFS Legal Framework (http://www.uspto.gov/patents/process/file/efs/guidance/New_legal_framework.jsp) sets forth, *in pertinent part*:

> B3. What is the official record of documents submitted via EFS-Web? When the USPTO successfully receives documents filed in accordance with the EFS-Web requirements, the USPTO will convert the PDF files submitted by users into Tagged Image File Format (TIFF) image files and then store the TIFF image files in the Image File Wrapper (IFW) as part of the official record, except

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[2] Id.
[3] Id. at 2.
[4] Id.
[5] Id.

> for color and grayscale drawings which are stored in the Supplemental Complex Repository for Examiners (SCORE) as part of the official record. In addition, certain submissions may be filed as ASCII text files (e.g., sequence listings or computer program listings), which are stored in SCORE as part of the official record. Accordingly, the official record for the patent application and reexamination proceeding comprises:
>
> (1) ASCII text documents as well as color and grayscale drawings in PDF format as stored in SCORE; and
>
> (2) TIFF images of all other original documents as stored in IFW as well as the Electronic Acknowledgement Receipt and the Electronic Patent Application Fee Transmittal, both of which contain information entered via the EFS-Web graphical user interface (GUI) data collection screens.

As such, the official record of documents submitted via EFS-Web is the TIFF files that were converted from Applicants' PDF files, and not the pre-Adobe®-conversion Word® document that was not submitted to the Office (which contains the omitted material). In other words, the official record is a document that is two generations of conversions from the source material Word® document.

See also 1286 OG 113 (http://www.uspto.gov/web/offices/com/sol/og/2004/week37/patlgfr.htm), under the heading "[w]hat is the official submission of the new application under the EFS?"

> Currently the official copies of all USPTO electronic application files are the electronic images of the EFS submission entered into the Office's IFW files. The EFS electronic submission in its original form will be maintained under electronic records management control, and will serve as a safety copy if needed during prosecution or later. The document images stored in the Office's IFW system are the official records used during prosecution. The PDF version from EFS-ABX will be used to create the image version of the specification (description), drawings, claims and abstract. The XML version will create the bibliographic data and 18-Month Publication text.

As such, the official record is the electronic images of the electronic submission, which are TIFF files that were created from the PDF files which Applicant submitted to the Office.

It follows that permitting the entry of a substitute specification that contained material that was not a part of the text that was submitted on original deposit would constitute allowing the introduction of new matter into the application.

The time period for filing a renewed petition is governed by 37 C.F.R. § 1.182. Therefore, 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 failure to file a timely renewed petition will result in the abandonment of this application.

Petitioner is not in a position to secure the entry of the substitute specification that was submitted concurrently with this petition *and* maintain the original filing date. On renewed petition, Petitioner must indicate which action he would prefer the Office to take:

- Petitioner can maintain the currently accorded filing date of February 12, 2010 by accepting the application as originally deposited, without entry of the aforementioned substitute specification which contains new matter, or;

- Petitioner can secure the entry of the aforementioned substitute specification if he accepts a filing date of April 23, 2010 for this application, the date on which the additional material was first provided to the Office. Petitioner should note that if this option is chosen, Petitioner should include an amendment directing the entry of the substitute specification that was submitted to the Office on April 23, 2010, as is required by 37 C.F.R. §§ 1.121(a) and 1.121(b)(3).

The reply should include a cover letter entitled "Renewed Petition pursuant to 37 C.F.R. § 1.182." This is not a final agency action within the meaning of 5 U.S.C § 704.

Any subsequent filing pertaining to this matter should indicate that the attorney handling this matter is Paul Shanoski, and may be submitted by mail,[6] hand-delivery,[7] or facsimile.[8] Registered

6 Mail Stop Petition, Commissioner for Patents, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA, 22313-1450.
7 Customer Window, Randolph Building, 401 Dulaney Street, Alexandria, VA, 22314.
8 (571) 273-8300- please note this is a central facsimile number.

users of EFS-Web may alternatively submit a response to this decision via EFS-Web.[9]

If responding by mail, Petitioner is advised not to place the undersigned's name on the envelope. Only the information that appears in the footnote should be included - adding anything else to the address will delay the delivery of the response to the undersigned.

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225.[10] All other inquiries concerning examination procedures should be directed to the Technology Center.

/Paul Shanoski/
Paul Shanoski
Senior Attorney
Office of Petitions

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9 https://sportal.uspto.gov/authenticate/authenticateuserlocalepf.html
10 Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. § 1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for any further action(s) of Petitioner.

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BROOKS, CAMERON & HUEBSCH, PLLC
1221 NICOLLET AVENUE,
SUITE 500
MINNEAPOLIS, MN 55403

MAILED
DEC 14 2011
OFFICE OF PETITIONS

In re Patent No. 7,451,138 :
Issue Date: May 17, 2011 :
Application No. 12/704,982 : DECISION ON PETITION
Filed: February 12, 2010 :
Attorney Docket No. 730.0030001 :

This is a decision on the petition under 37 CFR 1.181 (no fee), filed November 7, 2011, requesting issuance of a duplicate Letters Patent for the above-identified patent.

The petition is **GRANTED**.

Petitioner states that the original Letters Patent was never received.

The required showing to establish non-receipt of an Office communication must include a statement from the practitioner stating that the Office communication (in this case, the original Letters Patent) was not received by the practitioner and attesting to the fact that a search of the file jacket and docket records indicates that the Letters Patent was not received. A copy of the docket record where the non-received Letters Patent would have been entered had it been received and docketed must be attached to and referenced in practitioner's statement. *See* MPEP § 711.03(c) and 1156 Official Gazette 53 (November 16, 1993).

The petition is accompanied by the evidence required to establish non-receipt of the original Letters patent. Accordingly, the Office of Data Management is directed to issue a duplicate Letters Patent.

Telephone inquiries concerning this decision may be directed to April M. Wise at (571) 272-1642. Inquiries regarding the issuance of a duplicate Letters Patent may be directed to Kimberly Terrell in the Office of Data Management at (571) 272-4200.

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

/Carl Friedman/
Carl Friedman
Petitions Examiner
Office of Petitions

cc: Kimberly Terrell, Randolph Square, 9D33 (Fax No. (571) 270-9958)

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: FMC2961PUS(81200402)	Application Number (if known): 12705005	Filing date: February 12, 2010
First Named Inventor: Brandon G. Dobbins		
Title: Support Structure for Inverter System Controller Module		

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 to Make Special

Signature /Gary A. Smith/	Date March 8, 2011
Name (Print/Typed) Gary A. Smith	Registration Number 39376

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

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

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

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

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/705,005	02/12/2010	Brandon G. Dobbins	81200402	7414

28395 7590 03/30/2011
BROOKS KUSHMAN P.C./FGTL
1000 TOWN CENTER
22ND FLOOR
SOUTHFIELD, MI 48075-1238

EXAMINER
AVERY, BRIDGET D

ART UNIT	PAPER NUMBER
3618	

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.

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MAR 30 2011

BROOKS KUSHMAN P.C./FGTL
1000 TOWN CENTER
22ND FLOOR
SOUTHFIELD MI 48075-1238

In re Application of	:	
Brandon DOBBINS et al.	:	DECISION ON PETITION
Application No. 12/705,005	:	TO MAKE SPECIAL UNDER
Filed: February 12, 2010	:	THE GREEN TECHNOLOGY
Attorney Docket No. 81200402	:	PILOT PROGRAM

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

The petition is **DISMISSED**.

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, the claimed frame is just a supporting frame and it does not appear to play any role in the operation of the vehicle. Therefore, petitioner's assertion of the claimed apparatus's efficient utilization and conservation of energy resources, or reduction of greenhouse gas emissions appears to be 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.

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 3618 for action in its regular turn.

/Lanna Mai/

Lanna Mai
Quality Assurance Specialist
Technology Center 3600

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/705,130	02/12/2010	Hwan Hee JEONG	3449-1332PUS1	7722

2292 7590 05/04/2011
BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH, VA 22040-0747

EXAMINER
GURLEY, LYNNE ANN

ART UNIT	PAPER NUMBER
2811	

NOTIFICATION DATE	DELIVERY MODE
05/04/2011	ELECTRONIC

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

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

mailroom@bskb.com

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

In re Application of	**: DECISION ON REQUEST TO**
JEONG et al.	**: PARTICIPATE IN THE PATENT**
Application No.: 12/705,130	**: PROSECUTION HIGHWAY**
Filed: 12 February 2010	**: PROGRAM AND PETITION**
Attorney Docket No.: 3449-1332PUS1	**: TO MAKE SPECIAL UNDER**
For: SEMICONDUCTOR LIGHT	**: 37 CFR 1.102(a)**
EMITTING DEVICE	

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed 21 April 2011, to make the above-identified application special.

The request and petition are **GRANTED**.

Discussion

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

1. The U.S. application is

    a. a Paris Convention application which either
        i. validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the KIPO, or
        ii. validly claims priority under 35 U.S.C. 119(a)/365(a) to a PCT application that contains no priority claims,

    or

    b. a national stage application under the PCT (an application which entered the national stage in the U.S. from a PCT international application after compliance with 35 U.S.C. 371), which PCT application
        i. validly claims priority under 35 U.S.C. 365(b) to an application filed in the KIPO, or
        ii. validly claims priority under 35 U.S.C. 365(b) to a PCT application that contains no priority claims, or
        iii. contains no priority claim,

    or

    c. a so-called bypass application filed under 35 U.S.C. 111(a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application

i. validly claims priority under 35 U.S.C. 365(b) to an application filed in the KIPO, or
ii. validly claims priority under 35 U.S.C. 365(b) to a PCT application that contains no priority claims, or
iii. contains no priority claim;

2. Applicant must submit a copy of:
   a. The allowable/patentable claim(s) from the KR application(s);
   b. An English translation of the allowable/patentable claim(s), and
   c. A statement that the English translation is accurate (if the claims were published in a language other than English);
3. Applicant must:
   a. Ensure that all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the KR application(s), and
   b. Submit a claims correspondence table in English;
4. Examination of the U.S. application has not begun;
5. Applicant must submit:
   a. A copy of all the office actions (which are relevant to patentability), excluding "Decision to Grant a Patent" from each of the KR application(s) containing the allowable/patentable claim(s);
   b. An English language translation of the KIPO office action; and
   c. A statement that the English translation is accurate (if the office actions are not in the English language);
6. Applicant must submit:
   a. An IDS listing the documents cited by the KIPO examiner in the KIPO office action (unless already filed in this application); and
   b. Copies of all the documents cited in the KIPO office action, except U.S. patents or U.S. patent application publications (unless already filed in this application);

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

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

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

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

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www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/705,139	02/12/2010	Susumu TARAO	SUNSTAF-1061	7738

7590 07/22/2011
KNOBLE, YOSHIDA & DUNLEAVY
EIGHT PENN CENTER
SUITE 1350, 1628 JOHN F KENNEDY BLVD
PHILADELPHIA, PA 19103

EXAMINER
DENION, THOMAS E

ART UNIT	PAPER NUMBER
3748	

MAIL DATE	DELIVERY MODE
07/22/2011	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

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

The petition is granted.

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

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

Patent Publication Branch
Office of Data Management

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/705,157	02/12/2010	Jonathan D. FRANK	1706.172.01	7781

64935 7590 06/08/2011
TILLMAN WRIGHT, PLLC
P.O. BOX 49309
CHARLOTTE, NC 28277-0076

EXAMINER
GURARI, EREZ

ART UNIT	PAPER NUMBER
3618	

MAIL DATE	DELIVERY MODE
06/08/2011	PAPER

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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JUN 0 8 2011

TILLMAN WRIGHT, PLLC
P.O. BOX 49309
CHARLOTTE, NC 28277-0076

Paper No. 20110607

In re Application of
Jonathan FRANK, et al.
Application No. 12/705,157
Filed: February 12, 2010
For: AUTOMATED VEHICLE AND SYSTEM UTILIZING AN OPTICAL SENSING SYSTEM

DECISION ON PETITION UNDER 37 CFR §1.84

This is a decision on the petition under 37 CFR 1.84, filed February 12, 2010, for acceptance of color drawings in the above identified application.

The petition is **GRANTED**.

Petitioner requests acceptance of color drawings under 37 CFR 1.84. A petition under 37 CFR 1.84 must include (i) the fees set forth in § 1.17(h); (ii) three (3) sets of color drawings; and (iii) an amendment to the specification to insert (unless the specification contains or has been previously amended to contain) the following language as the first paragraph of the brief description of the drawings: *The patent or application files contains at least one drawing executed in color. Copies of this patent or patent application publication with color drawing(s) will be provided by the Office upon request and payment of the necessary fee.*

Petitioner has provided the required fee, the three (3) sets of color drawings, and has inserted the required language into the first paragraph of the brief description of the drawings as required in 37 CFR 1.84 (a)(2)(iii). Therefore, the petition is granted.

Any questions regarding this letter should be directed to J. Allen Shriver at (571) 272-6698.

J. Allen Shriver, SPE
Technology Center 3600
(571) 272-6698

jas: 6/7/11

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Decision Date : July 15,2011

In re Application of :

Darren Vallaire

Application No : 12705191

Filed : 12-Feb-2010

Attorney Docket No : 11281.005

DECISION ON PETITION

UNDER CFR 1.137(b)

This is an electronic decision on the petition under 37 CFR 1.137(b), filed July 15,2011 , to revive the above-identified application.

The petition is **GRANTED.**

The above-identified application became abandoned for failure to reply in a timely manner to the Notice of Allowance and Issue Fee(s) Due. The date of abandonment is the day after the expiration date of the period set for reply in the Notice.

The electronic petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of payment of the Issue Fee and the Publication Fee (if necessary); (2) the petition fee as set forth in 37 CFR 1.17 (m); (3) the drawing correction and/or other deficiencies (if necessary); and (4) the required statement of unintentional delay have been received. Accordingly, the Issue Fee payment is accepted as having been unintentionally delayed.

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

This application file is being directed to the Office of Data Management.

Office of Petitions

Doc Code: PET.AUTO Document Description: Petition automatically granted by EFS-Web	PTO/SB/64 U.S. Patent and Trademark Office Department of Commerce

Electronic Petition Request	PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)
Application Number	12705191
Filing Date	12-Feb-2010
First Named Inventor	Darren Vallaire
Art Unit	2612
Examiner Name	PHUNG NGUYEN
Attorney Docket Number	11281.005
Title	ALERT WARNING SYSTEM

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus any extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:
(1) Petition fee;
(2) Reply and/or issue fee;
(3) Terminal disclaimer with disclaimer fee – required for all utility and plant applications filed before June 8, 1995; and for all design applications;
(4) 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.

Issue Fee and Publication Fee :

Issue Fee and Publication Fee are not due.

☒ Issue Fee Transmittal is attached

Drawing corrections and/ or other deficiencies.

○ Drawing corrections and/ or other deficiencies are not required

◉ I certify, in accordance with 37 CFR 1.4.(D)(4), that drawing corrections and/ or other deficiencies have previously been filed on 02-12-2010

○ Drawing corrections and/ or other deficiencies are attached.

☒ STATEMENT: 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.

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	/7173wdk/
Name	William Daid Kiesel
Registration Number	25883

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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PATENT GROUP 2N
JONES DAY
NORTH POINT
901 LAKESIDE AVENUE
CLEVELAND OH 44114

MAILED
MAY 05 2011
OFFICE OF PETITIONS

In re Application of	:	
GOODNIGHT, James H. et al.	:	
Application No. 12/705,204	:	DECISION ON PETITION
Filed: February 12, 2010	:	TO MAKE SPECIAL UNDER
Attorney Docket No. **343355-600263**	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the renewed petition under 37 CFR 1.102(c)(1), filed March 09, 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 James Goodnight, attesting to his age. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Tredelle Jackson at 571-272-2783.

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

The application is being forwarded to the Technology Center Art Unit 2123 for action on the merits commensurate with this decision.

/Tredelle D. Jackson/
Paralegal Specialist
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: 70257.146	Application Number (if known): 12/705,216	Filing date: 02/12/2010

First Named Inventor: Wei Shi

Title: PHOSPHOR LAYER ARRANGEMENT FOR USE WITH LIGHT EMITTING DIODES

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 12/13/2010
Name (Print/Typed) Norman E Carte	Registration Number 30,455

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

☐ *Total of_____ forms are submitted.

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

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

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor:	Wei Shi		
Assignee:	Bridgelux, Inc.		
Title:	Phosphor Layer Arrangement For Use With Light Emitting Diodes		
Serial No.:	12/705,216	Filing Date:	February 12, 2010
Examiner:	Not Known	Group Art Unit:	2879
Docket No.:	70257.146	Confirmation No.:	7929

Irvine, California
December 13, 2010

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

STATEMENT UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Dear Sir:

The basis for this Petition to Make Special Under the Green Technology Pilot Program is energy conservation. This invention contributes to energy conservation and thus qualifies for the Green Technology Pilot Program because the invention facilitates the manufacture and/or use of light emitting diodes (LEDs) which use substantially less energy than contemporary incandescent and fluorescent lights. Thus, it is respectfully submitted that the materiality standard is met.

The present patent application has been published on June 10, 2010 and assigned a publication no. US-2010-0141182-A1.

Haynes & Boone, LLP
Attorney & Counselors

18100 Van Karman
Suite 750
Irvine, CA 92612-0169

CONCLUSION

Authorization is given to charge any fees due or credit any overpayments in regard to this communication to deposit account 08-1394. If the Examiner has any questions or concerns, a telephone call to the undersigned at (949) 202-3000 is welcomed and encouraged.

Certification of Electronic Transmission
I hereby certify that this paper is being electronically transmitted to the U.S. Patent and Trademark Office on the date shown below.

Nuo Qu — **December 13, 2010** Date of Signature

Respectfully submitted,

Norman E. Carte
Agent for Applicants
Reg. No. 30,455

Haynes & Boone, LLP
Attorney & Counselors

18100 Van Karman
Suite 750
Irvine, CA 92612-0169

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.
12/705,216	02/12/2010	Wei Shi	70257.146	7929

27683 7590 12/21/2010
HAYNES AND BOONE, LLP
IP Section
2323 Victory Avenue
Suite 700
Dallas, TX 75219

EXAMINER

ART UNIT	PAPER NUMBER
2879	

MAIL DATE	DELIVERY MODE
12/21/2010	PAPER

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

HAYNES AND BOONE, LLP
IP Section
2323 Victory Avenue
Suite 700
Dallas TX 75219

In re Application of	:	
Wei SHI	:	DECISION ON PETITION
Application No. 12/705,216	:	TO MAKE SPECIAL UNDER
Filed: February 12, 2010	:	THE GREEN TECHNOLOGY
Attorney Docket No. 70257.146	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed on December 13, 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 2879 for action in its regular turn.

Lee W. Young
Quality Assurance Specialist
Technology Center 2800

Doc Code: PET.AUTO Document Description: Petition automatically granted by EFS-Web	PTO/SB/64 U.S. Patent and Trademark Office Department of Commerce

Electronic Petition Request	PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)
Application Number	12705233
Filing Date	12-Feb-2010
First Named Inventor	DARREN VALLAIRE
Art Unit	2612
Examiner Name	PHUNG NGUYEN
Attorney Docket Number	11281.006
Title	ALERT WARNING METHOD

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus any extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:
(1) Petition fee;
(2) Reply and/or issue fee;
(3) Terminal disclaimer with disclaimer fee – required for all utility and plant applications filed before June 8, 1995; and for all design applications;
(4) 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.

Issue Fee and Publication Fee :

Issue Fee and Publication Fee are not due.

☒ Issue Fee Transmittal is attached

Drawing corrections and/ or other deficiencies.

○ Drawing corrections and/ or other deficiencies are not required

◉ I certify, in accordance with 37 CFR 1.4.(D)(4), that drawing corrections and/ or other deficiencies have previously been filed on 12-06-2010

○ Drawing corrections and/ or other deficiencies are attached.

☒ STATEMENT: 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.

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	/7173wdk/
Name	Wiliam David Kiesel
Registration Number	25883

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Decision Date : July 15,2011

In re Application of :

DARREN VALLAIRE

Application No : 12705233

Filed : 12-Feb-2010

Attorney Docket No : 11281.006

DECISION ON PETITION

UNDER CFR 1.137(b)

This is an electronic decision on the petition under 37 CFR 1.137(b), filed July 15,2011 , to revive the above-identified application.

The petition is **GRANTED.**

The above-identified application became abandoned for failure to reply in a timely manner to the Notice of Allowance and Issue Fee(s) Due. The date of abandonment is the day after the expiration date of the period set for reply in the Notice.

The electronic petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of payment of the Issue Fee and the Publication Fee (if necessary); (2) the petition fee as set forth in 37 CFR 1.17 (m); (3) the drawing correction and/or other deficiencies (if necessary); and (4) the required statement of unintentional delay have been received. Accordingly, the Issue Fee payment is accepted as having been unintentionally delayed.

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

This application file is being directed to the Office of Data Management.

Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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PATENT & TRADEMARK OFFICE

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

Decision Date: July 15,2011

In re Application of:

DARREN VALLAIRE

Application No: 12705233

Filed: 12-Feb-2010

Attorney Docket No: 11281.006

DECISION ON PETITION

UNDER CFR 1.137(b)

This is an electronic decision on the petition under 37 CFR 1.137(b), filed July 15,2011 , to revive the above-identified application.

The petition is **GRANTED.**

The above-identified application became abandoned for failure to reply in a timely manner to the Notice of Allowance and Issue Fee(s) Due. The date of abandonment is the day after the expiration date of the period set for reply in the Notice.

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

This application file is being directed to the Office of Data Management.

Office of Petitions

DAC

Doc Code: -PET.AUTO Document Description: Petition automatically granted by EFS-Web	PTO/SB/64 U.S. Patent and Trademark Office Department of Commerce

Electronic Petition Request	PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)
Application Number	12705233
Filing Date	12-Feb-2010
First Named Inventor	DARREN VALLAIRE
Art Unit	2612
Examiner Name	PHUNG NGUYEN
Attorney Docket Number	11281.006
Title	ALERT WARNING METHOD

OPAP IAP5 JUL 15 2011 PATENT & TRADEMARK OFFICE

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus any extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:
(1) Petition fee;
(2) Reply and/or issue fee;
(3) Terminal disclaimer with disclaimer fee – required for all utility and plant applications filed before June 8, 1995; and for all design applications;
(4) 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.

Issue Fee and Publication Fee :

07/18/2011 INTEFSW 00000650 12705233

Issue Fee and Publication Fee are not due.

01 FC:2453 810.00 OP

☒ Issue Fee Transmittal is attached

Drawing corrections and/ or other deficiencies.

○ Drawing corrections and/ or other deficiencies are not required

◉ I certify, in accordance with 37 CFR 1.4.(D)(4), that drawing corrections and/ or other deficiencies have previously been filed on 12-06-2010

○ Drawing corrections and/ or other deficiencies are attached.

☒ STATEMENT: 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.

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	/7173wdk/
Name	Wiliam David Kiesel
Registration Number	25883

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: 70257.148	Application Number (if known): 12/705,240	Filing date: 02/12/2010

First Named Inventor: Rene Peter Helbing

Title: Efficient LED Array

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 12/08/2010
Name (Print/Typed) Norman E Carte	Registration Number 30,455

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

☐ *Total of_____ forms are submitted.

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

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

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants:	Rene Peter Helbing		
Title:	EFFICIENT LED ARRAY		
Serial No.:	12/705,240	Filing Date:	02/12/2010
Examiner:	Unknown	Group Art Unit:	2875
Docket No.:	70257.148	Confirmation No.:	7989

Irvine, California
December 8, 2010

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

STATEMENT UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Dear Sir:

The basis for this Petition to Make Special Under the Green Technology Pilot Program is energy conservation. This invention contributes to energy conservation and thus qualifies for the Green Technology Pilot Program because the invention facilitates the manufacture and/or use of light emitting diodes (LEDs) which use substantially less energy than contemporary incandescent and fluorescent lights. Thus, it is respectfully submitted that the materiality standard is met.

Haynes & Boone, LLP
Attorney & Counselors

18100 Van Karman
Suite 750
Irvine, CA 92612-0169

CONCLUSION

Authorization is given to charge any fees due or credit any overpayments in regard to this communication to deposit account 08-1394. If the Examiner has any questions or concerns, a telephone call to the undersigned at (949) 202-3000 is welcomed and encouraged.

Certification of Electronic Transmission
I hereby certify that this paper is being electronically transmitted to the U.S. Patent and Trademark Office on the date shown below.

Nuo Qu — **December 8, 2010** Date of Signature

Respectfully submitted,

Norman E. Carte
Agent for Applicants
Reg. No. 30,455

Haynes & Boone, LLP
Attorney & Counselors

18100 Van Karman
Suite 750
Irvine, CA 92612-0169

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.
12/705,240	02/12/2010	Rene Peter Helbing	70257.148	7989

27683 7590 12/21/2010
HAYNES AND BOONE, LLP
IP Section
2323 Victory Avenue
Suite 700
Dallas, TX 75219

EXAMINER

ART UNIT	PAPER NUMBER
2875	

MAIL DATE	DELIVERY MODE
12/21/2010	PAPER

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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HAYNES AND BOONE, LLP
IP Section
2323 Victory Avenue
Suite 700
Dallas TX 75219

In re Application of	:	
Rene Peter HELBING	:	DECISION ON PETITION
Application No. 12/705,240	:	TO MAKE SPECIAL UNDER
Filed: February 12, 2010	:	THE GREEN TECHNOLOGY
Attorney Docket No. 70257.148	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed on December 08, 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 2875 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
www.uspto.gov

KATTEN MUCHIN ROSENMAN L.L.P.
2900 K STREET, N.W.
NORTH TOWER, SUITE 200
WASHINGTON, D.C. 20007-5118

MAILED

FEB 28 2011

OFFICE OF PETITIONS

In re Application of	:	
JON PETERSON ET AL	:	
Application No. 12/705,268	:	DECISION ON PETITION
Filed: February 12, 2010	:	
Attorney Docket No. 330952-00246	:	

This is a decision on the petition under 37 CFR 1.59(b), filed June 29, 2010, to expunge information from the above identified application.

The petition **is** **DISMISSED**.

On March, 12 2010 petitioner filed a preliminary amendment, specification, claims, remarks, abstract, drawings, a response to a Notice of Missing Parts, power of attorney, declaration and a 37 CFR 3.73(b) statement in the instant application. Petitioner now requests that the specification, claims, remarks, abstract, and drawings be expunged from the record. The required fee set forth under 37 CFR 1.159(b) has been received.

Petitioner indicates that the above identified documents were mistakenly filed in the instant application and that the document was meant for another application.

The petition is deficient because (1) the petition does not contain a statement that the information requested to be expunged was unintentionally submitted and 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; (2) the petition does not contain a statement that the information requested to be expunged was unintentionally submitted and 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; (3)the petition does not contain a commitment on the part of petitioner to retain the information to be expunged for the period of any patent with regard to which such information is submitted; and (4) the petition does not contain a statement that the petition is being submitted by, or on behalf of, the party in interest who originally submitted the information.

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

By mail: Mail Stop PETITIONS
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

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

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

Telephone inquiries concerning this communication should be directed to the undersigned at 571-272-0602.

Thurman K. Page
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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KATTEN MUCHIN ROSENMAN L.L.P.
2900 K. STREET, N.W.
NORTH TOWER, SUITE 200
WASHINGTON, DC 20007-5118

MAILED

AUG 30 2011

OFFICE OF PETITIONS

In re Application of :
JON PETERSON et al :
Application No. 12/705,268 : DECISION ON PETITION
Filed: February 12, 20010 :
Attorney Docket No. 330952-00246 :

This is a decision on the renewed petition under 37 CFR 1.59(b), filed April 14, 2011, to expunge information from the above identified application.

The petition is **GRANTED**.

Petitioner requests that documents (Preliminary Amendment, Specification Claims, Remarks, Abstract, Drawings, and acknowledgement receipt)) filed March 12, 2010, be expunged from the record, since sufficient status identifiers are present to support the statement that these documents belong in another application., . Petitioner states that 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. Accordingly, the petition is granted.

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 "Publicly available Documents." It is agreed that it would be appropriate in this instance to close the information in application serial no. 12/705,268 which 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). Petitioner understands that upon granting the petition, the image of the inadvertently recorded document would remain in the records of the Assignment Services Division at the same reel and frame number, but that the link to said information in the patent

would be deleted, so that no information about the inadvertently recorded document would appear when searching for the patent numbers in the Assignment Historical Database.

Applicant is required to retain the expunged material(s) for the life of the patent which issued on the above-identified application.

Telephone inquiries concerning this communication should be directed to the undersigned at 571-272-0602.

Thurman K. Page
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Paper No.

CHADBOURNE & PARKE LLP
30 ROCKEFELLER PLAZA
NEW YORK NY 10112

MAILED

FEB 17 2011

OFFICE OF PETITIONS

In re Application of	:	
Douglas Borden, Oliver Hansch	:	DECISION REFUSING STATUS
Youxun Shen and Xiaolin Xie	:	UNDER 37 CFR 1.47(a)
Application No. 12/705,270	:	
Filed: February 12, 2010	:	
Attorney Docket No. 17209-093	:	

This is a decision on the Petition Under 37 C.F.R. § 1.47(a) filed October 1, 2010.

The petition is **DISMISSED**.

Rule 47 applicants are given **TWO MONTHS** from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 C.F.R. §1.47(a)," and should only address the deficiencies noted below, except that the reply may include an oath(s) or declaration(s) executed by the non-signing inventor(s). Failure to respond will result in abandonment of the application. Any extensions of time will be governed by 37 C.F.R. §1.136(a).

The above-identified application was filed on February 12, 2010, with an application data sheet, but without an executed oath or declaration. Accordingly, on March 1, 2010, applicants were mailed a "Notice to File Missing Parts of Nonprovisional Application," requiring submission of an executed oath or declaration and the surcharge for late filing under § 1.16(e).

In response, rule 47 applicants filed the instant petition, along with payment of the petition fee and the late surcharge. This response was made timely by an accompanying petition (and fee) for extension for response within the fifth month.

The petition includes declarations executed by inventors Hansch, Xie, and Youxun on behalf of themselves and on behalf of non-signing inventor Bordens. Rule 47 applicants assert that status under § 1.47(a) is proper because inventor Borden has refused to execute the declaration.

A grantable petition under 37 CFR § 1.47(a) requires: (1) proof that the non-signing inventor cannot be reached or found, after diligent effort, or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings); (2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116; (3) the petition fee; and (4) a statement of the last known address of the non-signing inventor.

The petition includes an acceptable declaration, the petition fee and a statement of the last known address of the non-signing inventor. However, the instant petition does not satisfy requirement (1).

Rule 47 applicants have not submitted adequate proof that the non-signing inventor has refused to join in the application. Before a refusal can be alleged, applicants must demonstrate that a bona fide attempt was made to present a copy of the application papers (specification, including claims, drawings, and oath or declaration) to the non-signing inventor. 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. See MPEP 409.03(d).

In this instance, applicants have not presented evidence that the inventor was ever presented with all of the application papers (specification, claims and drawings) for review and signature. A review of all of the cover letters and statements on petition only shows that inventor Borden was presented with the assignment and declaration. Having been presented with only the assignment and declaration, inventor Borden, even if willing, could not, for example, aver as required on declaration for patent that he had reviewed and understood the application, including the claims.

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

By mail: Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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

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

Telephone inquiries concerning this matter should be directed to the undersigned at (571) 272-3219.

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Paper No.

CHADBOURNE & PARKE LLP
30 ROCKEFELLER PLAZA
NEW YORK NY 10112

MAILED
SEP 27 2011
OFFICE OF PETITIONS

In re Application of	:
Douglas Borden, Oliver Hansch	: DECISION ACCORDING STATUS
Youxun Shen and Xiaolin Xie	: UNDER 37 CFR 1.47(a)
Application No. 12/705,270	:
Filed: February 12, 2010	:
Attorney Docket No. 17209-093	:

This is a decision on the Request for Reconsideration of Petition Under 37 C.F.R. §1.47(a) filed September 19, 2011.

The petition is **GRANTED**.

The above-identified application was filed on February 12, 2010, with an application data sheet, but without an executed oath or declaration. By decision mailed February 17, 2011, the initial Petition Under 37 C.F.R. § 1.47(a) filed October 1, 2010 was dismissed. The requirements of 37 CFR 1.47(a) were met, except the petition did not include adequate proof that the non-signing inventor had refused to join in the application. Applicants alleged refusal by conduct in not responding to request to sign the declaration, but did not present evidence that the inventor was ever presented with *all of the application papers* (specification, claims and drawings) for review and signature.

On instant renewed petition, made timely by an accompanying extension of time for response within the fifth month, rule 47 applicants submitted evidence that nonsigning inventor Borden was presented all of the application papers by email and FedEx delivery. The evidence did not confirm receipt of the email by return email from inventor Borden or otherwise. Thus, the email presentation is given no weight. Nonetheless, the petition includes a copy of the tracking information showing that the FedEx delivery to inventor Borden's last known address on August

3, 2011 was delivered and signed for by "T. Gordon." See Exhibit 2. It is noted that it was shown on original petition that on August 27, 2010, "D. Borden" signed for a FedEx delivery at the same address. See Exhibit 3, petition filed October 1, 2010. (On another occasion, a "R. Paul" signed for papers delivered to the address). As the delivery containing all of the application papers was signed for and not returned by FedEx, it is concluded that by delivery on August 3, 2011, all of the application papers were presented to nonsigning inventor Borden. Further, it is inferred that his failure to respond to the request to execute the declaration constitutes a refusal to join in the application, and satisfies the requirement of 37 CFR 1.47(a) for proof of unavailability to join in the application.

The declarations filed October 1, 2010, have been reviewed and found in compliance with § 1.63. The initial petition included the petition fee and the last known address of inventor Borden.

In view thereof, this application is hereby accorded Rule 1.47(a) status.

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

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

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MR. DOUGLAS BORDEN
108 Franklin Street
Unit 1
New York, NY 10013

MAILED
SEP 27 2011
OFFICE OF PETITIONS

In re Application of	:	
Douglas Borden, Oliver Hansch	:	
Youxun Shen and Xiaolin Xie	:	LETTER
Application No. 12/705,270	:	
Filed: February 12, 2010	:	
Attorney Docket No. 17209-093	:	

Dear Inventor Borden:

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

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63. However, no action on your part is required for this patent to issue with you as a named inventor.

Telephone inquiries regarding this communication should be directed to Petitions Attorney Nancy Johnson at (571) 272-3219. 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 D.C. area).

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

CHADBOURNE & PARKE LLP
30 ROCKEFELLER PLAZA
NEW YORK NY 10112

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Medtronic Inc.
2600 Sofamor Danek Drive
Memphis TN 38132

MAILED

FEB 03 2011

OFFICE OF PETITIONS

In re Application of	:	
WEI et al.	:	DECISION REFUSING STATUS
Application No. 12/705,330	:	UNDER 37 CFR 1.47(a)
Filed: 02/12/2010	:	
Attorney Docket No. P189344.US.14	:	
Title: DELIVERY SYSTEMS, DEVICES,	:	
TOOLS, AND METHODS OF USE	:	

This is in response to the petition under 37 CFR 1.47(a), filed August 31, 2010.

The petition is **dismissed**.

Applicants are given TWO (2) MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(a)," and should address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventor(s). Failure to respond will result in abandonment of the application. Any extensions of time will be governed by 37 CFR 1.136(a). No additional petition fee is necessary for filing a request for reconsideration.

A grantable petition under 37 CFR 1.47(a) requires: (1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings); (2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116; (3) the petition fee; and (4) a statement of the last known address of the non-signing inventor.

The petition lacks item (1) as set forth above.

As to item (1), applicants assert that Keyvan Behnam, the non-signing inventor, refuses to sign the declaration and join in the present application. Applicants explain:

> On August 10, 2010, Kenneth E. Levitt, of Dorsey & Whitney LLP, sent a Federal Express package to Keyvan Behnam at his last known address (2818 Briarpatch Avenue, Simi Valley, California 93065), enclosing two documents relating to the above-reference application for Keyvan Behnam's signature, including a Declaration of Utility Patent Application and an Assignment. The letter and formal documents were also e-mailed that same day by Julie Wang, a Paralegal of Dorsey & Whitney LLP, to kbehnam@gmail.com. A copy of the e-mail, letter, formal documents, and FedEx confirmation of delivery is enclosed as Attachment A.

Petition, p. 2. A review of the letter of August 10, 2010, indicates that applicants did not include copies of the application in view of the non-signing inventor's stated unwillingness to execute any patent documents or to receive the documents in order to sign the oaths and assignments.

Pursuant to MPEP 409.03(d)(II),

> A refusal by an inventor to sign an oath or declaration when the inventor has not been presented with the application papers does not itself suggest that the inventor is refusing to join the application unless it is clear that the inventor understands exactly what he or she is being asked to sign and refuses to accept the application papers. A copy of the application papers should be sent to the last known address of the nonsigning inventor, or, if the nonsigning inventor is represented by counsel, to the address of the nonsigning inventor's attorney. The fact that an application may contain proprietary information does not relieve the 37 CFR 1.47 applicant of the responsibility to present the application papers to the inventor if the inventor is willing to receive the papers in order to sign the oath or declaration. It is noted that the inventor may obtain a complete copy of the application, unless the inventor has assigned his or her interest in the application, and the assignee has requested that the inventor not be permitted access. See MPEP § 106. It is reasonable to require that the inventor be presented with the application papers before a petition under 37 CFR 1.47 is granted since such a procedure ensures that the inventor is apprised of the application to which the oath or declaration is directed. In re Gray, 115 USPQ 80 (Comm'r Pat. 1956).
>
> Where a refusal of the inventor to sign the application papers is alleged, the circumstances of the presentation of the application papers and of the refusal must be specified in a statement of facts by the person who presented the inventor with the application papers and/or to whom the refusal was made. Statements by a party not present when an oral refusal is made will not be accepted. Proof that a bona fide attempt was made to present a copy of the application papers (specification, including claims, drawings, and oath or declaration) to the nonsigning inventor for signature, but the inventor refused to accept delivery of the papers or expressly stated that the application papers should not be sent, may be sufficient. When there is an express oral refusal, that fact along with the time and place of the refusal must be stated in the statement of facts. When there is an express written refusal, a copy of the document evidencing that refusal must be made part of the statement of facts.

> The document may be redacted to remove material not related to the inventor's reasons for refusal.
>
> When it is concluded by the 37 CFR 1.47 applicant that a nonsigning inventor's conduct constitutes a refusal, all facts upon which that conclusion is based should be stated in the statement of facts in support of the petition or directly in the petition. If there is documentary evidence to support facts alleged in the petition or in any statement of facts, such evidence should be submitted. Whenever a nonsigning inventor gives a reason for refusing to sign the application oath or declaration, that reason should be stated in the petition.

In this instance, it does not appear that applicants provided Mr. Behnam with a complete copy of the application papers. To demonstrate that the Mr. Behnam refuses to join in the application, applicants must show on renewed petition that they mailed a complete copy of the present nonprovisional application, including the specification, claims and drawings, to the non-signing inventor, personally or through his designated representative, and that he did not respond to or refused the request to sign the declaration. The circumstances of any refusal to join in the filing of the application must be made by all persons with firsthand knowledge of the event.

Applicants submitted a $130.00 fee for the filing of the present petition. The current fee is $200.00. The Office will charge the balance of $70.00 to the Deposit Account as authorized.

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

By mail: Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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

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

Correspondence may also be submitted via the Electronic Filing System (EFS-Web) of the USPTO.

Telephone inquiries related to this decision may be directed to the undersigned at (571) 272-3211.

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
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DIW Apr-11

MEDTRONIC INC.
710 MEDTRONIC PARKWAY
ATTN: LEGAL PATENTS MS: LC340
MINNEAPOLIS MN 55432-5604

MAILED

APR 19 2011

OFFICE OF PETITIONS

In re Application of	:	
Wei et al.	:	DECISION ACCORDING STATUS
Application No. 12/705,330	:	UNDER 37 CFR 1.47(a)
Filed: 02/12/2010	:	
Attorney Docket No.	:	
C00000031.16	:	

This is in response to the renewed petition filed under 37 CFR 1.47(a) on March 4, 2011.

The petition is **GRANTED**.

Petitioners have shown that a copy of the application was sent to the last known address of the non-signing inventor, Keyvan Behnam. The inventor failed, however, to sign and return the declaration.

As such, the showing of record is that the non-signing inventor has constructively refused to join in the filing of the 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 non-signing inventor at the address listed in the Declaration. Notice of the filing of this application will also be published in the *Official Gazette*.

The application is being referred to Technology Center Art Unit 3775 for further processing.

Telephone inquiries related to this decision should be directed to the undersigned at 571-272-3231.

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov
DIW Apr-11

MAILED
APR 19 2011
OFFICE OF PETITIONS

Keyvan Behnam
2818 Briarpatch Ave
Simi Valley CA 93065

In re Application of
Wei et al.
Application No. 12/705,330
Filed: February 12, 2010
For: DELIVERY SYSTEMS, DEVICES, TOOLS, AND METHODS OF USE

Dear Dr. Behnam:

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

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

Telephone inquiries regarding this communication should be directed to the undersigned at 571/272-3231. Requests for information regarding your application should be directed to the File Information Unit at 571-272-3150. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at 571-272-3150 or 1-800-972-6382 (outside the Washington D.C. area).

DWood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

MEDTRONIC INC
710 MEDTRONIC PARKWAY
ATTN: LEGAL PATENTS MS: LC340
MINNEAPOLIS MN 55432-5604

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

PTO/SB/420 (05-10)
Approved for use through 05/31/2010. OMB 0651-0062
U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Attorney Docket Number: 3449-1331PUS1	Application Number (if known): 12/705,335	Filing date: February 12, 2010
First Named Inventor: Hwan Hee JEONG		
Title: SEMICONDUCTOR LIGHT EMITTING DEVICE		

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

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

1. By filing this petition:

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

2. By filing this petition: applicant is agreeing to make an election without traverse in a telephonic interview and elect an invention that meets the eligibility requirements set forth in the notice titled "Pilot Program for Green Technologies Including Greenhouse Gas Reduction," as modified by the notice titled "Elimination of Classification Requirement in the Green Technology Pilot Program," each of which was published in the Federal Register, if the Office determines that the claims are not obviously directed to a single invention.

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

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

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

6. Other attachments: _____

Signature James T. Eller	Date May 18, 2011
Name (Print/Typed) James T. Eller, Jr.	Registration Number 39,538

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

☐ *Total of _____ forms are submitted.

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

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

Docket No.: 3449-1331PUS1
(Patent)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent Application of:	Hwan Hee JEONG		
Application No.:	12/705,335	Confirmation No.:	8176
Filed:	February 12, 2010	Art Unit:	2811
For:	SEMICONDUCTOR LIGHT EMITTING DEVICE	Examiner:	Lynne Ann Gurley

STATEMENT OF SPECIAL STATUS FOR THE ELIGIBILITY REQUIREMENT UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

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

Sir:

In support of the Petition to Make Special Under the Green Technology Pilot Program, it is respectfully submitted that the basis for the requested special status is that the invention claimed in the above-identified patent application materially contributes to the development of environmental quality and energy conservation. Specifically, the claimed invention relates to a semiconductor light emitting device.

For example, semiconductor light emitting devices have a much longer life-span than conventional light sources such as fluorescent tubes or other traditional light sources. Semiconductor light emitting devices also use less energy or power to operate than other traditional light sources. Thus, the environmental quality is significantly improved and energy is conserved.

Additionally, by filing this petition, Applicants agree to make an election without traverse in a telephone 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.

It is also submitted that this application meets the eligibility requirements to participate in the Green Technology Pilot Program, as listed in the attached Petition to Make Special Under the Green Technology Pilot Program.

Accordingly, it is respectfully requested the Petition be granted.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact the undersigned below to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Director is hereby authorized in this, concurrent, and future replies to charge any fees required during the pendency of the above-identified application or credit any overpayment to Deposit Account No. 02-2448.

Dated: May 18, 2011

Respectfully submitted,

By _____

James T. Eller, Jr.
Registration No.: 39538
BIRCH, STEWART, KOLASCH & BIRCH, LLP
8110 Gatehouse Road, Suite 100 East
P.O. Box 747
Falls Church, VA 22040-0747
703-205-8000

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.
12/705,335	02/12/2010	Hwan Hee JEONG	3449-1331PUS1	8176

2292 7590 05/26/2011
BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH, VA 22040-0747

EXAMINER
GURLEY, LYNNE ANN

ART UNIT	PAPER NUMBER
2811	

NOTIFICATION DATE	DELIVERY MODE
05/26/2011	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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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

In re Application of	:	
Hwan Hee JEONG	:	DECISION ON PETITION
Application No. 12/705,335	:	TO MAKE SPECIAL UNDER
Filed: February 12, 2010	:	THE GREEN TECHNOLOGY
Attorney Docket No. **3449-1331PUS1**	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed on May 18, 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 Lee W. Young at 571-272-4549.

The application is being forwarded to the Technology Center Art Unit 2811 for action on the merits commensurate with this decision.

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
www.uspto.gov

HUSCH BLACKWELL LLP
HUSCH BLACKWELL SANDERS, LLP WELSH & KATZ
120 S RIVERSIDE PLAZA
22ND FLOOR
CHICAGO, IL 60606

MAILED
MAY 23 2011
OFFICE OF PETITIONS

In re Application of	:	
Shunpei Yamazaki, et al.	:	
Application No. 12/705,355	:	DECISION GRANTING PETITION
Filed: February 12, 2010	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 0553-0546.01	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed May 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 April 22, 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 2826 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.*

UNITED STATES 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 10, 2012

In re Application of :

COLE RENFROE

Application No : 12705395

Filed : 12-Feb-2010

Attorney Docket No : RENF000301

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 10, 2012

The request is **APPROVED.**

The request was signed by Nathaniel A. Gilder (registration no. 53233) on behalf of all attorneys/agents associated with Customer Number 61795 . All attorneys/agents associated with Cusotmer Number 61795 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	COLE RENFROE
Name2	
Address 1	P.O. Box 1922
Address 2	
City	Oroville
State	WA
Postal Code	98844
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	12705395
Filing Date	12-Feb-2010
First Named Inventor	COLE RENFROE
Art Unit	3671
Examiner Name	ABIGAIL MORRELL
Attorney Docket Number	RENF000301
Title	SAFETY RATCHET

◉ Please withdraw me as attorney or agent for the above identified patent application and the practitioners of record associated with Customer Number: 61795

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	COLE RENFROE
Address	P.O. Box 1922
City	Oroville
State	WA
Postal Code	98844
Country	US

I am authorized to sign on behalf of myself and all withdrawing practitioners.	
Signature	/Nathaniel A. Gilder/
Name	Nathaniel A. Gilder
Registration Number	53233

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Thompson Patent Law Offices PC
4205 Lancaster Lane North
Suite 104
Plymouth, MN 55441

MAILED

SEP 26 2011

OFFICE OF PETITIONS

In re Application of	:	
Zdenko Grajcar	:	
Application No. 12/705,408	:	DECISION ON PETITION
Filed: February 12, 2010	:	TO WITHDRAW
Attorney Docket No. 12-28	:	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 7, 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 Craige Thompson on behalf of all attorneys of record. All attorneys/agents have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to the first named inventor Zdenko Grajcar at the address indicated below.

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

/Terri Johnson/
Terri Johnson
Petitions Examiner
Office of Petitions

cc: **Zdenko Grajcar**
5455 Highway 169 North
Plymouth, MN 55442

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
12/705,408	02/12/2010	Zdenko Grajcar	12-28

CONFIRMATION NO. 8362

POWER OF ATTORNEY NOTICE

88145
Thompson Patent Law Offices PC
4205 Lancaster Lane North
Suite 104
Plymouth, MN 55441

OC000000050020488

Date Mailed: 09/26/2011

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 09/07/2011.

- 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.

/tsjohnson/

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/705,409	02/12/2010	Eiji KAMIYA	354618US2SCONT	8365

22850 7590 12/02/2010
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P.
1940 DUKE STREET
ALEXANDRIA, VA 22314

EXAMINER
VU, DAVID

ART UNIT	PAPER NUMBER
2818	

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):

patentdocket@oblon.com
oblonpat@oblon.com
jgardner@oblon.com

UNITED STATES PATENT AND TRADEMARK OFFICE

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

OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P.
1940 DUKE STREET
ALEXANDRIA VA 223

In re Application of
Eiji KAMIYA
Application No.: 12/705,409
Filed: 12 February 2010
Attorney Docket No.: 354618US2SCONT
For: NON-VOLATILE SEMICONDUCTOR MEMORY DEVICE AND METHOD OF MANUFACTURING THE SAME

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

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed 23 November 2010, to make the above-identified application special.

The request and petition are **GRANTED**.

Discussion

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

1. The U.S. application is

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

iii. contains no priority claim;

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

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

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

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

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

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

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: 1120996	Application Number (if known): 12/705,415	Filing date: February 12, 2010

First Named Inventor: John Paul MORGAN

Title: LIGHT-GUIDE SOLAR PANEL AND METHOD OF FABRICATION 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 /Jonathan D. Cutler/	Date August 24, 2011
Name (Print/Typed) Jonathan D. Cutler	Registration Number 40,576

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

☒ *Total of 1 forms are submitted.

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

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

(Not to be Submitted to the USPTO)

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

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

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

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

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

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

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

Privacy Act Statement

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/705,415	02/12/2010	John Paul MORGAN	1120996	8380

92086 7590 09/20/2011
Osler Hoskin & Harcourt, LLP (Morgan Solar)
1000 De La Gauchetiere Street West
Suite 2100
Montreal, QC H3B4W5
CANADA

EXAMINER
RIDLEY, BASIA ANNA

ART UNIT	PAPER NUMBER
1725	

NOTIFICATION DATE	DELIVERY MODE
09/20/2011	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):

ipmtl@osler.com

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9/20/11

Osler Hoskin & Harcourt, LLP (Morgan Solar)
1000 De La Gauchetiere Street West
Suite 2100
Montreal QC H3B4W-5 CA CANADA

In re Application of	:	
Morgan et al.	:	DECISION ON PETITION
Application No. 12/705,415	:	TO MAKE SPECIAL UNDER
Filed: 2/12/2010	:	THE GREEN TECHNOLOGY
Attorney Docket No. **1120996**	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed 8/24/2011, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **GRANTED**.

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

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

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

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

Telephone inquires concerning this decision should be directed to Tom Dunn at 571-272-1171.

The application is being forwarded to the Technology Center Art Unit 1725 for action on the merits commensurate with this decision.

/Tom Dunn/

Tom Dunn
Quality Assurance Specialist
Technology Center 1700

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

MAILED

NOV 22 2010

OFFICE OF PETITIONS

In re Application of	:	
Ravi NARASIMHAN, et al	:	
Application No. 12/705,416	:	DECISION ON PETITION
Filed: February 12, 2010	:	TO WITHDRAW
Attorney Docket No. 63832-8023.US01	:	FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed November 2, 2010.

The request is **APPROVED**.

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

The request was signed by Jordan M. Becker on behalf of all the attorneys of record.

All the attorneys of record have been withdrawn.

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

The correspondence address of record has been changed and the new correspondence address is the address indicated below until otherwise properly notified.

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

/dcg/
Diane Goodwyn
Petitions Examiner
Office of Petitions

cc: QUANTENNA COMMUNICATIONS, INC.
3450 W. WARREN AVENUE
FREMONT CA 94538

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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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
12/705,416	02/12/2010	Ravi Narasimhan	63832-8023.US01

CONFIRMATION NO. 8385

POWER OF ATTORNEY NOTICE

22918
PERKINS COIE LLP
P.O. BOX 1208
SEATTLE, WA 98111-1208

OC000000044609146

Date Mailed: 11/22/2010

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 11/02/2010.

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

/dcgoodwyn/

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

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/705,421	02/12/2010	Kaori KIMURA	SUTOSH.539AUS	8399

20995 7590 01/11/2011
KNOBBE MARTENS OLSON & BEAR LLP
2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE, CA 92614

EXAMINER
NORTON, NADINE GEORGIANNA

ART UNIT	PAPER NUMBER
1713	

NOTIFICATION DATE	DELIVERY MODE
01/11/2011	ELECTRONIC

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

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

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

jcartee@kmob.com
efiling@kmob.com
eOAPilot@kmob.com

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January 10, 2011 BC

In re application of	:	DECISION ON REQUEST TO
Kaori Kimura et al.	:	PARTICIPATE IN PATENT
Serial No. 12/705,421	:	PROSECUTION HIGHWAY
Filed: February 12, 2010	:	PROGRAM AND
For: METHOD OF MANUFACTURING	:	PETITION TO MAKE SPECIAL
MAGNETIC RECORDING MEDIUM	:	UNDER 37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program filed October 15, 2010.

The request and petition are **GRANTED**.

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

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

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

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

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

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

i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claims(s) or
ii. if the allowable/patentable claim(s) are from "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form;
Further, if a copy of the documents from a or b is available via the Dossier Access System (DAS), applicant may request the USPO obtain a copy from the DAS; however, if the USPTO is unable to obtain a copy of the DAS, the applicant will be required to submit a copy;

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

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

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

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

Any inquiry regarding this decision should be directed to 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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KNOBBE MARTENS OLSON & BEAR LLP
2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE, CA 92614

MAILED
MAY 03 2011
OFFICE OF PETITIONS

In re Application of	:	
Bushman et al.	:	
Application No. 12/705,425	:	ON PETITION
Filed: February 12, 2010	:	
Attorney Docket No. INTCOM.000GEN	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed April 8, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to file a reply in a timely manner to the Notice to File Missing Parts of Nonprovisional Application (Notice), mailed March 1, 2010. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on May 2, 2010. A Notice of Abandonment was mailed November 15, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of replacement drawings, the basic filing fee, search fee, examination fee, claim fees and surcharge of $65, (2) the petition fee of $810, and (3) a proper statement of unintentional delay.

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

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

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-6059. Telephone inquiries related to OPAP processing should be directed to their hotline at (571) 272-4000

A. Kelley-Collier

Alicia Kelley-Collier
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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KILPATRICK TOWNSEND & STOCKTON LLP
TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO CA 94111-3834

MAILED

NOV 07 2011

OFFICE OF PETITIONS

In re Application of :
Yan Wang :
Application No. 12/705,438 :
Filed: February 12, 2010 :
Attorney Docket No. **85569-801641** :
(001210US)

NOTICE

This is a notice regarding your request filed October 19, 2011, for acceptance of a fee deficiency submission under 37 CFR 1.28.

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 Jean M. Lockyer appearing on the correspondence shall constitute a representation to the United States Patent and Trademark Office that he is authorized to represent the particular party in whose behalf he acts. If, Jean M. Lockyer desires to be acknowledged as the attorney of record in this file, the appropriate power of attorney documents must be submitted.

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

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

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

Inquiries related to this communication should be directed to the undersigned at (571) 272-4884.

JoAnne Burke
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.
12/705,456	02/12/2010	Yousuke ISOWAKI	SUTOSH.537AUS	8492

20995 7590 01/04/2011
KNOBBE MARTENS OLSON & BEAR LLP
2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE, CA 92614

EXAMINER
NORTON, NADINE GEORGIANNA

ART UNIT	PAPER NUMBER
1713	

NOTIFICATION DATE	DELIVERY MODE
01/04/2011	ELECTRONIC

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

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

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

jcartee@kmob.com
efiling@kmob.com
eOAPilot@kmob.com

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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CST

January 3, 2011

In re application of	:	DECISION ON REQUEST TO
Yousuke Isowaki et al	:	PARTICIPATE IN PATENT
Serial No. 12/705,456	:	PROSECUTION HIGHWAY
Filed: February 12, 2010	:	PROGRAM AND
For: METHOD OF MANUFACTURING	:	PETITION TO MAKE SPECIAL
MAGNETIC RECORDING MEDIUM	:	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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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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DLA PIPER LLP (US)
4365 EXECUTIVE DRIVE
SUITE 1100
SAN DIEGO, CA 92121-2133

MAILED

SEP 29 2010

OFFICE OF PETITIONS

In re Application	:	
Faezeh M. Sarfarazi	:	DECISION ON PETITION
Application No. 12/705,472	:	TO WITHDRAW
Filed: February 12, 2010	:	FROM RECORD
Attorney Docket No. SHEN1160-2	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b) filed August 3, 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 DLA Piper LLS was no appointed power of attorney in this patent application and therefore, was only designated as the correspondence address of record. As a result, the request to withdraw under 37 C.F.R. § 1.36(b) is not applicable.

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

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

A Kelley

Alicia Kelley
Petitions Examiner
Office of Petitions

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

PTO/SB/420 (05-10)
Approved for use through 05/31/2010. OMB 0651-0062
U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Attorney Docket Number: 1630-0791PUS1	Application Number (if known): 12/705,477	Filing date: February 12, 2010
First Named Inventor: Dongjoo YOU		
Title: SOLAR CELL, METHOD AND APPARATUS FOR MANUFACTURING SOLAR CELL, AND METHOD OF DEPOSITING THIN FILM LAYE		

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

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

1. By filing this petition:

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

2. By filing this petition: applicant is agreeing to make an election without traverse in a telephonic interview and elect an invention that meets the eligibility requirements set forth in the notice titled "Pilot Program for Green Technologies Including Greenhouse Gas Reduction," as modified by the notice titled "Elimination of Classification Requirement in the Green Technology Pilot Program," each of which was published in the Federal Register, if the Office determines that the claims are not obviously directed to a single invention.

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

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

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

6. Other attachments: Preliminary Amendment

Signature Esther Chong	Date DEC 9 2010
Name (Print/Typed) Esther H. Chong	Registration Number 40,953

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.

4

Docket No.: 1630-0791PUS1
(Patent)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent Application of:	Dongjoo YOU et al.		
Application No.:	12/705,477	Confirmation No.:	8554
Filed:	February 12, 2010	Art Unit:	1795
For:	SOLAR CELL, METHOD AND APPARATUS FOR MANUFACTURING SOLAR CELL, AND METHOD OF DEPOSITING THIN FILM LAYER	Examiner:	Not Yet Assigned

STATEMENT OF SPECIAL STATUS FOR THE ELIGIBILITY REQUIREMENT UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

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

Sir:

In support of the Petition to Make Special Under the Green Technology Pilot Program, it is respectfully submitted that the basis for the requested special status is that the invention claimed in the above-identified patent application materially contributes to the development of renewable energy sources and/or green house gas emission reduction. Specifically, the claimed invention relates to a solar cell.

Additionally, by filing this petition, the applicant agrees to make an election without traverse in a telephone interview and elect an invention that meets the eligibility requirements set for 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.

It is also submitted that this application meets the eligibility requirements to participate in the Green Technology Pilot Program, as listed in the attached Petition to Make Special Under the Green Technology Pilot Program.

Accordingly, it is respectfully requested that the Petition be granted.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Seth S. Kim, Reg. No. 54,577, at the telephone number of the undersigned below to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Director is hereby authorized in this, concurrent, and future replies to charge any fees required during the pendency of the above-identified application or credit any overpayment to Deposit Account No. 02-2448.

Dated: DEC 9 2010

Respectfully submitted,

By Esther Chong

Esther H. Chong
Registration No.: 40953
BIRCH, STEWART, KOLASCH & BIRCH, LLP
8110 Gatehouse Road, Suite 100 East
P.O. Box 747
Falls Church, VA 22040-0747
703-205-8000

Attachment

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.
12/705,477	02/12/2010	Dongjoo You	1630-0791PUS1	8554

2292 7590 12/22/2010
BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH, VA 22040-0747

EXAMINER

ART UNIT	PAPER NUMBER
1725	

NOTIFICATION DATE	DELIVERY MODE
12/22/2010	ELECTRONIC

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

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

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

mailroom@bskb.com

UNITED STATES PATENT AND TRADEMARK OFFICE

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

DEC 2 2 2010

In re Application of	:	
Dongjoo You et al.	:	DECISION ON PETITION
Application No. 12/705,477	:	TO MAKE SPECIAL UNDER
Filed: February 12, 2010	:	THE GREEN TECHNOLOGY
Attorney Docket No. 1630-0791PUS1	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed December 09, 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 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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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/705,490	02/12/2010	Yousuke Isowaki	SUTOSH.538AUS	8590

20995 7590 01/04/2011
KNOBBE MARTENS OLSON & BEAR LLP
2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE, CA 92614

EXAMINER
NORTON, NADINE GEORGIANNA

ART UNIT	PAPER NUMBER
1713	

NOTIFICATION DATE	DELIVERY MODE
01/04/2011	ELECTRONIC

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

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

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

jcartee@kmob.com
efiling@kmob.com
eOAPilot@kmob.com

UNITED STATES PATENT AND TRADEMARK OFFICE

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

CST

January 3, 2011

In re application of	:	DECISION ON REQUEST TO
Yousuke Isowaki et al	:	PARTICIPATE IN PATENT
Serial No. 12/705,490	:	PROSECUTION HIGHWAY
Filed: February 12, 2010	:	PROGRAM AND
For: METHOD OF MANUFACTURING	:	PETITION TO MAKE SPECIAL
MAGNETIC RECORDING MEDIUM	:	UNDER 37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program filed October 14, 2010.

The request and petition are **GRANTED**.

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

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

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

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

(4) Examination of the U.S. application has not begun;
(5) Applicant must submit:

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

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

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

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

Any inquiry regarding this decision should be directed to 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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Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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TOWNSEND AND TOWNSEND AND CREW, LLP
TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO CA 94111-3834

MAILED

DEC 23 2010

OFFICE OF PETITIONS

In re Application of	:	
Sung Woong Chung	:	
Application No. 12/705,513	:	DECISION GRANTING PETITION
Filed: February 12, 2010	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 00939B-152410US	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed, December 21, 2010 to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on November 23, 2010 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

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

This application is being referred to Technology Center AU 2818 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

/Terri Johnson/
Terri Johnson
Petitions Examiner
Office of Petitions

---

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

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/705,519	02/12/2010	Norikatsu Toukairin	SUTSDC.006AUS	8652

7590 12/13/2010
KNOBBE MARTENS OLSON & BEAR LLP
2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE, CA 92614

EXAMINER
BRAGDON, REGINALD GLENWOOD

ART UNIT	PAPER NUMBER
2189	

NOTIFICATION DATE	DELIVERY MODE
12/13/2010	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.

Mimi Farmer

Patent Publication Branch
Office of Data Management

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
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Cellular Express, Inc., dba XIUS-bcgi
400 Trade Center, Suite 2890, Woburn, MA 01801
formerly 100 Crosby Drive, Suite 201, Bedford, MA
Bedford MA 01801

MAILED

SEP 29 2010

OFFICE OF PETITIONS

In re Application of :
Rocky Anthony Fernandez and Sunny- :
Ramasawamy Dewakar :
Application No. 12/705,696 :
Filed: February 15, 2010 :
For: INTEGRATED SYSTEM AND :
METHOD FOR ENABLING MOBILE :
COMMERCE TRANSACTIONS USING :
"CONTACTLESS IDENTITY MODULES IN :
MOBILE HANDSETS" :

DECISION GRANTING STATUS
UNDER 37 CFR 1.47(a)

This is in response to the renewed petition under 37 CFR 1.47(a), filed August 12, 2010.

The petition is **GRANTED.**

Petitioner has shown that the non-signing inventor Fernandez 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 2618 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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Rocky Anthony Fernandez
#102 Dosti Apartments, Nadkami Marg (Extn)
Wadala East, Mumbai 400037
India

MAILED

SEP 29 2010

OFFICE OF PETITIONS

In re Application of
Rocky Anthony Fernandez and Sunny-Ramasawamy Dewakar
Application No. 12/705,696
Filed: February 15, 2010
For: INTEGRATED SYSTEM AND METHOD FOR ENABLING MOBILE COMMERCE TRANSACTIONS USING "CONTACTLESS IDENTITY MODULES IN MOBILE HANDSETS"

Dear Sir:

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 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: Cellular Express, Inc., dba XIUS-bcgi
400 Trade Center, Suite 2890, Woburn, MA 01801
formerly 100 Crosby Drive, Suite 201, Bedford, MA
Bedford MA 01801

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
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DEC 13 2010
OFFICE OF PETITIONS

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

In re Application of	:
Fior, et al.	: DECISION REFUSING STATUS
Application No. 12/705,774	: UNDER 37 CFR 1.47(a)
Filed: February 15, 2010	:
Atty. Dkt. No.: 033794/385474	:

This decision is in response to the petition under 37 CFR 1.47(a) filed October 4, 2010.

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

Petitioners are given TWO MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(a)," and should only address the deficiencies noted herein. The reply under 37 CFR 1.47(a) may include an oath or declaration executed by the non-signing inventors. Any extensions of time will be governed by 37 CFR 1.136(a).

The above-identified application was filed February 15, 2010 without an executed oath or declaration. Accordingly, a Notice to File Missing Parts of Nonprovisional Application (Notice) was mailed March 3, 2010. The Notice required a surcharge and an executed oath or declaration.

A grantable petition under 37 CFR 1.47(a) requires: (1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings); (2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116; (3) the petition fee; and (4) a statement of the last known address of the non-signing inventor.

The petition remains dismissed for the reasons previously stated. The instant application fails to satisfy requirement (1) set forth above.

As to item (1), petitioners have failed to establish that the non-signing inventor L. Medrano received a complete copy of the instant application papers (specification, including claims, drawings, and oath or declaration) and thereafter refused to execute an oath or declaration, or, that the non-signing inventor cannot be reached or located for presentation of the application papers.

The petition and supporting declaration fails to establish that non-signing inventor received a complete copy of the instant application and thereafter refused to execute the declaration upon request. The declaration asserts that the assignee has attempted several times to obtain the signature of the non-signing inventor on the declaration and power of attorney. The declaration further asserts that the non-signing inventor reviewed the prior filed provisional application.

Petitioners cannot rely on having provided a copy of a prior filed provisional application to the non-signing inventor in effort to satisfy the Rule 47 requirements for the instant application.

Petitioners are required to establish that the non-signing inventor received a complete copy of the instant application, not the prior filed application, before a refusal to sign an oath or declaration can be alleged. It must be demonstrated that a *bona fide* effort has been made to present a complete copy of the instant application papers (specification, including claims, drawings, and oath or declaration) to the non-signing inventor at the non-signing inventor's last known address, typically a residential address.

Any renewed petition should be accompanied by evidence to establish that the non-signing inventor was sent a complete copy of the application papers for U.S. App. No. 12/705,774 (specification, claims, drawings, and oath or declaration) and thereafter refused to execute the declaration. Petitioners may wish to provide the Office copies of letters sent to the inventor indicating the enclosure of the application papers (specification, claims, drawings, and oath or declaration). If after the inventor receives the application papers and requests to execute the oath or declaration are refused, these facts should be set forth in a statement of facts signed by the person to whom the refusals were made and detailing with specificity the exact manner of the refusals. If a written refusal has been made, a copy of the written refusal should be included on renewed petition.

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 facsimile:	(571) 273-8300
By hand:	U.S. Patent and Trademark Office Customer Service Window Mail Stop Petition Randolph Building 401 Dulany Street Alexandria, VA 22314

Telephone inquiries related to this decision may be directed to the undersigned at (571) 272-3205.

/ALESIA M. BROWN/

Alesia M. Brown
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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ALSTON & BIRD LLP
BANK OF AMERICA PLAZA
101 SOUTH TRYON STREET, SUITE 4000
CHARLOTTE NC 28280-4000

MAILED
APR 04 2011
OFFICE OF PETITIONS

In re Application of	:	
Fior, et al.	:	DECISION GRANTING STATUS
Application No. 12/705,774	:	UNDER 37 CFR 1.47(a)
Filed: February 15, 2010	:	
Attorney Docket No. 033794/385474	:	

This is in response to the renewed petition under 37 CFR 1.47(a), filed March 14, 2011.

The petition is GRANTED.

Petitioner has shown that the non-signing inventor has refused to execute the declaration after having been presented with the complete application papers for 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.

The required one month extension of time has been charged to the authorized deposit account.

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

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3205.

/ALESIA M. BROWN/

Alesia M. Brown
Attorney Advisor
Office of Petitions

] UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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Andre Fior
R. Senador Vergamiro, 1016, Apto 05, Centro
13480-0000, Limeira SP
BRAZIL

MAILED
APR 04 2011
OFFICE OF PETITIONS

In re Application of
Fior, et al.
Application No. 12/705,774
Filed: February 15, 2010
Attorney Docket No. 033794/385474

Dear Sir:

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 the undersigned at (571) 272-3205. 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).

/ALESIA M. BROWN/

Alesia M. Brown
Attorney Advisor
Office of Petitions

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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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Alexandria, VA 22313-1450
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Jeffery Robinson
601 Midway Drive
Erin TN 37061

MAILED
DEC 12 2011
OFFICE OF PETITIONS

In re Application of	:	
Robinson et al.	:	
Application No.: 12/705786	:	DECISION ON
Filing or 371(c) Date: 02/15/2010	:	PETITION
Title of Invention:	:	
POOL RIDER POOL SHOOTING AID	:	

This is a decision in response to the petition for removal of abandonment, filed November 22, 2011. The petition is properly treated under 37 CFR 1.181(a).

This Petition is hereby **dismissed**.

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

Background

The above-identified application became abandoned for failure to timely and properly reply to the Notice of Non-Compliant Amendment, mailed March 23, 2011. The Notice set a one (1) month period for reply. Extensions of time were available under 37 CFR 1.136(a). No reply having been received, the application became abandoned on April 23, 2011. A Notice of Abandonment was mailed November 7, 2011.

The present petition

Applicant files the present petition and encloses, in relevant part, copies of all correspondence between this Office and petitioner.

Analysis

Initially it is noted that the petition contains no identifying information, other than the name of one of the two inventors, was included on the petition. Petitioner is advised that all papers must include the application number or serial number, and filing date of the application.

The MPEP 502 provides:

> All correspondence related to a national patent application already filed with the U.S. Patent and Trademark Office ***must*** include the identification of the application number or the serial number and the filing date assigned to the application by the Office. Any correspondence not containing the proper identification set forth in 37 CFR 1.5(a) will be returned to the sender by *>the Office of Patent Application Processing (OPAP)<. Each paper should be inspected to assure that the papers being returned contain either an "Office Date" stamp or a TC date stamp. A minor error in the identification of the application can be corrected by the Office provided the correct identification can be quickly discovered. Examples of minor errors are transposed numbers, typographical errors, and listing the parent application number. The failure to give any application number is not a minor error. The Office often experiences difficulty in matching incoming papers with the application file to which they pertain because insufficient or erroneous information is given. This applies especially to amendments, powers of attorney, changes of address, status letters, petitions for extension of time, and other petitions.It would be of great assistance to the Office if all incoming papers pertaining to a filed application carried the following items:
> (A) Application number (checked for accuracy, including series code and serial no.).
> (B) Art Unit number (copied from most recent Office communication).
> (C) Filing date.
> (D) Name of the examiner who prepared the most recent Office action.
> (E) Title of invention.
> (F) Confirmation number (see MPEP § 503).

The present petition

Further as to the petition, a review of Office records reveals that the application as-filed on February 15, 2010, identified as inventors Jeffrey Lee Robinson and Robert William Robinson. However, the petition is not signed by all inventors. Absent a Power of Attorney to act on behalf of all inventors, Petitioner herein has not demonstrated that he is authorized to act on behalf of all inventors, and the present petition is improper.

The applicable Rule, 37 CFR 1.33, Correspondence respecting patent applications, reexamination proceedings, and other proceedings, states:

> (b) Amendments and other papers . Amendments and other papers, except for written assertions pursuant to § 1.27(c)(2)(ii) of this part, filed in the application ***must be signed by***:
> (1) A 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.

In this instance, Petitioner herein is (1) not a practitioner of record; (2) not a practitioner not of record acting in a representative capacity; (3) not the assignee, or (4) not all of the applicants. The applicable rule requires that all papers must be signed by one of the above.

Because the petition has not been properly signed, the petition is dismissed. A properly executed petition, signed by a proper party as listed above in 37 CFR 1.33, is required before the merits of the petition may be considered.

Applicants are advised that the Inventor's Assistance Center is available, at 1-800-786-9199, for assistance in prosecuting the patent application. Applicant is further advised that a list of registered practitioners is available at www.uspto.gov/main/patents.

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

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

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

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

Telephone inquiries concerning *this matter* should be directed to attorney Derek Woods at (571) 272-3232. All other inquiries concerning examination procedures or status of the application should be directed to the appropriate Office[1].

/DLW/

Derek L. Woods
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 CFR 1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for Petitioner's further action(s).

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Jeffery Robinson
601 Midway Drive
Erin TN 37061

MAILED
MAR 23 2012
OFFICE OF PETITIONS

In re Application of	:	
Robinson et al.	:	
Application No.: 12/705786	:	DECISION ON
Filing or 371(c) Date: 02/15/2010	:	PETITION
Title of Invention:	:	
POOL RIDER POOL SHOOTING AID	:	

This is a decision in response to the petition for removal of abandonment, filed March 16, 2011. The petition is properly treated under 37 CFR 1.181(a).

This Petition is hereby **dismissed**.

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

Background

The above-identified application became abandoned for failure to timely and properly reply to the Notice of Non-Compliant Amendment, mailed March 23, 2011. The Notice set a one (1) month period for reply. Extensions of time were available under 37 CFR 1.136(a). No reply having been received, the application became abandoned on April 23, 2011. A Notice of Abandonment was mailed November 7, 2011.

The present petition

Applicant/petitioner files the present petition to remove the abandonment status from the application and encloses, in relevant part, copies of all correspondence between this Office and petitioner.

Applicable Law, Rules and MPEP

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

Upon failure of the applicant to prosecute the application within six months after any

> action therein, of which notice has been given or mailed to the applicant, or within such shorter time, not less than thirty days, as fixed by the Director in such action, the application shall be regarded as abandoned by the parties thereto, unless it be shown to the satisfaction of the Director that such delay was unavoidable.

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

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

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

Analysis

Applicant is advised an application becomes abandoned according to statute and Office rules. In this instance, Applicant was required to file a complete and proper reply to the Notice mailed on March 23, 2011. A review of the copy of the documents filed with the petition on November 22, 2011, reveal that petitioner received the Notice of Non-Compliant Amendment. Office records, however, reveal that no reply to the Notice was filed.

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

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

MPEP 711.03(c).

It is Applicant's responsibility to file a complete and proper reply to the application as the condition of the application requires. Here, there is no dispute as to the sufficiency of the reply, or as to controlling dates. Applicant did not file a complete and proper (including timely) reply to the Notice of Non-Compliant Amendment. There is no dispute as to whether the application is abandoned. A petition to revive the application (and fee) is the appropriate course of action. The holding of abandonment is proper, and will not be withdrawn.

Conclusion

In view of the foregoing, the petition is dismissed.

Alternate Venue

Applicant is strongly urged to file a petition under 37 CFR 1.137(b) stating that the delay was unintentional. Public Law 97-247, § 3, 96 Stat. 317 (1982), which revised patent and trademark fees, amended 35 U.S.C. § 41(a)(7) to provide for the revival of an "unintentionally" abandoned application without a showing that the delay in was "unavoidable." An "unintentional" petition under 37 CFR 1.137(b) must be accompanied by the required fee.

The filing of a petition under 37 CFR 1.137(b) cannot be intentionally delayed and therefore must be filed promptly. A person seeking revival due to unintentional delay can not make a statement that the delay was unintentional unless the entire delay, including the delay from the date it was discovered that the application was abandoned until the filing of the petition to revive under 37 CFR 1.137(b), was unintentional. A statement that the delay was unintentional is not appropriate if petitioner intentionally delayed the filing of a petition for revive under 37 CFR 1.137(b).

Inventor's Assistance

Applicant is advised that the Inventor's Assistance Center is available, at 1-800-786-9199, for assistance in prosecuting the patent application. Applicant is further advised that a list of registered practitioners is available at www.uspto.gov/main/patents.

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

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

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

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

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

/DLW/

Derek L. Woods
Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MAILED

JAN 11 2011

OFFICE OF PETITIONS

DALE F. REGELMAN
QUARLES & BRADY, LLP
STE. 1700
ONE SOUTH CHURCH AVENUE AVE.
TUCSON, AZ 85701-1621

In re Application of Brandt and Weinhold Application No. 12/705,819 Filed: February 15, 2010 Attorney Docket No. PHASE III 06.01 CON For: Apparatus, Composition, and Method to Remediate an Acid and/or Liquid Spill	: : : : : : :	Decision Refusing to Accord Status Under 37 CFR 1.47(a)

This is a decision on the petition under 37 CFR 1.47(a) filed September 1, 2010.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. No further petition fee is required for the request. Any response should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(a)" and may include an oath or declaration executed by the current non-signing inventor(s). **Failure to respond will result in abandonment of the application.**

A grantable petition under 37 CFR 1.47(a) requires

(1) Proof that the non-signing inventor cannot be found or reached after diligent effort or that the inventor refused to sign the declaration after having been presented with the application papers (specification, claims, and drawings),
(2) A proper oath or declaration executed by the available joint inventor(s),
(3) The fee of $200 as specified in 37 CFR 1.17(g), and
(4) The last known address of the non-signing inventor(s).

In addition to the above requirements, the signing inventors must sign the declaration on behalf of the non-signing inventor. *See* MPEP 409.03(a).

The instant petition fails to satisfy items (1) and (2) set forth above.

As to item (1), the record fails to establish the non-signing inventor has refused to sign the declaration or cannot be found or reached after diligent effort.

Petitioner asserts the non-signing inventor has refused to sign the declaration.

Petitioner has sent a total of two packages to the last known address identified in the petition for the non-signing inventor. Both packages were returned undelivered because the last known address is not a current address for the inventor. In view of the failure by the non-signing inventor to receive either package, the non-signing inventor's failure to respond to either package is not the equivalent of a refusal to sign the declaration.

The Office notes the record fails to indicate the non-signing inventor is aware of the existence of the application. Although Petitioner sent two packages to the last known address identified in the petition for the non-signing inventor, both packages were returned undelivered with the following notation: "Return to Sender - Not Deliverable as Addressed Unable to Forward." A failure by an inventor to sign a declaration for an application in the absence of proof the inventor is even aware the application exists is not the equivalent of proof the inventor has refused to sign the declaration.

Since the record fails to establish the non-signing inventor has refused to sign the declaration, the Office must determine if the record is sufficient to demonstrate the non-signing cannot be found or reached after diligent effort.

The record fails to identify any action taken by Petitioner to find or reach the non-signing inventor after Petitioner discovered the last known address for the inventor was inaccurate. Therefore, the record is insufficient to demonstrate the inventor cannot be found or reached after diligent effort.

Any request for reconsideration asserting the non-signing inventor cannot be found or located after diligent effort must demonstrate *diligent effort* has been made to find the inventor. Steps that can be taken to locate an inventor include internet searches and contacting directory information in an attempt to obtain the inventor's telephone number.

As a courtesy, the Office notes Application No. 12/427,977 filed July 7, 2009, includes a declaration signed by both of the current inventors. A handwritten notation on the declaration identifies Weinhold's address as 2457 E. Jasper Dr., Gilbert, AZ 85296. Petitioner may wish to attempt to contact inventor at the address on the declaration.

As to item (2), the declaration filed with the petition appears to be improper.

In order to obtain relief under 37 CFR 1.47(a), all signing inventors must sign the declaration on behalf of the non-signing inventor. In this case, the declaration includes a signature in the signature block for the non-signing inventor along with the handwritten notation: "for Dennis Weindhold." Although the signature in Weinhold's signature block appears to be the signature of the other inventor, neither the declaration nor the petition explicitly states the signature is the other inventor's signature. Therefore, the current declaration cannot be accepted at this time.

In order to ensure a clear and complete declaration is filed in this case, the Office recommends any response to the instant decision include a declaration signed by either both inventors (if Weinhold's signature is obtained) or signed by the first inventor with the second inventor's signature block left blank. Pursuant to MPEP 409.03(a), a declaration signed by all the available joint inventors with the signature block of the nonsigning inventor left blank will be treated as having been signed by all the available joint inventors on behalf of the nonsigning inventor, unless otherwise indicated.

Pursuant to the general fee authorization set forth in the petition, the required petition fee of $200 has been charged to Deposit Account No. 17-0055.

Further correspondence with respect to this matter may be submitted as follows:

By Internet: A request for reconsideration may be filed electronically using EFS Web.[1] Document Code "PET.OP" should be used if the request is filed electronically.

By mail: Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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

By hand: U.S. Patent and Trademark Office
Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

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

Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions

[1] General Information concerning EFS Web can be found at http://www.uspto.gov/patents/process/file/efs/index.jsp.

UNITED STATES PATENT AND TRADEMARK OFFICE

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

DALE F. REGELMAN
QUARLES & BRADY, LLP
STE. 1700
ONE SOUTH CHURCH AVENUE AVE.
TUCSON, AZ 85701-1621

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MAY 3 1 2011

OFFICE OF PETITIONS

In re Application of	:	
Brandt and Weinhold	:	
Application No. 12/705,819	:	Decision According Status
Filed: February 15, 2010	:	Under 37 CFR 1.47(a)
Attorney Docket No. PHASE III 06.01 CON	:	
For: Apparatus, Composition, and Method to	:	
Remediate an Acid and/or Liquid Spill	:	

This is a decision on the petition under 37 CFR 1.47(a) filed May 11, 2011.

The petition is **granted**.

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 47(a) status.

As provided in Rule 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.

Technology Center Art Unit 3672 will be informed of the instant decision to ensure the examiner is aware a decision has been mailed granting the petition.[1]

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

Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions

[1] As stated in MPEP 409.03(d), an states an examiner should not mail an Office action in an application without a fully executed oath or declaration under 37 CFR 1.63 unless the application has been accorded status under 37 CFR 1.47 in a written decision on the petition.

UNITED STATES PATENT AND TRADEMARK OFFICE

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

ITALIA IP
3500 WEST OLIVE AVE.
SUITE 300
BURBANK CA 91505

MAILED

APR 11 2011

OFFICE OF PETITIONS

In re Application of	:	
Sarah PHOTOWAT	:	DECISION GRANTING PETITION
Application No. 12/705,850	:	UNDER 37 CFR 1.137(b)
Filed: February 15, 2010	:	
Atty. Docket No.: PHO-001	:	

This is a decision on the petition under 37 CFR 1.137(b), filed January 27, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Notice to File Corrected Application Papers mailed March 1, 2010, which set a statutory period for reply of two (2) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. The application thus became abandoned on May 2, 2010, and a Notice of Abandonment was mailed November 16, 2010.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay for filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d).

The petition satisfies the conditions for revival pursuant to 37 CFR 1.137(b) by including (1) a reply in the form of replacement drawings, (2) a petition fee of $810, and (3) a statement of unintentional delay. The reply to the Notice mailed March 1, 2010 is accepted as having been unintentionally delayed.

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

The application file will be referred to Office of Patent Application Processing further action on the filed Response.

Rajneesh Krishnamurthy

for David Bucci
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/705,864	02/15/2010	Zhaohui Zhang	13674-133	9479

EXAMINER
NGUYEN, MINH CHAU

ART UNIT	PAPER NUMBER
2442	

MAIL DATE	DELIVERY MODE
12/05/2011	PAPER

7590 12/05/2011

Huawei/BHGL
P.O. Box 10395
Chicago, IL 60610

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

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

The petition is granted.

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

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

Mimi Farmer

Patent Publication Branch
Office of Data Management

FORM PET651G (Rev. 08/07)

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	12705888	Confirmation Number	9538	Filing Date	2010-02-15
Attorney Docket Number (optional)	41957-111201	Art Unit	1618	Examiner	Ebrahim, Nabila
First Named Inventor	Joel E. Bernstein				
Title of Invention	METHOD AND COMPOSITIONS OF CIVAMIDE TO TREAT DISEASE OF THE INTESTINES				

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
Joel	E.	Bernstein	

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	/Alice O. Martin/	Date (YYYY-MM-DD)	2011-10-11
Name	Alice O. Martin	Registration Number	35601

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.

UNITED STATES PATENT AND TRADEMARK OFFICE

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

In re Application of
Joel E. Bernstein

Application No. 12705888

Filed: February 15,2010

Attorney Docket No. 41957-111201

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

The petition is **GRANTED**.

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

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

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

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

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:	12/705,902	Filing date:	Feb. 15, 2010
First Named Inventor:	King, John D. H.		
Title of the Invention:	SYSTEM AND RELATED METHOD FOR CONCENTRATING BIOLOGICAL CULTURE AND CIRCULATING BIOLOGICAL CULTURE AND PROCESS FLUID		

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: US2010/024244

The international filing date of the corresponding PCT application(s) is/are: 02/15/2010

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)**

- [x] Is attached.
- [ ] Is not attached because the document is already in the U.S. application.

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

- [ ] Is attached.
- [x] Is not attached because the document is already in the U.S. application.

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

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

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

(continued)

Application No.:	12/705,902
First Named Inventor:	King, John D. H.

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 Oct. 14, 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 Oct. 14, 2010

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1-20	1-20	Claims are identical

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

Signature /kyri tsircou/	Date 02/02/2011
Name (Print/Typed) Kyriacos Tsircou	Registration Number 53705

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.
12/705,902	02/15/2010	John D. H. King	ACL-00368	9571

60780 7590 05/20/2011
Tsircou Law, P. C.
515 S. Flower Street, 36th Floor
Los Angeles, CA 90071

EXAMINER
UNDERDAHL, THANE E

ART UNIT	PAPER NUMBER
1657	

MAIL DATE	DELIVERY MODE
05/20/2011	PAPER

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

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

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Commissioner for Patents
United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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MAI 2 0 2011

TSIRCOU INTELLECTUAL PROPERTY LAW
655 Central Ave., 17th Floor
Glendale, CA 91203

In re Application of	:	DECISION ON REQUEST TO
KING ET AL.	:	PARTICIPATE IN PATENT
Application No. 12/705,902	:	PROSECUTION HIGHWAY
Filed: February 15, 2010	:	PROGRAM AND PETITION
Attorney Docket No. ACL-00368	:	TO MAKE SPECIAL UNDER
	:	37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Cooperation Treaty - Patent Prosecution Highway (PCT-PPH) program and the petition under 37 CFR 1.102(a), filed February 2, 2011, to make the above-identified application special.

The request and petition are **DISMISSED**.

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

(1) The U.S. application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national stage application that claims domestic/foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application;
(2) The latest work product in the international phase of the PCT application corresponding to the U.S. application, namely the WO/ISA, or the WO/IPEA, or the IPER, indicates at least one claim in the PCT application has novelty, inventive step and industrial applicability;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to one or more of those claims indicated as having novelty, inventive step and industrial applicability and free of any observation described in Box VIII in the latest work product of the corresponding PCT application;
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of latest international work product, WO/ISA, or WO/IPEA or IPER, which indicated that the claim(s) has/have novelty, inventive step and industrial applicability along with an English translation thereof if the copy of the latest international work product is not in the English language;
(6) Applicant must submit the claims from the corresponding PCT application which were indicated as having novelty, inventive step and industrial applicability in the latest work product

of the PCT application along with an English translation thereof and a statement that the English translation is accurate if the claims are not in the English language;
(7) Applicant must submit a claim correspondence table in English; and
(8) Applicant must submit an IDS listing the documents cited in the international work products (ISR, WO/ISA, WO/IPEA, IPER) of the PCT application along with copies of documents except U.S. patents or U.S. patent application publications.

The request to participate in the PCT-PPH program and petition fails to comply with the requirement because:

(2) An observation is described in Box VIII of the WO/ISA. However, Applicant has not explained why the claim(s) is/are not subject to any observation described in Box VIII. An explanation must be provided 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.

(7) The claim correspondence table states that claims 1-20 in the US Application are identical to claims 1-20 in the PCT application. However, claims 13 and 17 in the US Application are amended. The claim correspondence table must be corrected to accurately reflect the correspondence of the claims.

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

Response must be submitted via EFS-Web with the document description: Petition to make special under Patent Pros Hwy. Information regarding EFS-Web is available at http://www.uspto.gov/ebc/efs_help.html.

Telephone inquiries concerning this decision should be directed to Cecilia Tsang at 571-272-0562.

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

Cecilia Tsang
Supervisory Patent Examiner
TC 1600

PTO/SB/20PCT-KR (06-10)
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REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE KOREAN INTELLECTUAL PROPERTY OFFICE (KIPO) AND THE USPTO

Application No:	12/705,902	Filing date:	Feb. 15, 2010
First Named Inventor:	King, John D. H.		
Title of the Invention:	SYSTEM AND RELATED METHOD FOR CONCENTRATING BIOLOGICAL CULTURE AND CIRCULATING BIOLOGICAL CULTURE AND PROCESS FLUID		

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: US2010/024244

The international filing date of the corresponding PCT application(s) is/are: 02/15/2010

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.

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

(continued)

Application No.:	12/705,902
First Named Inventor:	King, John D. H.

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 Oct. 14, 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 Oct. 14, 2010

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1-12, 14-16, and 18-20	1-12, 14-16, and 18-20	Claims are identical
13	13	US claim amended to correct formality error per Box VIII of WO/ISA, claims sufficiently correspond.
17	17	US claim amended to correct formality error per Box VIII of WO/ISA, claims sufficiently correspond.

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

Signature /kyri tsircou/	Date 06/02/2011
Name (Print/Typed) Kyriacos Tsircou	Registration Number 53705

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.
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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.
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PTO/SB/20PCT-KR (06-10)
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REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE KOREAN INTELLECTUAL PROPERTY OFFICE (KIPO) AND THE USPTO

Application No:	12/705,948	Filing date:	February 15, 2010
First Named Inventor:	Jon Olson		
Title of the Invention:	System and Method for Facilitating a Private Commodity Resource Transaction		

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/US2010/024241

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

- [x] Is attached.
- [ ] Is not attached because the document is already in the U.S. application.

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

- [ ] Is attached.
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REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM BETWEEN THE KIPO AND THE USPTO

(continued)

Application No.:	12/705,948
First Named Inventor:	Jon Olson

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)

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

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
Claims 1-22	Claims 1-22	Identical

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

Signature	/James P. Muraff/	Date	November 9, 2010
Name (Print/Typed)	James P. Muraff	Registration Number	39,785

Privacy Act Statement

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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.
12/705,948	02/15/2010	Jon B. Olson	19255.01US2	9674

25541 7590 01/25/2011
PATENT ADMINISTRATOR
NEAL, GERBER, & EISENBERG
SUITE 1700
2 NORTH LASALLE STREET
CHICAGO, IL 60602

EXAMINER
KRAMER, JAMES A

ART UNIT	PAPER NUMBER
3693	

NOTIFICATION DATE	DELIVERY MODE
01/25/2011	ELECTRONIC

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

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

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

patents@ngelaw.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

JAN 2 4 2011

PATENT ADMINISTRATOR
NEAL, GERBER, & EISENBERG
SUITE 1700
2 NORTH LASALLE STREET
CHICAGO IL 60602

In re application of:	:	**DECISION ON REQUEST TO**
OLSON, Jon B., et al.	:	**PARTICIPATE IN PATENT**
Application No.: 12/705,948	:	**PROSECUTION HIGHWAY**
Filed: February 15, 2010	:	**PROGRAM AND PETITION**
For: SYSTEM AND METHOD FOR	:	**TO MAKE SPECIAL UNDER**
FACILITATING A PRIVATE	:	**37 C.F.R. 1.102(d)**
COMMODITY RESOURCE TRANSACTION		

This is a decision on the request for reconsideration filed November 9, 2010 to participate in the pilot Patent Prosecution Highway (PPH) program between the USPTO and the KIPO based on PCT treaty work products and the petition under 37 C.F.R. § 1.102(d), to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in this PPH pilot program and petition to make special require (see 1355 OG 319):

> (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 requirements:
>
> (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) through (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, 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. 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.

(3) Claim Correspondence:

(a) All of 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 amended to sufficiently correspond to one or more of those claims indicated as having novelty, inventive step and industrial applicability and be free of any observation described in Box VIII in the latest work product of the corresponding PCT application.

(b) Claims are considered to "sufficiently correspond" where, accounting for differences due to translations and claim format requirements, the claims in the U.S. application are of the same or similar scope as the claims indicated as having novelty, inventive step and industrial applicability and free of any observation described in Box VIII in the latest work product of the corresponding PCT application, or the claims in the U.S. application 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.

(c) In this regard, a claim that is narrower in scope occurs when a claim 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 is amended to be further limited by an additional feature that is supported in the written description of the U.S. application. The claim(s) with the narrower scope must be written in dependent form in the U.S. application for which participation in the PCT-PPH pilot program is requested.

(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 file a request for participation in the PCT-PPH pilot program and a request that the U.S. application be advanced out of turn

for examination by order of the Director to expedite the business of the Office under 37 CFR 1.102(a).

(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 if the copy of the latest international work product is not in the English language. A statement that the English translation is accurate is not required. Where the required documents have been previously filed in the U.S. application, applicant may simply refer to these documents and indicate in the request for participation in the PCT-PPH pilot program when these documents were previously filed in the U.S. application. Where the U.S. application and the corresponding PCT application satisfy the relationship noted in (1)(a) above, applicant need not submit a copy of the latest international work product along with an English translation thereof since a copy of these documents is already contained in the file wrapper of the U.S. application.

(7) 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 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. Where the required documents have been previously filed in the U.S. application, applicant may simply refer to these documents and indicate in the request for participation in the PCT-PPH pilot program when these documents were previously filed in the U.S. application. If the claims in the U.S. application for which participation in the PCT-PPH pilot program is requested are identical to the claims from the corresponding PCT application, and are in the English language, applicant may just indicate such in the PCT-PPH request and it will not be necessary for applicant to submit a copy of the claims from the corresponding PCT application.

(8) 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.

(9) Applicant must submit an information disclosure statement (IDS) listing the documents cited in the international work products (ISR, WO/ISA, WO/IPEA, IPER) of the PCT application corresponding to the U.S.

application for which participation in the PCT-PPH pilot program is requested (unless such an IDS has already been filed in the U.S. application, in which case applicant may simply refer to the previously filed IDS and indicate in the request for participation in the PCT-PPH pilot program when the IDS was previously filed in the U.S. application). Applicant must submit copies of all the documents cited in the international work products of the PCT application corresponding to the U.S. application (unless the copies have already been filed in the U.S. application, in which case applicant may simply refer to the previously filed copies of the documents and indicate in the request for participation in the PCT-PPH pilot program when the copies were previously filed in the U.S. application) except U.S. patents or U.S. patent application publications.

(10) 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."

In light of the petition and supporting documents filed November 9, 2010, the request to participate in the PPH program complies with the above requirements and the above identified application has been accorded "special" status.

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

Any inquiry regarding this decision should be directed to Robert Weinhardt, Business Practice Specialist, at (571) 272-6633.

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

Robert Weinhardt
Business Practice Specialist
Technology Center 3600

RW/1/23/11

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BERKELEY LAW & TECHNOLOGY GROUP, LLP
17933 NW EVERGREEN PARKWAY, SUITE 250
BEAVERTON OR 97006

MAILED
FEB 13 2012
OFFICE OF PETITIONS

In re Application of	:	
Wang et al.	:	
Application No. 12/705,966	:	DECISION DISMISSING PETITION
Filed: February 15, 2010	:	UNDER 37 CFR 1.78(a)(3)
Attorney Docket No. 125.P047	:	

This is a decision on the petition under 37 CFR 1.78(a)(3), filed January 12, 2012, to accept an unintentionally delayed claim under 35 U.S.C. 120 for the benefit of prior-filed Application No. 10/276,492, filed October 9, 2002, set forth in the concurrently filed Application Data Sheet.

The petition under 37 CFR 1.78(a)(3) is **DISMISSED**.

A petition for acceptance of an unintentionally delay claim under 37 CFR 1.78(a)(3) is only applicable to those applications filed on or after November 29, 2000 and after the expiration of the period specified in 37 CFR 1.78(a)(2)(ii). 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) 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 present petition lacks items (1) above.

It is noted that the petitioners filed a petition under 37 CFR 1.78(a)(3) in prior-filed Application No. 11/213,502 on February 9, 2012, to accept an unintentionally delayed claim under 35 U.S.C. 120 for the benefit of prior-filed nonprovisional Application No. 10/276,492, which was dismissed. A decision granting the petition under 37 CFR 1.78(a)(3) in Application No. 11/213,502 is a pre-requisite for a decision on any renewed petition filed in the present Application No. 12/705,966 .

Upon the receiving a decision granting a renewed petition under 37 CFR 1.78(a)(3) in Application No. 11/213,502, petitioners may file a renewed petition under 37 CFR 1.78(a)(3) in this application. As petitioners submitted an Application Data Sheet to add the benefit claim and paid the petition fee, no further amendment or petition fee is required upon the filing of a renewed petition in this application.

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

By mail: Mail Stop PETITIONS
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

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

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

Correspondence may also be submitted via EFS-Web.

Any questions concerning this matter may be directed to the undersigned at (571) 272-3211.

/Christina Tartera Donnell/

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

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BERKELEY LAW & TECHNOLOGY GROUP, LLP
17933 NW EVERGREEN PARKWAY, SUITE 250
BEAVERTON OR 97006

MAILED
MAR 19 2012
OFFICE OF PETITIONS

In re Patent No. 8,145,940	:	
Issue Date: March 27, 2012	:	
Application No. 12/705,966	:	DECISION DISMISSING PETITION
Filing Date: February 15, 2010	:	UNDER 37 CFR 1.78(a)(3)
Attorney Docket No. 125.P047	:	

This is a decision on the renewed petition under 37 CFR 1.78(a)(3), filed March 15, 2012, to accept an unintentionally delayed claim under 35 U.S.C. 120 for the benefit of prior-filed Application No. 10/276,492, filed October 9, 2002, set forth in the concurrently filed Application Data Sheet.

The renewed petition under 37 CFR 1.78(a)(3) is **DISMISSED**.

On January 12, 2012, applicants paid the issue fee in this case. On March 7, 2012, before the filing of the present renewed petition, the Office mailed an Issue Notification informing applicants of the assigned patent number and issue date for this case.[1] As the Office scheduled the application to issue as a patent before a decision was reached on the renewed petition under 37 CFR 1.78(a)(3), applicants must submit a certificate of correction (and fee) as a condition for granting the renewed petition.

Accordingly, applicants must file a renewed petition under 37 CFR 1.78(a)(3), accompanied by a completed certificate of correction form (accompanied by the $100.00 fee) correcting the reference to the prior-filed nonprovisional application on both the front page and the first paragraph of the specification of the Letters Patent. A certificate of correction form is enclosed for applicants' convenience. As applicants previously submitted an acceptable Application Data

[1] MPEP 1309 states:

> When the issue fee is paid and all other requirements have been met (e.g., drawings) within the time allowed by law, the application is forwarded to the printer for Final Data Capture (FDC) and final issue preparation. At this point, the application can only be retrieved if it is withdrawn from issue. The application is assigned a patent number and issue date about ten days before the application issues as a patent, and an Issue Notification is mailed to inform the applicant of the patent number and issue date.

Sheet to add the benefit claim and paid the petition fee, no further ADS or petition fee is required upon the filing of the renewed petition.

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

By mail: Mail Stop PETITIONS
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

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

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

Correspondence may also be submitted via EFS-Web.

Any questions concerning this matter may be directed to the undersigned at (571) 272-3211.

/Christina Tartera Donnell/

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

Enclosure: Form PTO/SB/44

PTO/SB/44 (09-07)
Approved for use through 08/31/2013. OMB 0651-0033
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.
(Also Form PTO-1050)

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

Page _____ of _____

PATENT NO. :

APPLICATION NO.:

ISSUE DATE :

INVENTOR(S) :

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

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

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

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

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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17933 NW EVERGREEN PARKWAY, SUITE 250
BEAVERTON OR 97006

MAILED

APR 05 2012

OFFICE OF PETITIONS

In re Patent No. 8,145,940	:	
Issue Date: March 27, 2012	:	
Application No. 12/705,966	:	DECISION ON PETITION
Filing Date: February 15, 2010	:	UNDER 37 CFR 1.78(a)(3)
Attorney Docket No. 125.P047	:	

This is a decision on the renewed petition under 37 CFR 1.78(a)(3), filed April 4, 2012, to accept an unintentionally delayed claim under 35 U.S.C. 120 for the benefit of prior-filed Application No. 10/276,492, filed October 9, 2002, set forth in the concurrently filed Application Data Sheet.

The renewed petition under 37 CFR 1.78(a)(3) is **GRANTED**.

On January 12, 2012, petitioners paid the issue fee in this case. On March 7, 2012, before the filing of a renewed petition, the Office mailed an Issue Notification informing petitioners of the assigned patent number and issue date for this case. On March 15, 2012, petitioners filed a renewed petition under 37 CFR 1.78(a)(3) accompanied by a supplemental ADS. As the Office had scheduled the application to issue as a patent before a decision was reached on the renewed petition under 37 CFR 1.78(a)(3), it was conceivable that the patent would issue without the inclusion of the desired benefit claim. For this reason, the Office mailed a decision on March 19, 2012, dismissing the petition of March 15, 2012, and requiring the submission of a renewed petition, a certificate of correction, and $100.00 fee as a condition for granting a petition under 37 CFR 1.78(a)(3).

On April 4, 2012, petitioners filed the present renewed petition. Petitioners state that the Letters Patent issued with the correct priority data. Petitioners assert that the requirement for a certificate of correction is no longer needed. Upon reviewing the issued patent, the Office concurs that a certificate of correction is not necessary as a condition for granting the petition. Therefore, this decision is based on the merits of the present renewed petition under 37 CFR 1.78(a)(3).

A petition for acceptance of an unintentionally delay claim under 37 CFR 1.78(a)(3) is only applicable to those applications filed on or after November 29, 2000 and after the expiration of

the period specified in 37 CFR 1.78(a)(2)(ii). 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) 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.

All of the above requirements having been satisfied, the benefit claim under 35 U.S.C. 120 is accepted as being unintentionally delayed.

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

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

This matter is being referred to Technology Center Art Unit 2114 for consideration by the examiner of petitioners' entitlement to claim benefit under 35 U.S.C. 120 to the prior-filed nonprovisional application.

Any inquiries concerning this decision may be directed to the undersigned at (571) 272-3211.

/Christina Tartera Donnell/

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

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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
12/705,966	02/15/2010	2114	527	125.P047	10	2

CONFIRMATION NO. 9732

CORRECTED FILING RECEIPT

43831
BERKELEY LAW & TECHNOLOGY GROUP, LLP
17933 NW Evergreen Parkway, Suite 250
BEAVERTON, OR 97006

OC000000053574345

Date Mailed: 04/05/2012

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

Applicant(s)

Frank C. Wang, Boca Raton, FL;
Scott D. Aiken, Boca Raton, FL;
Juliano Maldaner, Delray Beach, FL;
Dennis E. Kelly, Boca Raton, FL;
Michael S. Goldflam, Wake Forest, NC;

Power of Attorney: The patent practitioners associated with Customer Number 43831

Domestic Priority data as claimed by applicant

This application is a CON of 11/213,502 08/26/2005 PAT 7664984
which is a CIP of 10/276,492 03/17/2003 ABN

Foreign Applications (You may be eligible to benefit from the **Patent Prosecution Highway** program at the USPTO. Please see http://www.uspto.gov for more information.)

If Required, Foreign Filing License Granted: 03/01/2010

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 12/705,966**

Projected Publication Date: Request for Non-Publication Acknowledged

Non-Publication Request: Yes

Early Publication Request: No

Title

METHOD AND SYSTEM FOR UPDATING A SOFTWARE IMAGE

Preliminary Class

714

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

MAILED

OCT 11 2011

OFFICE OF PETITIONS

In re Application of	:	
Hisao Ikeda et al	:	
Application No. 12/706,012	:	DECISION GRANTING PETITION
Filed: February 16, 2010	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 12732-0291003	:	

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 September 23, 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 2822 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).

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	12706012
Filing Date	16-Feb-2010
First Named Inventor	Hisao Ikeda
Art Unit	2822
Examiner Name	MARK PRENTY
Attorney Docket Number	12732-0291003
Title	LIGHT-EMITTING ELEMENT AND DISPLAY DEVICE

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	/John F. Hayden/
Name	John F. Hayden
Registration Number	37640

UNITED STATES 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 13, 2012

In re Application of :

Hisao Ikeda

DECISION ON PETITION

UNDER CFR 1.313(c)(2)

Application No : 12706012

Filed : 16-Feb-2010

Attorney Docket No : 12732-0291003

This is an electronic decision on the petition under 37 CFR 1.313(c)(2), filed February 13, 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 2822 for processing of the request for continuing examination under 37 CFR 1.114 .

Office of Petitions

Modified PTO/SB/20PCT-JP (01-2010)
Approved for use through 01/31/2012. OMB 0651-0058
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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

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

Application No.:	12/706,120	Filing Date:	February 16, 2010
First Named Inventor:	Wataru IKEDA et al.	Attorney Docket No.:	2010_0185A
Title of the Invention:	RECORDING MEDIUM, PLAYBACK DEVICE, AND INTEGRATED CIRCUIT		

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/JP2010/000664 claiming benefit of U.S. Provisional Application No. 61/153,994

The international date of the corresponding PCT application(s) is/are: February 4, 2010

I. List of Required Documents:

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

[X] is attached.
[ ] is <u>not</u> attached because the document is already in the U.S. application.

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

[X] is attached.
[ ] is <u>not</u> 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.

[X] 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)

[X] 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.

Modified PTO/SB/20PCT-JP (01-2010)
Approved for use through 01/31/2012. OMB 0651-0058
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

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

(continued)

Application No.:	12/706,120
First Named Inventor:	Wataru IKEDA et al.

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
23	1	Identical
24	2	Identical
25	3	Identical
26	4	Identical
27	5	Identical
28	6	Identical
29	7	Identical
30	8	Identical
31	9	Identical
32	10	Identical
33	11	Identical

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

Signature	/W. Douglas Hahm/ 2010.11.03 13:08:25 -04'00'	Date: November 3, 2010
Name: (Print/Type)	W. Douglas Hahm	Registration No. 44,142

VERIFICATION OF TRANSLATION

I, Kyozo Omori, translator at Nakajima & Associates IP Firm, 6th floor, Yodogawa 5-Bankan, 3-2-1 Toyosaki, Kita-Ku, Osaka, Japan, hereby declare that I am conversant with the English and Japanese languages and am a competent translator thereof. I further declare that to the best of my knowledge and belief the following is a true and correct translation made by me of the International Preliminary Report issued on PCT/JP2010/000664.

Date: October 29, 2010

Kyozo Omori

Kyozo Omori

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference: P054658P0B53

FOR FURTHER ACTION: See Form PCT/IPEA/416

International application No.: PCT/JP2010/000664

International filing date *(day/month/year):* 04. 02. 2010

Priority date *(day/month/year):* 20. 02. 2009

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

Int.Cl. H04N13/00(2006.01)i, G11B20/12(2006.01)i, H04N5/92(2006.01)i

Applicant: Panasonic Corporation

1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.

2. This REPORT consists of a total of 3 sheets, including this cover sheet.

3. This report is also accompanied by ANNEXES, comprising:

a. ☒ *(sent to the applicant and to the International Bureau)* a total of 7 sheets, as follows:

☒ sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).

☐ sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.

b. ☐ *(sent to the International Bureau only)* a total of (indicate type and number of electronic carrier(s)) _____ containing a sequence listing, in electronic form only, as indicated in the Supplemental Box Relating to Sequence Listing (see paragraph 3*bis* of Annex C of the Administrative Instructions).

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

☒Box No. I Basis of the report

☐Box No. II Priority

☐Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability

☐Box No. IV Lack of unity of invention

☒Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step 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

Date of submission of the demand: 12. 07. 2010

Date of completion of this report: 04. 10. 2010

Name and mailing address of the IPEA/

Japan Patent Office (IPEA/JP)

3-4-3 Kasumigaseki, Chiyoda-ku, Tokyo-to 100-8915

Authorized officer: Kazushige ITO

Telephone No.: 03-3581-1101 Extension: 3581

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.: PCT/JP2010/000664

Box No. I Basis of the report

1. With regard to the **language**, this report is based on:

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

☐a translation of the international application into _____ which is the language of a translation furnished for the purposes of:

☐international search (Rules 12.3(a) and 23.1(b)).

☐publication of the international application (Rule 12.4(a)).

☐international preliminary examination (Rules 55.2(a) and/or 55.3(a)).

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

☐the international application as originally filed/furnished.

☒the description:

pages 1-214 as originally filed/furnished.

pages* _____ received by this Authority on _____

pages* _____ received by this Authority on _____

☒the claims:

Nos. _____ as originally filed/furnished.

Nos.* _____ as amended (together with any statement) under Article 19

Nos.* 1-11 received by this Authority on 12. 07. 2010

Nos.* _____ received by this Authority on _____

☒the drawings:

pages 1-105 as originally filed/furnished.

pages* _____ received by this Authority on _____

pages* _____ received by this Authority on _____

☐a sequence listing - see Supplemental Box Relating to Sequence Listing.

3. ☒The amendments have resulted in the cancellation of:

☐the description, pages _____

☒the claims, Nos. 12-22

☐the drawings, sheets/figs _____

☐ the sequence listing *(specify)*: _____

4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since either they are considered to go beyond the disclosure as filed, or they were not accompanied by a letter indicating the basis for the amendments in the application as filed, as indicated in the Supplemental Box (Rules 70.2(c) and (c-*bis*)):

☐ the description, pages _____

☐ the claims, Nos. _____

☐ the drawings, sheets/figs _____

☐ the sequence listing *(specify)*: _____

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

6. ☐ Supplementary international search report(s) from Authority(ies) _____ have been received and taken into account in drawing up this report (Rule 45*bis*.8(b) and (c)).

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

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.: PCT/JP2010/000664

Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step and industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims 1-11	YES
	Claims _____	NO
Inventive step (IS)	Claims 1-11	YES
	Claims _____	NO
Industrial applicability (IA)	Claims 1-11	YES
	Claims _____	NO

2. Citations and explanations (Rule 70.7)

Document 1: JP 2007-166651 A (Matsushita Electric Industrial Co., Ltd.) 2007. 06. 28, Paragraphs [0044]-[0050], [0177]-[0291], Figs. 13, 17 & WO 97/32437 A1 & US 6573819 B1 & EP 888018 A1 & KR 2000-0057426 A & CN 1197574 A

Document 1 recites the invention of a playback device and a recording device for an optical disc on which stereoscopic images are recorded. Paragraphs [0044]-[0050] and Figs. 13, 17 of Document 1 recite that playback of stereoscopic images is changed to playback of monoscopic images based on the stereoscopic image location information.

The invention claimed in Claim 1-11 of the present application has novelty and inventive step. Document 1 does not recite that the basic stream selection table and the extension stream selection table are preliminarily set to have the same stream number, so that, when the playback mode of the playback device changes between the monoscopic playback mode and the stereoscopic playback mode, the stream number stored in the stream number register is kept as it is, making it possible to switch between streams supplied to the decoding while keeping the language attribute of the stream unchanged before and after the switching between the playback modes.

特許協力条約

PCT

特許性に関する国際予備報告（特許協力条約第二章）

（法第12条、法施行規則第56条）
［ＰＣＴ36条及びＰＣＴ規則70］

出願人又は代理人の書類記号 P054658P0B53	今後の手続きについては、様式ＰＣＴ／ＩＰＥＡ／４１６を参照すること。	
国際出願番号 ＰＣＴ／ＪＰ２０１０／０００６６４	国際出願日 (日.月.年) ０４．０２．２０１０	優先日 (日.月.年) ２０．０２．２００９
国際特許分類（ＩＰＣ） Int.Cl. H04N13/00(2006.01)i, G11B20/12(2006.01)i, H04N5/92(2006.01)i		
出願人（氏名又は名称） パナソニック株式会社		

１．この報告書は、ＰＣＴ35条に基づきこの国際予備審査機関で作成された国際予備審査報告である。
法施行規則第57条（ＰＣＴ36条）の規定に従い送付する。

２．この国際予備審査報告は、この表紙を含めて全部で ３ ページからなる。

３．この報告には次の附属物件も添付されている。

a．☑ 附属書類は全部で ７ ページである。

☑ 補正されて、この報告の基礎とされた及び／又はこの国際予備審査機関が認めた訂正を含む明細書、請求の範囲及び／又は図面の用紙（ＰＣＴ規則70.16及び実施細則第607号参照）

☐ 第Ｉ欄４．及び補充欄に示したように、出願時における国際出願の開示の範囲を超えた補正を含むものとこの国際予備審査機関が認定した差替え用紙

b．☐ 配列表に関する補充欄に示され、電子形式のみで提出された、配列表を含む電子媒体は全部で
（電子媒体の種類、数を示す）。
（実施細則附属書Ｃ３の２第３段落参照）

４．この国際予備審査報告は、次の内容を含む。

☑ 第Ｉ欄　国際予備審査報告の基礎
☐ 第Ⅱ欄　優先権
☐ 第Ⅲ欄　新規性、進歩性又は産業上の利用可能性についての国際予備審査報告の不作成
☐ 第Ⅳ欄　発明の単一性の欠如
☑ 第Ⅴ欄　ＰＣＴ35条(2)に規定する新規性、進歩性又は産業上の利用可能性についての見解、それを裏付けるための文献及び説明
☐ 第Ⅵ欄　ある種の引用文献
☐ 第Ⅶ欄　国際出願の不備
☐ 第Ⅷ欄　国際出願に対する意見

国際予備審査の請求書を受理した日 １２．０７．２０１０	国際予備審査報告を作成した日 ０４．１０．２０１０	
名称及びあて先 日本国特許庁（ＩＰＥＡ／ＪＰ） 郵便番号１００－８９１５ 東京都千代田区霞が関三丁目４番３号	特許庁審査官（権限のある職員） 伊東　和重 電話番号　０３－３５８１－１１０１　内線　３５８１	５Ｐ　８８３９

特許性に関する国際予備報告

国際出願番号 ＰＣＴ／ＪＰ２０１０／０００６６４

第Ｉ欄 報告の基礎

1．言語に関し、この予備審査報告は以下のものを基礎とした。

☑ 出願時の言語による国際出願

☐ 出願時の言語から次の目的のための言語である ＿＿＿＿＿＿ 語に翻訳された、この国際出願の翻訳文

- ☐ 国際調査（ＰＣＴ規則12.3(a)及び23.1(b)）
- ☐ 国際公開（ＰＣＴ規則12.4(a)）
- ☐ 国際予備審査（ＰＣＴ規則55.2(a)又は55.3(a)）

2．この報告は下記の出願書類を基礎とした。（法第6条（ＰＣＴ14条）の規定に基づく命令に応答するために提出された差替え用紙は、この報告において「出願時」とし、この報告に添付していない。）

☐ 出願時の国際出願書類

☑ 明細書

第 １－２１４ ページ、出願時に提出されたもの
第 ＿＿＿＿ ページ*、＿＿＿＿ 付けで国際予備審査機関が受理したもの
第 ＿＿＿＿ ページ*、＿＿＿＿ 付けで国際予備審査機関が受理したもの

☑ 請求の範囲

第 ＿＿＿＿ 項、出願時に提出されたもの
第 ＿＿＿＿ 項*、ＰＣＴ１９条の規定に基づき補正されたもの
第 １－１１ 項*、12.07.2010 付けで国際予備審査機関が受理したもの
第 ＿＿＿＿ 項*、＿＿＿＿ 付けで国際予備審査機関が受理したもの

☑ 図面

第 １－１０５ ~~ページ／~~図、出願時に提出されたもの
第 ＿＿＿＿ ページ／図*、＿＿＿＿ 付けで国際予備審査機関が受理したもの
第 ＿＿＿＿ ページ／図*、＿＿＿＿ 付けで国際予備審査機関が受理したもの

☐ 配列表
配列表に関する補充欄を参照すること。

3．☑ 補正により、下記の書類が削除された。

- ☐ 明細書 第 ＿＿＿＿ ページ
- ☑ 請求の範囲 第 １２－２２ 項
- ☐ 図面 第 ＿＿＿＿ ページ／図
- ☐ 配列表（具体的に記載すること） ＿＿＿＿

4．☐ この報告は、補充欄に示したように、この報告に添付されかつ以下に示した補正が出願時における開示の範囲を超えてされたものと認められるので、その補正がされなかったものとして作成した。（ＰＣＴ規則70.2(c)）

- ☐ 明細書 第 ＿＿＿＿ ページ
- ☐ 請求の範囲 第 ＿＿＿＿ 項
- ☐ 図面 第 ＿＿＿＿ ページ／図
- ☐ 配列表（具体的に記載すること） ＿＿＿＿

5．☐ この報告は、ＰＣＴ規則 91 の規定により国際予備審査機関が認めた又は国際予備審査機関に通知された明らかな誤りの訂正を考慮して作成した（ＰＣＴ規則70.2(e)）。

6．☐ この報告を作成するにあたり、補充国際調査機関である ＿＿＿＿
から受領した補充国際調査報告を考慮した。（ＰＣＴ規則45の2.8(b)及び(c)）

＊４．に該当する場合、その用紙に〝superseded〟と記入されることがある。

第Ｖ欄　新規性、進歩性又は産業上の利用可能性についての法第12条（ＰＣＴ35条(2)）に定める見解、それを裏付ける文献及び説明

１．　見解

新規性（N）	請求項	１－１１	有
	請求項		無
進歩性（ＩＳ）	請求項	１－１１	有
	請求項		無
産業上の利用可能性（ＩＡ）	請求項	１－１１	有
	請求項		無

２．　文献及び説明（ＰＣＴ規則70.7）

文献１：JP 2007-166651 A（松下電器産業株式会社）2007.06.28, 段落【0044】－【0050】【0177】－【0291】, 図13,17 & WO 97/32437 A1 & US 6573819 B1 & EP 888018 A1 & KR 2000-0057426 A & CN 1197574 A

文献１には、立体映像を記録した光ディスクの記録装置及び再生装置の発明が記載されている。文献１の段落【0044】－【0050】及び図１３，１７には、立体映像配置情報に基づいて立体映像再生から平面映像再生へ切り替わることが記載されている。

本願の請求項１－１１に係る発明は、新規性、進歩性を有する。基本ストリーム選択テーブルのストリーム番号と、拡張ストリーム選択テーブルのストリーム番号とを同一にしておくことにより、再生装置の再生モードが平面視再生モードと立体視再生モードとの間で変化した場合に、ストリーム番号レジスタに格納されているストリーム番号が変化せず、ストリームの言語属性がモードの変化前後で維持したままデコードに供給すべきストリームの切り替えを可能にすることは、上記文献１には記載されていない。

VERIFICATION OF TRANSLATION

I, Kyozo Omori, translator at Nakajima & Associates IP Firm, 6th floor, Yodogawa 5-Bankan, 3-2-1 Toyosaki, Kita-Ku, Osaka, Japan, hereby declare that I am conversant with the English and Japanese languages and am a competent translator thereof. I further declare that to the best of my knowledge and belief the following is a true and correct translation made by me of the claims of PCT/JP2010/000664 after amendment under PCT article 34.

Date: October 29, 2010

Kyozo Omori

Kyozo Omori

CLAIMS

1. (Amended) A recording medium on which playlist information and a plurality of elementary streams are recorded, wherein

the playlist information includes a basic stream selection table and an extension stream selection table,

the basic stream selection table shows a list of elementary streams that are to be played back in a monoscopic playback mode, and includes stream numbers of the elementary streams to be played back in the monoscopic playback mode,

the extension stream selection table shows a list of elementary streams that are to be played back in a stereoscopic playback mode,

the elementary streams shown in the extension stream selection table are associated with the stream numbers included in the basic stream selection table,

the playlist information is recorded in a first area provided on the recording medium,

the plurality of elementary streams are recorded in a second area provided on the recording medium, and

the first area is located more on an inner circumference side than the second area.

2. The recording medium of Claim 1, wherein

each list of elementary streams associates stream entries of the elementary streams with stream numbers, and

each stream entry includes a packet identifier corresponding to an elementary stream.

3. The recording medium of Claim 1, wherein

the elementary streams that are played back in the monoscopic playback mode contain a base-view video stream,

the elementary streams that are played back in the stereoscopic playback

mode contain a dependent-view video stream that is played back together with the base-view video streams, and

the number of base-view video streams shown in the basic stream selection table is the same as the number of dependent-view video streams shown in the extension stream selection table.

4. The recording medium of Claim 1, wherein

the elementary streams to be played back in the stereoscopic playback mode are graphics streams,

the extension stream selection table includes an identification flag, and

the identification flag indicates whether or not graphics streams played back in the stereoscopic playback mode include a pair of a left-view graphics stream and a right-view graphics stream.

5. The recording medium of Claim 4, wherein

the graphics streams are classified into presentation graphics streams and interactive graphics streams.

6. A playback device for playing back a recording medium on which playlist information and a plurality of elementary streams are recorded, the playlist information including a basic stream selection table and an extension stream selection table, the basic stream selection table showing a list of elementary streams that are to be played back in a monoscopic playback mode, and including stream numbers of the elementary streams, the extension stream selection table showing a list of elementary streams that are to be played back in a stereoscopic playback mode, in association with the stream numbers included in the basic stream selection table, the playback device comprising:

a reading unit operable to read out sequentially a plurality of packets stored in the stream file;

a demultiplexing unit operable to demultiplex packets with predetermined

packet identifiers, from among the plurality of packets read out by the reading unit; and

a decoder operable to decode the packets demultiplexed by the demultiplexing unit, wherein

in the stereoscopic playback mode, the demultiplexing unit uses, in the demultiplexing of the packets, packet identifiers indicated by stream entries associated with the stream numbers, among the list of elementary streams shown in the extension stream selection table.

7. The playback device of Claim 6, wherein

the elementary streams to be played back in the stereoscopic playback mode are graphics streams,

the extension stream selection table includes an identification flag that indicates whether or not graphics streams played back in the stereoscopic playback mode include a pair of a left-view graphics stream and a right-view graphics stream, and

when the identification flag indicates that the graphics streams include a pair of a left-view graphics stream and a right-view graphics stream, the demultiplexing unit supplies the pair of the left-view graphics stream and the right-view graphics stream to the decoder.

8. The playback device of Claim 7, wherein

the graphics streams are classified into presentation graphics streams and interactive graphics streams.

9. (Amended) A semiconductor integrated circuit for performing video/audio signal processing onto data received from a recording medium on which playlist information and a plurality of elementary streams are recorded, wherein

the plurality of elementary streams include left-eye data and right-eye data,

the left-eye data and the right-eye data are recorded as a group of a plurality

of pieces of left-eye data and a group of a plurality of pieces of right-eye data that have been divided from multiplexed data and disposed in an interleaved manner,

each of the left-eye data group and the right-eye data group includes video-base data,

at least one of the left-eye data group and the right-eye data group includes audio-base data,

the playlist information includes a basic stream selection table and an extension stream selection table,

the basic stream selection table shows, in association with stream numbers, a list of elementary streams that are played back in a monoscopic playback mode,

the extension stream selection table shows, in association with the stream numbers indicated in the basic stream selection table, a list of elementary streams that are played back in a stereoscopic playback mode,

the semiconductor integrated circuit comprises:

a main control unit operable to control the semiconductor integrated circuit;

a stream processing unit operable to receive, from the recording medium, data in which the left-eye data group and the right-eye data group are disposed in the interleaved manner, temporarily store the received data into a memory that is provided inside or outside the semiconductor integrated circuit, and then demultiplex the data into the video-base data and the audio-base data;

a signal processing unit operable to decode the video-base data and the audio-base data; and

an AV output unit operable to output decoded video-base data and decoded audio-base data that are resulted from the decoding by the signal processing unit, wherein

the stream processing unit includes a switching sub-unit operable to switch between storage destinations when the received data is to be stored into the memory,

the memory includes a first area and a second area,

the main control unit controls the switching sub-unit so that data belonging to the left-eye data group is stored into the first area, and data belonging to the

right-eye data group is stored into the second area, and

in the stereoscopic playback mode, the stream processing unit uses, in the demultiplexing, packet identifiers indicated by stream entries associated with the stream numbers, among the list of elementary streams shown in the extension stream selection table.

10. (Amended) A recording method for recording playlist information and a plurality of elementary streams onto a recording medium, the recording method comprising the steps of:

generating a base-view video stream and a dependent-view video stream, each of the base-view video stream and the dependent-view video stream including a plurality of extents;

recording data in which extents belonging to the base-view video stream and extents belonging to the dependent-view video stream are disposed in an interleaved manner; and

recording the playlist information, wherein

the playlist information includes a basic stream selection table and an extension stream selection table,

the basic stream selection table shows a list of elementary streams that are to be played back in a monoscopic playback mode, and includes stream numbers of the elementary streams to be played back in the monoscopic playback mode,

the extension stream selection table shows a list of elementary streams that are to be played back in a stereoscopic playback mode, and

the elementary streams shown in the extension stream selection table are associated with the stream numbers included in the basic stream selection table.

11. (Amended) A recording medium playback system comprising a recording medium and a playback device for playing back the recording medium, playlist information and stream files being recorded on the recording medium, wherein

the playlist information includes a basic stream selection table and an

extension stream selection table,

the basic stream selection table shows a list of elementary streams that are to be played back in a monoscopic playback mode, and includes stream numbers of the elementary streams to be played back in the monoscopic playback mode,

the extension stream selection table shows a list of elementary streams that are to be played back in a stereoscopic playback mode,

the elementary streams shown in the extension stream selection table are associated with the stream numbers included in the basic stream selection table, and

the playback device includes:

a reading unit operable to read out sequentially a plurality of packets stored in the stream file;

a demultiplexing unit operable to demultiplex packets with predetermined packet identifiers, from among the plurality of packets read out by the reading unit; and

a decoder operable to decode the packets demultiplexed by the demultiplexing unit, wherein

in the stereoscopic playback mode, the demultiplexing unit uses, in the demultiplexing of the packets, packet identifiers indicated by stream entries associated with the stream numbers, among the list of elementary streams shown in the extension stream selection table.

Claim 12 (Cancelled)

Claim 13 (Cancelled)

Claim 14 (Cancelled)

Claim 15 (Cancelled)

Claim 16 (Cancelled)

Claim 17 (Cancelled)

Claim 18 (Cancelled)

Claim 19 (Cancelled)

Claim 20 (Cancelled)

Claim 21 (Cancelled)

Claim 22 (Cancelled)

請求の範囲

[請求項1] (補正後)

プレイリスト情報と、複数のエレメンタリストリームとが記録された記録媒体であって、

前記プレイリスト情報は、基本ストリーム選択テーブルと、拡張ストリーム選択テーブルとを含み、

前記基本ストリーム選択テーブルは、ストリーム番号に対応付けられた、平面視再生モードにおいて再生されるエレメンタリストリームのリストを示し、

前記拡張ストリーム選択テーブルは、前記ストリーム番号と同一のストリーム番号に対応付けられた、立体視再生モードにおいて再生されるエレメンタリストリームのリストを示し、

前記プレイリスト情報は、前記記録媒体における第１の領域に記録されており、

前記複数のエレメンタリストリームは、前記記録媒体における第２の領域に記録されており、

前記第１の領域は、前記第２の領域より内周側に配置されている

ことを特徴とする記録媒体。

[請求項2] 前記エレメンタリストリームのリストは、エレメンタリストリームのストリームエントリーを、ストリーム番号に対応付けており、

前記ストリームエントリーは、前記エレメンタリストリームに対応するパケット識別子を含む

ことを特徴とする請求項１記載の記録媒体。

[請求項3] 前記平面視再生モードにおいて再生されるエレメンタリストリームとは、ベースビュービデオストリームであり、

前記立体視再生モードにおいて再生されるエレメンタリストリームとは、ベースビュービデオストリームと共に再生されるディペンデントビュービデオストリームであり、

前記基本ストリーム選択テーブルに示されるリストに含まれるベースビュービデオストリームの数は、前記拡張ストリーム選択テーブルに示されるリストに含まれるディペンデントビュービデオストリームの数と等しい

ことを特徴とする請求項１記載の記録媒体。

[請求項4] 前記エレメンタリストリームは、グラフィクスストリームであり、

前記拡張ストリーム選択テーブルは識別フラグを含み、

前記識別フラグは、

立体視再生モードにおいて再生されるグラフィクスストリームに、左目用グラフィクスストリームと右目用グラフィクスストリームのペアが存在するか否かを示す

ことを特徴とする請求項１記載の記録媒体。

[請求項5] グラフィクスストリームには、プレゼンテーショングラフィクスストリームと、インタラクティブグラフィクスストリームとがある

ことを特徴とする請求項４記載の記録媒体。

[請求項6] プレイリスト情報と、ストリームファイルとが記録された記録媒体の再生を行う再生装置であって、

前記プレイリスト情報は、基本ストリーム選択テーブルと、拡張ストリーム選択テーブルとを含み、

前記基本ストリーム選択テーブルは、ストリーム番号に対応付けられた、平面視再生モードにおいて再生されるエレメンタリストリームのリストを示し、

前記拡張ストリーム選択テーブルは、前記ストリーム番号と同一のストリーム番号に対応付けられた、立体視再生モードにおいて再生されるエレメンタリストリームのリストを示し、

前記ストリームファイルに格納されている複数のパケットを順次読み出す読出手段と、

読み出された複数のパケットのうち、所定のパケット識別子を有す

るものを分離する多重分離手段と、

多重分離されたパケットをデコードするデコーダとを備え、

立体視再生モードにおいて、前記多重分離手段は、

前記拡張ストリーム選択テーブルが示すエレメンタリストリームのリストのうち、前記ストリーム番号に対応するストリームエントリーによって示されるパケット識別子を多重分離に用いる

ことを特徴とする再生装置。

[請求項7] 前記エレメンタリストリームは、グラフィクスストリームであり、

前記拡張ストリーム選択テーブルは識別フラグを含み、

前記識別フラグは、

立体視再生モードにおいて再生されるグラフィクスストリームに、左目用グラフィクスストリームと右目用グラフィクスストリームのペアが存在するか否かを示し、

前記多重分離手段は、識別フラグが、左目用グラフィクスストリームと右目用グラフィクスストリームのペアが存在する旨を示す場合、左目用グラフィクスストリームと右目用グラフィクスストリームのペアをデコーダに供給する

ことを特徴とする請求項６記載の再生装置。

[請求項8] グラフィクスストリームには、プレゼンテーショングラフィクスストリームと、インタラクティブグラフィクスストリームとがある

ことを特徴とする請求項７記載の再生装置。

[請求項9] (補正後)

プレイリスト情報と、複数のエレメンタリストリームとが記録された記録媒体から受信したデータに対して、映像・音声信号処理を行う半導体集積回路であって、

前記複数のエレメンタリストリームは、左目用データと右目用データとを含み、

前記左目用データと前記右目用データは、それぞれ多重化された後

、複数の左目用データ群と複数の右目用データ群に分割されて交互に配置されたデータとして記録されており、

各々の前記左目用データ群と各々の前記右目用データ群は、映像系データを含み、

各々の前記左目用データ群と各々の前記右目用データ群の少なくともいずれかは、音声系データを含み、

前記プレイリスト情報は、基本ストリーム選択テーブルと、拡張ストリーム選択テーブルとを含み、

前記基本ストリーム選択テーブルは、ストリーム番号に対応付けられた、平面視再生モードにおいて再生されるエレメンタリストリームのリストを示し、

前記拡張ストリーム選択テーブルは、前記ストリーム番号と同一のストリーム番号に対応付けられた、立体視再生モードにおいて再生されるエレメンタリストリームのリストを示し、

前記半導体集積回路は、

前記半導体集積回路の制御を行う主制御部と、

前記記録媒体から、前記左目用データ群と前記右目用データ群が交互に配置されたデータを受信し、前記半導体集積回路の内部もしくは外部に設けられたメモリに一旦格納した後、前記映像系データと前記音声系データとに多重分離するストリーム処理部と、

前記音声系データと前記映像系データをそれぞれデコードする信号処理部と、

デコードされた前記映像系データと前記音声系データとを出力するＡＶ出力部とを備えており、

前記ストリーム処理部は、受信した前記データを前記メモリに格納する際、格納先を切り替える切替部を備えており、

前記メモリは、第１の領域と第２の領域とを有しており、

前記主制御部は、前記左目用データ群に属しているデータを、前記

第１の領域に格納するように前記切替部を制御し、

前記右目用データ群に属しているデータを、前記第２の領域に格納するように前記切替部を制御し、

立体視再生モードにおいて、前記ストリーム処理部は、前記拡張ストリーム選択テーブルが示すエレメンタリストリームのリストのうち、前記ストリーム番号に対応するストリームエントリーによって示されるパケット識別子を多重分離に用いる

ことを特徴とする半導体集積回路。

[請求項10] (補正後)

プレイリスト情報と、複数のエレメンタリストリームとを記録媒体に記録する記録方法であって、

複数のエクステントを含んだベースビュービデオストリームと複数のエクステントを含んだディペンデントビュービデオストリームを生成するステップと、

前記ベースビュービデオストリームに属するエクステントと前記ディペンデントビュービデオストリームに属するエクステントとが交互に配置されたデータを記録するステップと、

プレイリスト情報を記録するステップとを備え、

前記プレイリスト情報は、基本ストリーム選択テーブルと、拡張ストリーム選択テーブルとを含み、

前記基本ストリーム選択テーブルは、ストリーム番号に対応付けられた、平面視再生モードにおいて再生されるエレメンタリストリームのリストを示し、

前記拡張ストリーム選択テーブルは、前記ストリーム番号と同一のストリーム番号に対応付けられた、立体視再生モードにおいて再生されるエレメンタリストリームのリストを示す

ことを特徴とする記録方法。

[請求項11] (補正後)

プレイリスト情報と、ストリームファイルとが記録された記録媒体と前記記録媒体を再生する再生装置とを備えた記録媒体再生システムであって、

前記プレイリスト情報は、基本ストリーム選択テーブルと、拡張ストリーム選択テーブルとを含み、

前記基本ストリーム選択テーブルは、ストリーム番号に対応付けられた、平面視再生モードにおいて再生されるエレメンタリストリームのリストを示し、

前記拡張ストリーム選択テーブルは、前記ストリーム番号と同一のストリーム番号に対応付けられた、立体視再生モードにおいて再生されるエレメンタリストリームのリストを示し、

前記再生装置は、

前記ストリームファイルに格納されている複数のパケットを順次読み出す読出手段と、

読み出された複数のパケットのうち、所定のパケット識別子を有するものを分離する多重分離手段と、

多重分離されたパケットをデコードするデコーダとを備え、

立体視再生モードにおいて、前記多重分離手段は、

前記拡張ストリーム選択テーブルが示すエレメンタリストリームのリストのうち、前記ストリーム番号に対応するストリームエントリーによって示されるパケット識別子を多重分離に用いる

ことを特徴とする記録媒体再生システム。

[請求項12] (削除)

[請求項13] (削除)

[請求項14] (削除)

[請求項15] (削除)

[請求項16] (削除)

[請求項17] (削除)

[請求項18] (削除)

[請求項19] (削除)

[請求項20] (削除)

[請求項21] (削除)

[請求項22] (削除)

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

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

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

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In re Application of	:	
IKEDA, WATARU et al.	:	DECISION ON REQUEST TO
Application No. 12/706,120	:	PARTICIPATE IN PATENT
Filed: February 16, 2010	:	PROSECUTION HIGHWAY
Attorney Docket No. **2010_0185A**	:	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 November 3, 2010 to make the above-identified application special.

The request and petition are **GRANTED**.

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

(1) The U.S. application 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) and

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

Telephone inquiries concerning this decision should be directed to Mehrdad Dastouri at 571-272-7418.

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.

/Mehrdad Dastouri/

Mehrdad Dastouri
Quality Assurance Specialist
Technology Center 2400

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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.
12/706,129	02/16/2010	Yuji KURIYAMA	10035/LH	1057

1933 7590 10/11/2011
HOLTZ, HOLTZ, GOODMAN & CHICK PC
220 Fifth Avenue
16TH Floor
NEW YORK, NY 10001-7708

EXAMINER
BERHAN, AHMED A

ART UNIT	PAPER NUMBER
2622	

MAIL DATE	DELIVERY MODE
10/11/2011	PAPER

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

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

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

In re Application of	**: DECISION ON REQUEST TO**
Yuji KURIYAMA	**: PARTICIPATE IN THE PATENT**
Application No.: 12/706,129	**: PROSECUTION HIGHWAY**
Filed: 16 February 2010	**: PROGRAM AND PETITION**
Attorney Docket No.: 10035/LH	**: TO MAKE SPECIAL UNDER**
For: STORAGE DEVICE, STORAGE METHOD AND COMPUTER-READABLE STORAGE MEDIUM FOR STORING VIDEO DATA	**: 37 CFR 1.102(a)**

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

The request and petition are **DISMISSED**.

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

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

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

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

b. Submit a claims correspondence table in English;

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

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

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

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

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

Regarding the requirement of condition (3), applicant has failed to ensure that all the claims in the U.S. application sufficiently correspond to the allowable/patentable claims in the JPO application. For example only, US claim 1 requires "usinq a respective leadinq frame of each one of the intervals as a leadinq frame of the low frame rate video data associated therewith" while JP claim 1 requires "using a leading frame of the low frame rate video data as a frame that is identical to a leading flame of the plurality of intervals associated therewith." These limitations are clearly different and render the scope of the US claims different from the scope of the JP claims.

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

Response must be filed via the Electronic Filing System (EFS) using the document description: Petition to make special under Patent Pros Hwy. Any preliminary amendments and IDS

submitted with the PPH documents must be separately indexed as a preliminary amendment and IDS, respectively.

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

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

Lee W. Young
Quality Assurance Specialist
Technology Center 2600

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/706,129	02/16/2010	Yuji KURIYAMA	10035/LH	1057

1933 7590 11/16/2011
HOLTZ, HOLTZ, GOODMAN & CHICK PC
220 Fifth Avenue
16TH Floor
NEW YORK, NY 10001-7708

EXAMINER
BERHAN, AHMED A

ART UNIT	PAPER NUMBER
2622	

MAIL DATE	DELIVERY MODE
11/16/2011	PAPER

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

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

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

In re Application of	**: DECISION ON REQUEST TO**
Yuji KURIYAMA	**: PARTICIPATE IN THE PATENT**
Application No.: 12/706,129	**: PROSECUTION HIGHWAY**
Filed: 16 February 2010	**: PROGRAM AND PETITION**
Attorney Docket No.: 10035/LH	**: TO MAKE SPECIAL UNDER**
For: STORAGE DEVICE, STORAGE METHOD AND COMPUTER-READABLE STORAGE MEDIUM FOR STORING VIDEO DATA	**: 37 CFR 1.102(a)**

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed 12 September 2011 and renewed on 14 November 2011, to make the above-identified application special.

The request and petition are **GRANTED**.

Discussion

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

1. The U.S. application is

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

ii. validly claims priority to a PCT application that contains no priority claims, or
iii. contains no priority claim;

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

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

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

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

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

Lee W. Young
Quality Assurance Specialist
Technology Center 2600

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

MAILED
MAR 12 2012
OFFICE OF PETITIONS

In re Application of
Shinobu OIKAWA et al.
Application No.: 12/706,160
Filed: February 16, 2010
Attorney Docket No.: MNL-2018-2460
For: DAMPER DEVICE AND HIGH PRESSURE PUMP HAVING THE SAME

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

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed 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 Michelle R. Eason at 571-272-4231.

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.

Thurman K. Page
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.
12/706,174	02/16/2010	Kazuhisa MATSUNAGA	10021/LH	1137

1933 7590 11/16/2011
HOLTZ, HOLTZ, GOODMAN & CHICK PC
220 Fifth Avenue
16TH Floor
NEW YORK, NY 10001-7708

EXAMINER
AHMED, SAMIR ANWAR

ART UNIT	PAPER NUMBER
2624	

MAIL DATE	DELIVERY MODE
11/16/2011	PAPER

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

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

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

In re Application of	
Kazuhisa MATSUNAGA	**: DECISION ON REQUEST TO**
Application No.: 12/706,174	**: PARTICIPATE IN THE PATENT**
Filed: 16 February 2010	**: PROSECUTION HIGHWAY**
Attorney Docket No.: 10021/LH	**: PROGRAM AND PETITION**
For: IMAGE CAPTURING DEVICE,	**: TO MAKE SPECIAL UNDER**
IMAGE CAPTURING METHOD, AND	**: 37 CFR 1.102(a)**
STORAGE MEDIUM HAVING	
STORED THEREIN IMAGE	
CAPTURING PROGRAM	

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 November 2011, to make the above-identified application special.

The request and petition are **GRANTED**.

Discussion

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

1. The U.S. application is

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

ii. validly claims priority to a PCT application that contains no priority claims, or
iii. contains no priority claim;

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

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

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

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

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

Lee W. Young
Quality Assurance Specialist
Technology Center 2600

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: 25000.30	Application Number (if known): 12/706,188	Filing date: February 16, 2010

First Named Inventor: RINALDI, Vito

Title: MICROPROCESSOR CONTROLLED VARIATION IN CUT-OUT PULSE APPLICATION IN ALTERNATING CURRENT POWER

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 to comply with #4 above.

Signature Jeffrey A Wolfson	Date 6/23/11
Name (Print/Typed) Jeffrey A. Wolfson	Registration Number 42,234

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.

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Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/706,188	02/16/2010	Vito Rinaldi	25000.30	1164

27683 7590 06/29/2011
HAYNES AND BOONE, LLP
IP Section
2323 Victory Avenue
Suite 700
Dallas, TX 75219

EXAMINER
FINCH III, FRED E

ART UNIT	PAPER NUMBER
2838	

MAIL DATE	DELIVERY MODE
06/29/2011	PAPER

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, VA 22313-1450
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HAYNES AND BOONE, LLP
IP Section
2323 Victory Avenue
Suite 700
Dallas TX 75219

In re Application of	:	
Vito RINALDI	:	DECISION ON PETITION
Application No. 12/706,188	:	TO MAKE SPECIAL UNDER
Filed: February 16, 2010	:	THE GREEN TECHNOLOGY
Attorney Docket No. 25000.30	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed on June 23, 2011, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **DISMISSED**.

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

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications and be filed prior to the date of the notice, December 8, 2009.

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

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

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

The petition lacks item 4.

In regard to item 4, applicant's statement pertaining to how the materiality standard is met does not satisfy the requirements for this pilot. The petition alleges that the claimed invention contributes to more efficient utilization and conservation of energy resources. The claims are generally directed to a device for reducing AC power output being fed to an electrical device. The materiality standard does not permit an applicant to speculate as to how a hypothetical end-user might specially apply the invention in a manner that could contribute to more efficient utilization and conservation of energy resources. Any argument that the claimed invention can be used to provide more efficient utilization of energy resources is considered speculate as to how a hypothetical end-user might specially apply the claimed invention. Further, it is not readily apparent how the claimed invention results in <u>more efficient</u> utilization of energy resources (which is required for basis B ii above). It would stand to reason that reducing the power input to a given device would reduce the work output from the device. The reduction of input power does not equate to more efficient utilization of energy. For example, a dimmer switch for a light does not increase the efficiency of the light.

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 2838 for action in its regular turn.

Lee W. Young
Quality Assurance Specialist
Technology Center 2600

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Vito RINALDI	§ § §	Attorney Docket No.: 25000.30
Application No.: 12/706,188	§ §	Confirmation No.: 1164
Filed: February 16, 2010	§ §	Art Unit: 2838
For: MICROPROCESSOR CONTROLLED VARIATION IN CUT-OUT PULSE APPLICATION IN ALTERNATING CURRENT POWER	§ § § §	Examiner: Fred E. Finch, III

REQUEST FOR RECONSIDERATION OF DECISION ON PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Mail Stop Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

Dear Sir:

Applicant hereby requests reconsideration the Decision mailed June 29, 2011 ("the Decision") dismissing the petition under 37 CFR § 1.102, which was filed on June 23, 2011, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies. Favorable reconsideration is requested in view of the arguments submitted below and the accompanying Second Preliminary Amendment.

On July 13, 2011, in a telephone call with Lee W. Young, Applicant discussed the Decision to dismiss the petition under the Green Technology pilot program. Mr. Young expressed that favorable consideration may be obtained if Applicant better explained how the reduced AC output power applied to the load resulted in more efficient utilization and conservation of energy without an operable difference at the load. Mr. Young further suggested having at least one claim that clearly illustrates a more efficient utilization and conservation of energy resources. Applicant is grateful for Mr. Young's time and suggestions, and provides the

below remarks and accompanying claim amendments in the Second Preliminary Amendment in accordance with those suggestions.

In the concurrently submitted Second Preliminary Amendment, Applicant has submitted a new claim 24 that recites: "[a] fluorescent lighting system to more efficiently use and conserve an AC input power by applying a reduced power AC output power to fluorescent lighting while providing operational lighting intensity for the fluorescent lighting." Applicant submits that applying a reduced AC output power to fluorescent lighting provides for more efficient use and conservation of energy resources than conventional fluorescent lighting systems, which do not include the recited controller device for providing the reduced output power.

The Decision alleges that the materiality standard was not met because it was speculative as to how a hypothetical end-user may apply the claimed controller device in a manner that would more efficiently use and conserve energy resources. By reciting a fluorescent lighting system rather than simply the controller device, Applicant submits that the new claim 24 recites a specific application of the controller device to more efficiently use and conserve electricity.

Applicant submits that the system recited in claim 23 provides a material contribution to more efficient utilization and conservation of energy resources. Fluorescent lighting systems are installed in most large buildings, particularly commercial and industrial facilities, and collectively consume a significant amount of electricity. Using Applicant's claimed fluorescent lighting system in these buildings would provide a measurable conservation of electricity.

The Decision further alleges that the reduction of power applied to a load does not equate to more efficient utilization of energy. An example was provided that a dimmer switch for a light does not increase the efficiency of the light. New claim 24, however, recites a fluorescent lighting system that applies reduced power to "fluorescent lighting while providing operational lighting intensity for the fluorescent lighting". This is clearly different than the operation of a dimmer. Although reduced power is provided to the fluorescent lighting, the fluorescent lights are not perceivably dimmed. This is set out in paragraph 24 of the application as filed as follows:

> The power reduction exhibited in the modified AC power 25 is provided by introducing the controlled pulse cut-outs 27 (e.g. a multiple pulse structure

> consisting of one or more cut outs in each half cycle) in a main line voltage/current waveform 10 of the line power 21. The aim of the device 30 is to reduce power consumption of the coupled loads 14, while at the same time provide substantive operational (e.g. inhibit lighting intensity variations, control motor speed) differences of the load 14 as desired by the user. In other words, the [e]ffect of the reduced power of the modified AC power 25 still provides for operation of the load 14 above an operational threshold (e.g. degree of lighting intensity for lighting loads, motor speed for electrical motors, etc.). **(emphasis added)**

Thus, the recited fluorescent lighting system provides more efficient utilization and conservation of electricity while preserving the substantive operation of the fluorescent lights. Electrical power is effectively reduced without an accompanying perceptible reduction of the lighting intensity.

Although not material to the petition, Applicant feels the assignee's accomplishments in the clean/green technology sector help support admission of the present application in the Green Technology pilot program. The assignee of this application, Cavet Technologies, sells innovative fluorescent lighting control solutions in the market that incorporate aspects of Applicant's invention. Cavet Technologies' fluorescent lighting systems have been recognized to provide a demonstrable reduction in the use of electricity, which results in significant savings by providing immediate energy consumption reduction with no perceivable difference to occupant comfort.

Cavet Technologies has been recognized as a leading clean/green technology company and has received awards and recognitions in the clean/green technology sector which include:

- 2010 recipient of Deloitte Technology Green 15™ Award, an award created in 2007 to showcase fifteen (15) Canadian companies that are leading the way to create major breakthroughs in the field of green technology;
- Recognized as Cleantech Company of the Year by Cleantech North;
- Recognized as "one of the companies to watch" in Cleantech Group's Lighting Control System report titled "Why Lighting Controls Are Hot"; and
- Named to Corporate Knights Next 10, a list representing Canada's best privately held companies in the cleantech realm.

In view of the above, Applicant requests favorable reconsideration of the petition under 37

CFR § 1.102 to make the above-identified application special under the pilot program for applications pertaining to Green Technologies.

No fee is believed to be due for this submission. Should any fee be due for this submission, however, please charge the required fees for this submission to Haynes and Boone LLP's Deposit Account No. 08-1394.

Respectfully submitted,

7/29/11
Date

Jeffrey A. Wolfson (Reg. No. 42,234)

HAYNES AND BOONE, LLP
Customer No. 27683
Telephone: 202-654-4565
Facsimile: 214-200-0853

Certificate of Service
I hereby certify that this correspondence is being filed electronically with the U.S. Patent and Trademark Office via EFS-Web on July 29, 2011.

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.
12/706,188	02/16/2010	Vito Rinaldi	25000.30	1164

27683 7590 08/16/2011
HAYNES AND BOONE, LLP
IP Section
2323 Victory Avenue
Suite 700
Dallas, TX 75219

EXAMINER
FINCH III, FRED E

ART UNIT	PAPER NUMBER
2838	

MAIL DATE	DELIVERY MODE
08/16/2011	PAPER

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

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

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HAYNES AND BOONE, LLP
IP Section
2323 Victory Avenue
Suite 700
Dallas TX 75219

AUG 16 2011

In re Application of :
Vito Rinaldi :
Application No. 12/706,188 :
Filed: February 16, 2010 :
Attorney Docket No. 2500.30 :

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 July 29, 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

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

BOURGET LAW
P.O. BOX 81
EAU CLAIRE WI 54702-0081

MAILED
SEP 26 2011
OFFICE OF PETITIONS

In re Application of	:	
Sirek et al.	:	
Application No. 12/706,234	:	DECISION GRANTING PETITION
Filed: February 16, 2010	:	UNDER 37 CFR 1.137(b)
Attorney Docket No. Sirek-Window	:	

This is a decision on the petition, filed September 6, 2011, which is being treated as a petition under 37 CFR 1.137(b) to revive the instant non-provisional 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 June 16, 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 January 5, 2012, accompanies this decision on petition.

This application is being forwarded to Technology Center Art Unit 3632 for examination in due course.

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

/Liana Walsh/
Liana Walsh
Petitions Examiner
Office of Petitions

ATTACHMENT: Notice Regarding Rescission of Nonpublication Request

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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/706,234	02/16/2010	Andrew Sirek	Sirek - Window

CONFIRMATION NO. 1261

26365
Bourget Law
P.O. BOX 81
EAU CLAIRE, WI 54702-0081

NONPUBLICATION RESCISSION LETTER

OC000000050022358

Date Mailed: 09/26/2011

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 01/05/2012.

If applicant rescinded the nonpublication request before or on the date of "foreign filing,"[1] then no notice of foreign filing is required.

If applicant foreign filed the application after filing the above application and before filing the rescission, and the rescission did not also include a notice of foreign filing, then a notice of foreign filing (not merely a rescission) is required to be filed within 45 days of the date of foreign filing. See 35 U.S.C. § 122(b)(2)(B)(iii), and Clarification of the United States Patent and Trademark Office's Interpretation of the Provisions of 35 U.S.C. § 122(b)(2)(B)(ii)-(iv), 1272 Off. Gaz. Pat. Office 22 (July 1, 2003).

If a notice of foreign filing is required and is not filed within 45 days of the date of foreign filing, then the application becomes abandoned pursuant to 35 U.S.C. § 122(b)(2)(B)(iii). In this situation, applicant should either file a petition to revive or notify the Office that the application is abandoned. See 37 CFR 1.137(f). Any such petition to revive will be forwarded to the Office of Petitions for a decision. Note that the filing of the petition will not operate to stay any period of reply that may be running against the application.

Questions regarding petitions to revive should be directed to the Office of Petitions at (571) 272-3282.

[1] Note, for purpose of this notice, that "foreign filing" means "filing an application directed to the same invention in another country, or under a multilateral international agreement, that requires publication of applications 18 months after filing".

/lswalsh/

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

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: 25000.31	Application Number (if known): 12/706,243	Filing date: February 16, 2010

First Named Inventor: RINALD, Vito

Title: DYNAMIC APPLICATION OF CUT-OUT PULSES IN ALTERNATING CURRENT POWER

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 to comply with #4 above.

Signature Jeffrey A. Wolfson	Date 6/23/11
Name (Print/Typed) Jeffrey A. Wolfson	Registration Number 42,234

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.

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/706,243	02/16/2010	Vito Rinaldi	25000.31	1273

27683 7590 06/29/2011
HAYNES AND BOONE, LLP
IP Section
2323 Victory Avenue
Suite 700
Dallas, TX 75219

EXAMINER
OWENS, DOUGLAS W

ART UNIT	PAPER NUMBER
2821	

MAIL DATE	DELIVERY MODE
06/29/2011	PAPER

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

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

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HAYNES AND BOONE, LLP
IP Section
2323 Victory Avenue
Suite 700
Dallas TX 75219

In re Application of	:	
Vito RINALDI	:	DECISION ON PETITION
Application No. 12/706,243	:	TO MAKE SPECIAL UNDER
Filed: February 16, 2010	:	THE GREEN TECHNOLOGY
Attorney Docket No. 25000.31	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed on June 23, 2011, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **DISMISSED**.

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

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications and be filed prior to the date of the notice, December 8, 2009.

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

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

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

The petition lacks item 4.

In regard to item 4, applicant's statement pertaining to how the materiality standard is met does not satisfy the requirements for this pilot. The petition alleges that the claimed invention contributes to more efficient utilization and conservation of energy resources. The claims are generally directed to a device for reducing AC power output being fed to an electrical device. The materiality standard does not permit an applicant to speculate as to how a hypothetical end-user might specially apply the invention in a manner that could contribute to more efficient utilization and conservation of energy resources. Any argument that the claimed invention can be used to provide more efficient utilization of energy resources is considered speculate as to how a hypothetical end-user might specially apply the claimed invention. Further, it is not readily apparent how the claimed invention results in <u>more efficient</u> utilization of energy resources (which is required for basis B ii above). It would stand to reason that reducing the power input to a given device would reduce the work output from the device. The reduction of input power does not equate to more efficient utilization of energy. For example, a dimmer switch for a light does not increase the efficiency of the light.

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 2821 for action in its regular turn.

Lee W. Young
Quality Assurance Specialist
Technology Center 2600

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Vito Rinaldi	§ § §	Attorney Docket No.: 25000.31
Application No.: 12/706,243	§ §	Confirmation No.: 1273
Filed: February 16, 2010	§ §	Art Unit: 2838
For: DYNAMIC APPLICATION OF CUT-OUT PULSES IN ALTERNATING CURRENT POWER	§ § §	Examiner: Unassigned

REQUEST FOR RECONSIDERATION OF DECISION ON PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Mail Stop Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

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The system recited in claim 24 provides a material contribution to more efficient utilization and conservation of energy resources. Fluorescent lighting systems are installed in most large buildings, particularly commercial and industrial facilities, and collectively consume a significant amount of electricity. Using Applicant's fluorescent lighting system in these buildings would provide a measurable conservation of electricity.

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applications pertaining to Green Technologies

No fee is believed to be due for this submission. Should any fee be due, however, please charge any such required fee for this submission to Haynes and Boone LLP's Deposit Account No. 08-1394.

Respectfully submitted,

7/29/11
Date

Jeffrey A. Wolfson (Reg. No. 42,234)

HAYNES AND BOONE, LLP
Customer No.: 27683
Telephone: 202-654-4565
Facsimile: 214-200-0853

Certificate of Service

I hereby certify that this correspondence is being filed with the U.S. Patent and Trademark Office via EFS-Web on July 29, 2011.

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/706,243	02/16/2010	Vito Rinaldi	25000.31	1273

27683 7590 08/16/2011
HAYNES AND BOONE, LLP
IP Section
2323 Victory Avenue
Suite 700
Dallas, TX 75219

EXAMINER
OWENS, DOUGLAS W

ART UNIT	PAPER NUMBER
2821	

MAIL DATE	DELIVERY MODE
08/16/2011	PAPER

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AUG 16 2011

In re Application of	:	
Vito Rinaldi	:	DECISION ON PETITION
Application No. 12/706,243	:	TO MAKE SPECIAL UNDER
Filed: February 16, 2010	:	THE GREEN TECHNOLOGY
Attorney Docket No. 2500.31	:	PILOT PROGRAM

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/706,302	02/16/2010	Haitao Jiang	11005.0316-00000	1410

7590 01/05/2012
Huawei Technologies Co., Ltd./Finnegan
901 New York Avenue
NW
Washington, DC 20001

EXAMINER
HAROLD, JEFFEREY F

ART UNIT	PAPER NUMBER
2422	

MAIL DATE	DELIVERY MODE
01/05/2012	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

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

The petition is granted.

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

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

Mimi Farmer

Patent Publication Branch
Office of Data Management

FORM PET651G (Rev. 08/07)

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/706,319	02/16/2010	Yoshiki KAMATA	354948US2SRD	1445

7590 04/05/2011
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P.
1940 DUKE STREET
ALEXANDRIA, VA 22314

EXAMINER
GURLEY, LYNNE ANN

ART UNIT	PAPER NUMBER
2811	

NOTIFICATION DATE	DELIVERY MODE
04/05/2011	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

FORM PET651G (Rev. 08/07)

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 12/16/11

TO SPE OF : ART UNIT: 2824

SUBJECT : Request for Certificate of Correction for Appl. No.: 12/706,357 Patent No. 8,059,142

CofC mailroom date 12/511

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

FOR IFW FILES:

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

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

FOR PAPER FILES:

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

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

Ernest C. White, LIE

Certificates of Correction Branch

703-756-1814 _____

Thank You For Your Assistance

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

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

Comments: _____

PE VanThu Nguyen for SPE Richard Elms — **SPE**

2824 — **Art Unit**

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 12/16/11

TO SPE OF : ART UNIT: 2824

SUBJECT : Request for Certificate of Correction for Appl. No.: 12/706,357 Patent No. 8,059,142

CofC mailroom date 12/511

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

FOR IFW FILES:

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

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

FOR PAPER FILES:

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

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

Ernest C. White, LIE

Certificates of Correction Branch

703-756-1814 _____

Thank You For Your Assistance

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

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

Comments: _____

PE VanThu Nguyen for SPE Richard Elms — **SPE**

2824 — **Art Unit**

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 12/16/11

TO SPE OF : ART UNIT: 2824

SUBJECT : Request for Certificate of Correction for Appl. No.: 12/706,357 Patent No. 8,059,142

CofC mailroom date 12/511

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

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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:

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Randolph Square – 9D10-A
Palm Location 7580

Ernest C. White, LIE

Certificates of Correction Branch

703-756-1814 _____

Thank You For Your Assistance

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

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

Comments: _____

PE VanThu Nguyen for SPE Richard Elms — 2824

SPE — **Art Unit**

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: 09-180-US	Application Number (if known): 12/706,385	Filing date: Feb. 16, 2010

First Named Inventor: Gary R. Hater

Title: In-Situ Reclaimable Anerobic Composter

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

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

1. By filing this petition:

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

2. By filing this petition: applicant is agreeing to make an election without traverse in a telephonic interview and elect an invention that meets the eligibility requirements set forth in the notice titled "Pilot Program for Green Technologies Including Greenhouse Gas Reduction," as modified by the notice titled "Elimination of Classification Requirement in the Green Technology Pilot Program," each of which was published in the Federal Register, if the Office determines that the claims are not obviously directed to a single invention.

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

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

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

6. Other attachments: _____

Signature /A. Blair Hughes/	Date Nov. 11, 2010
Name (Print/Typed) A. Blair Hughes	Registration Number 32,901

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

☐ *Total of_____ forms are submitted.

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

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

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
(Case No. 09-180-US)

In the Application of:	)	
	)	
Gary R. Hater	)	
	)	Art Unit: 1797
Serial No.: 12/706,385	)	
	)	Examiner: Unknown
Filed: February 16, 2010	)	
	)	
Title: In-Situ Reclaimable Anaerobic Composter	)	Conf. No. 1579

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

Sir:

BASIS FOR SPECIAL GREEN TECHNOLOGY STATUS

The Applicant believes that the above-identified patent application is entitled to be made special under the Green Technology Program because the application claims are directed to both a renewable energy resource and a structure that reduces greenhouse gases.

The renewable energy resource is a reusable anaerobic composter that converts garbage and other compostable materials into methane which is recovered and which can be used for energy production. In addition, the claimed invention includes withdrawing methane from the composting garbage. As a result, the claimed invention prevents methane and other greenhouse gases naturally generated during garbage composting from entering the atmosphere.

McDonnell Boehnen Hulbert & Berghoff LLP

Date: November 11, 2010

By: /A. Blair Hughes/
A. Blair Hughes
Reg. No. 32,901

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.
12/706,385	02/16/2010	Gary R. Hater	09-180-US	1579

20306 7590 11/22/2010
MCDONNELL BOEHNEN HULBERT & BERGHOFF LLP
300 S. WACKER DRIVE
32ND FLOOR
CHICAGO, IL 60606

EXAMINER

ART UNIT	PAPER NUMBER
1797	

MAIL DATE	DELIVERY MODE
11/22/2010	PAPER

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MCDONNELL BOEHNEN HULBERT & BERGHOFF LLP
300 S. WACKER DRIVE
32ND FLOOR
CHICAGO IL 60606

NOV 22 2010

In re Application of	:	
Gary R. Hater et al.	:	DECISION ON PETITION
Application No. 12/706,385	:	TO MAKE SPECIAL UNDER
Filed: February 16, 2010	:	THE GREEN TECHNOLOGY
Attorney Docket No. 09-180-US	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed November 11, 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 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 (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: 81204499	Application Number (if known): 12/706,395	Filing date: February 16, 2010
First Named Inventor: James Michael Kerns		
Title: ADJUSTABLE GRILL SHUTTER 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

Applicant	:	James Michael Kerns
Application No.	:	12/706,395
Filed	:	February 16, 2010
Title	:	ADJUSTABLE GRILL SHUTTER SYSTEM
Group Art Unit	:	3664
Confirmation No.	:	1593
Docket No.	:	81204499

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

Applicant respectfully requests 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.

Applicant submits that special status is sought on the following bases: (1) the claimed invention materially contributes to the more efficient utilization and conservation of energy resources; and/or (2) the claimed invention materially contributes to greenhouse gas emission reduction.

II. Statement pertaining to the materiality standard.

As a preliminary matter, Applicant notes that the following statement refers explicitly to the elements of the broadest independent claim, claim 1.

Regarding basis (1), Applicant submits 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

set forth in the Background and Summary of the subject application, traditional methods for adjusting vehicle grill shutter systems may include operating the shutters based on a temperature of the engine or a temperature of the coolant of the vehicle's cooling system, to provide appropriate air flow for cooling purposes (*e.g.*, determining the opening angle of the shutters based on the values of such parameters). However, Applicant has recognized that such shutter operation may increase aerodynamic drag, at the expense of fuel economy. Accordingly, the claimed invention identifies methods and systems for adjusting operation of a grill shutter system of a vehicle in order to ensure adequate cooling without sacrificing fuel economy. Claim 1 recites:

> A method of adjusting a grill shutter system for a vehicle, the method comprising:
>
> adjusting opening of one or more grill shutters located at a front end opening of the vehicle in response to a non-driven vehicle condition.

By adjusting opening of one or more grill shutters of a vehicle in response to a non-driven vehicle condition (*e.g.*, a condition when the vehicle is not being driven by the engine/powertrain), cooling may be provided that is not at the expense of fuel economy. During a non-driven condition, such as braking or deceleration, the aerodynamic drag associated with opening grill shutters does not reduce fuel economy as it would during a driven condition; instead, because drag may assist with braking/deceleration, drag may reduce the amount of energy being spent on braking and thereby improve fuel economy. Further, adjusting opening of grill shutters during a non-driven condition may serve to pre-cool powertrain components to lower temperatures during the non-driven condition, so that during subsequent driven vehicle conditions, an amount of shutter opening and the associated fuel-economy-reducing aerodynamic drag may be reduced. *See* page 2 of Applicant's specification, for example.

Regarding basis (2), Applicant submits that the claimed invention materially contributes to greenhouse gas emission reduction as follows. As discussed above, the claimed invention (for example, the invention of claim 1) improves fuel economy. When a vehicle's fuel economy is improved, less fuel is combusted. CO_2 is a major product of fuel combustion, and is a greenhouse gas. Accordingly, by improving fuel economy which results in the combustion of less fuel, the claimed invention reduces greenhouse gas emissions.

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 Applicant/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
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/706,395	02/16/2010	James Michael Kerns	81204499	1593

36865 7590 02/23/2011
ALLEMAN HALL MCCOY RUSSELL & TUTTLE, LLP
806 S.W. BROADWAY, SUITE 600
PORTLAND, OR 97205

EXAMINER
PECHE, JORGE O

ART UNIT	PAPER NUMBER
3664	

MAIL DATE	DELIVERY MODE
02/23/2011	PAPER

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

FEB 23 2011

ALLEMAN HALL MCCOY RUSSELL & TUTTLE, LLP
806 S.W. BROADWAY, SUITE 600
PORTLAND OR 97205

In re Application of	:	
James KERNS	:	DECISION ON PETITION
Application No. 12/706,395	:	TO MAKE SPECIAL UNDER
Filed: February 16, 2010	:	THE GREEN TECHNOLOGY
Attorney Docket No. 81204499	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed January 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).

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, it is unclear what level of reduction on aerodynamic drag or what level of improvement on the fuel economy that petitioner is alleging. In addition, it appears that petitioner speculates on how a grill shutter would materially contribute to the more efficient utilization and conservation of energy resources. The claimed vehicle grill shutter system and method of adjusting a grill shutter system for a vehicle may cause engine damage due to overheating when the amount of grill shutter is reduced for long period of driving on interstate highways. Since it takes time for the engine to cool down during non-driven vehicle condition, the claimed invention would prevent the engine from cooling effectively. In addition, there is no explanation on how faster power train warm-up or improved performance of the passenger compartment heater would contribute to energy efficiency. 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.

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 3663 for action in its regular turn.

/Lanna Mai/

Lanna Mai
Quality Assurance Specialist
Technology Center 3600

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant	:	James Michael Kerns
Application No.	:	12/706,395
Filed	:	February 16, 2010
Title	:	ADJUSTABLE GRILL SHUTTER SYSTEM
Group Art Unit	:	3664
Confirmation No.	:	1593
Docket No.	:	81204499

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:

March 22, 2011
Date

Caitlin Fackrell
Caitlin Fackrell

REQUEST FOR RECONSIDERATION

Responsive to the denial of Applicant's Petition under 37 CFR 1.102 filed January 11, 2011, Applicant respectfully requests consideration of the following statement explaining how the materiality standard is met to satisfy requirement #4.

Statement of Facts

1. Applicant filed a Petition under 37 CFR 1.102 on January 11, 2011 (hereinafter referred to as "the Petition"), to make the subject application special under the pilot program for applications pertaining to Green Technologies.
2. In a Decision on Petition mailed February 23, 2011, the Petition was dismissed as lacking item #4, *i.e.*, failing to include a statement pertaining to the materiality standard. As best understood by Applicant, the statement pertaining to the materiality standard included in the Petition was not accepted

as the Office requires clarification on how the invention as claimed meets the materiality standard.

3. By way of this Request for Reconsideration, Applicant provides a revised statement pertaining to the materiality standard.

Basis of the Petition

Applicant respectfully requests consideration of the following revised statement pertaining to the materiality standard.

First, Applicant submits 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). Specifically, the claimed invention provides vehicle cooling while assisting with non-driven vehicle conditions, thus lowering fuel consumption. As set forth in the Background and Summary of the subject application, traditional methods for adjusting vehicle grill shutter systems may include operating the shutters based on a temperature of the engine or a temperature of the coolant of the vehicle's cooling system, to provide appropriate air flow for cooling purposes (*e.g.*, determining the opening angle of the shutters based on the values of such parameters). In order to minimize aerodynamic drag, the shutters are typically opened partially or cycle between open and closed positions. However, these adjustments fail to take other vehicle conditions into consideration, and thus may not lower fuel consumption to as high a degree as possible. To this end, Applicant has recognized that under certain vehicle conditions, aerodynamic drag may not be detrimental to fuel economy. Examples of such conditions include braking and deceleration, where the increased drag assists in vehicle deceleration. By adjusting the opening of the grill shutters in response to both cooling needs and non-driven vehicle conditions, the claimed invention further improves fuel economy. For example, claim 1 recites:

> A method of adjusting a grill shutter system for a vehicle, the method comprising:
>
> adjusting opening of one or more grill shutters located at a front end opening of the vehicle in response to a non-driven vehicle condition.

By adjusting opening of one or more grill shutters of a vehicle in response to a non-driven vehicle condition (*e.g.*, a condition when the vehicle is not being driven by the engine/powertrain), cooling may be provided that is not at the expense of fuel economy. This occurs via a combination of two main mechanisms. First, during the non-driven condition, such as braking or deceleration, the aerodynamic drag associated with opening grill shutters does not reduce fuel economy as it would during a driven condition; instead, it simply provides some cooling. Second, this cooling during non-driven conditions can then result in less need for airflow during later accelerating conditions. Specifically, adjusting opening of grill shutters during a non-driven condition may serve to pre-cool powertrain components to lower temperatures during the non-driven condition, so that during subsequent driven vehicle conditions, an amount of shutter opening and the associated fuel-economy-reducing aerodynamic drag may be reduced. *See* page 2 of Applicant's specification, for example. In this way, engine cooling may be realized when needed, and aerodynamic drag may be introduced when it would be helpful, such as during braking, but minimized when it would be detrimental, thus improving fuel economy and therefore conserving fossil fuels.

Second, Applicant submits that the claimed invention materially contributes to greenhouse gas emission reduction as follows. As discussed above, the claimed invention (for example, the invention of claim 1) improves fuel economy by utilizing intake air received via front end grill shutters to cool the engine during non-driven vehicle conditions. When a vehicle's fuel economy is improved, less fuel is combusted. CO_2 is a major product of fuel combustion, and is a greenhouse gas. Accordingly, by improving fuel economy which results in the combustion of less fuel, the claimed invention reduces greenhouse gas emissions.

Request for Relief

For the above reasons, Applicant respectfully requests reconsideration of the Petition under 37 CFR 1.102 filed January 11, 2011 to make the subject application special under the pilot program for applications pertaining to Green Technologies.

Please charge any cost incurred in the filing of this Request for Reconsideration, along with any other costs, to Deposit Account No. 06-1510.

Respectfully submitted,

ALLEMAN HALL MCCOY RUSSELL & TUTTLE LLP

John D. Russell
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UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/706,395	02/16/2010	James Michael Kerns	81204499	1593

36865 7590 04/12/2011
ALLEMAN HALL MCCOY RUSSELL & TUTTLE, LLP
806 S.W. BROADWAY, SUITE 600
PORTLAND, OR 97205

EXAMINER
PECHE, JORGE O

ART UNIT	PAPER NUMBER
3664	

MAIL DATE	DELIVERY MODE
04/12/2011	PAPER

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

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

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APR 12 2011

ALLEMAN HALL MCCOY RUSSELL & TUTTLE, LLP
806 S.W. BROADWAY, SUITE 600
PORTLAND OR 97205

In re Application of	:	
James KERNS	:	DECISION ON PETITION
Application No. 12/706,395	:	TO MAKE SPECIAL UNDER
Filed: February 16, 2010	:	THE GREEN TECHNOLOGY
Attorney Docket No. 81204499	:	PILOT PROGRAM

This is a decision on the renewed petition under 37 CFR 1.102, filed March 22, 2011 to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010).

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 Lanna Mai at 571-272-6867.

The application is being forwarded to the Technology Center Art Unit 3664 for action on the merits commensurate with this decision.

/Lanna Mai/

Lanna Mai
Quality Assurance Specialist
Technology Center 3600

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P.O. Box 1450
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K&L Gates LLP
P.O. Box 33144
CHARLOTTE NC 28233

MAILED

FEB 01 2011

OFFICE OF PETITIONS

In re Application of :
Lizzi, et al. :
Application No. 12/706,398 :
Filed: February 16, 2010 : ON PETITION
Attorney Docket No. 2818492.00107 :
For: CIRCULAR SAW BLADE WITH :
CUTTING TIPS MECHANICALLY LOCKED :
AGAINST MULTIPLE FORCE VECTORS :

This is a decision on the petition, filed December 8, 2010, which is being treated as a petition under 37 CFR 1.137(b) to revive the instant nonprovisional application for failure to timely notify the U.S. Patent and Trademark (USPTO) of the filing of an application in a foreign country, or under a multinational treaty that requires publication of applications eighteen months after filing. *See* 37 CFR 1.137(f).

The petition is **GRANTED**.

Petitioner states that the instant nonprovisional application is the subject of an application first filed in an eighteen-month publication country on August 31, 2010. (Other applications were subsequently filed.) 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 Communication Regarding Rescission of Nonpublication Request and/or Notice of Foreign Filing which sets forth the projected publication date of August 18, 2011 was mailed on December 15, 2010.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3230.

This application is being referred to Technology Center Art Unit 3724 for examination in due course.

Shirene Willis Brantley

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

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

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

PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Attorney Docket Number: 81202262	Application Number (if known): 12/706,407	Filing date: February 16, 2010
First Named Inventor: Jason Aaron Lupescu		
Title: EXHAUST TREATMENT SYSTEM FOR INTERNAL COMBUSTION ENGINE		

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 18, 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	:	Jason Aaron Lupescu et al.
Application No.	:	12/706,407
Filed	:	February 16, 2010
Title	:	EXHAUST TREATMENT SYSTEM FOR INTERNAL COMBUSTION SYSTEM
Group Art Unit	:	3747
Confirmation No.	:	1612
Docket No.	:	81202262

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 18, 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 basis: the claimed invention materially enhances the quality of the environment

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.

Applicants submit that the claimed invention materially enhances the quality of the environment by reducing the amount of exhaust emissions, including unburnt hydrocarbon (HC). HC traps in exhaust systems retain HCs which are purged at a later time, often by an EGR system. The claimed invention provides for improved HC and EGR systems by addressing some of the problems typically associated with them, such as

limited flow characteristics that can occur in an integrated exhaust valve system. Integrated exhaust valve systems are utilized to reduce component usage. The one or more exhaust valves may be integrated such that the opening of one valve is coupled to the closing of another valve by a common actuator. However, during conditions when it is desired to purge stored HCs into the engine intake by adjusting an EGR flow, it may not be possible to maintain a first exhaust valve closed, to divert exhaust away from the tailpipe, while adjusting the degree of opening of a coupled second exhaust valve to adjust the amount and/or direction of EGR purge flow, using such integrated valve systems. The limited flow characteristics can affect the efficiency of the exhaust treatment system, thereby degrading the quality of exhaust emissions. As explained in pages 1-4 of Applicants' specification, the claimed invention mitigates such problems by utilizing a common actuator and shaft to vary the opening of the exhaust throttle valve while keeping an isolation valve closed. For example, claim 1 recites:

> An engine exhaust system comprising,
>
> a first valve; and
>
> a second valve coupled to the first valve via a shaft, where a first position of the shaft situates the first valve closed and the second valve open, a second position situates the second valve closed and the first valve open by a first amount, and a third position situates the second valve closed and the first valve open by a second, larger amount.

That is, an integrated valve system can be used in an engine exhaust system comprising a first valve, and a second valve coupled to the first valve via a shaft. A first position of the shaft may close the first valve and open the second valve. A second position of the shaft may close the second valve and open the first valve by a first amount. A third position of the shaft may close the second valve and open the first valve by a second, larger amount.

In this way, by coupling an exhaust treatment system with an EGR system, an EGR purge flow may be used to purge stored HCs to the engine intake when a purging operation is desired, and an EGR flow independent of the purge flow may be achieved when only an EGR operation is desired. By synergizing the exhaust treatment system and the EGR system, and by using an integrated valve system with a throttle valve coupled to an isolation valve, a wide range of flow adjustments may be performed without operating additional components. Thus, the limited flow characteristics can be

reduced, improving the quality of the emissions control by providing better treatment of HCs before being exhausted to the environment, and by enabling increased use of EGR in selected conditions, thus lowering NO_X emissions to the environment.

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
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Attorney/Agent for Applicants/Assignee
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/706,407	02/16/2010	Jason Aaron Lupescu	81202262	1612

36865 7590 01/25/2011
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
01/25/2011	PAPER

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

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

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806 S.W. BROADWAY, SUITE 600
PORTLAND OR 97205

In re Application of	:	
LUPESCU, JASON AARON et al	:	DECISION ON PETITION
Application No. 12/706,407	:	TO MAKE SPECIAL UNDER
Filed: Feb. 16, 2010	:	THE GREEN TECHNOLOGY
Attorney Docket No. 81202262	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed Jan. 18, 2011, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **granted.**

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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BIB DATA SHEET

CONFIRMATION NO. 1617

SERIAL NUMBER	FILING or 371(c) DATE	CLASS	GROUP ART UNIT	ATTORNEY DOCKET NO.
12/706,409	02/16/2010 RULE	365	2824	400.483US02

APPLICANTS

Vishal Sarin, Cupertino, CA;
Jung-Sheng Hoei, Newark, CA;
Frankie F. Roohparvar, Monte Sereno, CA;

**** CONTINUING DATA ****************************

This application is a CON of 11/881,423 07/27/2007 PAT 7,663,926

**** FOREIGN APPLICATIONS ****************************

**** IF REQUIRED, FOREIGN FILING LICENSE GRANTED ****

03/01/2010

Foreign Priority claimed	☐ Yes ☑ No		STATE OR COUNTRY	SHEETS DRAWINGS	TOTAL CLAIMS	INDEPENDENT CLAIMS
35 USC 119(a-d) conditions met	☐ Yes ☑ No	☐ Met after Allowance				
Verified and Acknowledged	/VU ANH LE/ Examiner's Signature	Initials	CA	7	28	5

ADDRESS

LEFFERT JAY & POLGLAZE, P.A.
P.O. BOX 581009
MINNEAPOLIS, MN 55458-1009
UNITED STATES

TITLE

CELL DETERIORATION WARNING APPARATUS AND METHOD

FILING FEE RECEIVED		
1946	FEES: Authority has been given in Paper No._____ to charge/credit DEPOSIT ACCOUNT No._____ for following:	☐ All Fees ☐ 1.16 Fees (Filing) ☐ 1.17 Fees (Processing Ext. of time) ☐ 1.18 Fees (Issue) ☐ Other _____ ☐ Credit

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PATENT DEPARTMENT
TAYLOR, PORTER, BROOKS & PHILLIPS, L.L.P.
P.O. BOX 2471
BATON ROUGE LA 70821-2471

MAILED
DEC 10 2010
OFFICE OF PETITIONS

In re Application of	:	
Andrew MCCADDON	:	
Application No. 12/706,411	:	DECISION ON PETITION
Filed: February 16, 2010	:	
Attorney Docket No. MCCADDON 03MCC-02	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed November 24, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Notice to File Corrected Application Papers (Notice), mailed March 5, 2010. The Notice set a period for reply of **two (2) months** from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on May 6, 2010.

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

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

All other inquires should be directed to the Office of Data Management at (571) 272-4000.

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

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.
12/706,492	02/16/2010	SHUNSUKE AKIMOTO	J-10-0066	1770

71799 7590 11/14/2011
Mr. Jackson Chen
6535 N. STATE HWY 161
IRVING, TX 75039

EXAMINER
LEE, THOMAS C

ART UNIT	PAPER NUMBER
2115	

NOTIFICATION DATE	DELIVERY MODE
11/14/2011	ELECTRONIC

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

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

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

jackson.chen@necam.com
KENSAKU.SATO@NECAM.COM

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Mr. Jackson Chen
6535 N. STATE HWY 161
IRVING TX 75039

In re Application of: S. AKIMOTO
Application No. 12/706,492
Attorney Docket #: **J-10-0066**
Filed: February 16, 2010
For: **POWER DISTRIBUTION SYSTEM AND METHOD THEREOF**

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

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed September 14, 2011, to make the above-identified application special.

The petition is **GRANTED.**

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

(1) The U.S. application for which participation in the PPH program is requested and the corresponding JPO application must have the same priority/filing date. In particular, the U.S. application (including national stage entry of a PCT application and a so-called bypass application filed under 35 U.S.C. § 111(a) which validly claims benefit under 35 U.S.C. § 120 to a PCT application):

(a) is an application that validly claims priority under 35 U.S.C. § 119(a) and 37 CFR 1.55 to one or more applications filed with JPO,

Or

(b) is an application which is the basis of a valid priority claim under the Paris Convention for the application filed in JPO

Or

(c) is an application which shares a common priority document with the application filed in JPO

Or

(d) and the JPO application are derived from/related to a PCT application having no priority claim

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

If the JPO office action does not explicitly state that a particular claim is allowable, the applicant must include a statement in the request for participation in the PPH program or in the transmittal letter accompanying the request for participation that no rejection has been made in the JPO office action regarding that claim, and therefore, the claim is deemed allowable by JPO.

(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). Claims are considered to "sufficiently correspond" where, accounting for differences due to translations and claim format, the claims in the USPTO are of the same or similar scope as the claims in the JPO, or the claims in the USPTO are narrower in scope than the claims in the JPO. In this regard, a claim that is narrower in scope occurs when a JPO claim is amended to be further limited by an additional feature that is supported in the specification (description and/or claims). A claim in the USPTO which introduces a new/different category of claims to those claims indicated as allowable in the JPO is not considered to sufficiently correspond.

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 petition is **GRANTED.**

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

Telephone inquiries concerning this decision should be directed to Mano Padmanabhan at 571-272-4210.

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

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

/Mano Padmanabhan/

Mano Padmanabhan
Quality Assurance Specialist, Technology Center 2100, Workgroup 2180
571-272-4210

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Commissioner for Patents
United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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MAILED
APR 17 2012
OFFICE OF PETITIONS

DOW AGROSCIENCES LLC
9330 ZIONSVILLE RD
INDIANAPOLIS IN 46268

In re Application of	:	
Loso et al.	:	
Application No. 12/706,513	:	DECISION ON PETITION
Filed: February 16, 2010	:	
Attorney Docket No: 64710A-US-DIV[3]	:	

This is a decision on the petition filed under 37 CFR 1.137(b) in the above-identified application filed on March 5, 2012.

The petition is **GRANTED.**

This application became abandoned for failure to timely submit a reply to the non-final Office action mailed on August 10, 2011. The Notice set an extendable three-month reply period of September 30, 2011. Accordingly, this application became abandoned on November 11, 2011. A Notice of Abandonment was mailed on February 22, 2012.

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 $1860.00, and (3) an adequate statement of unintentional delay.

Pursuant to petitioner's request, deposit account no. 04-1529 will be charged the $1860 petition fee.

37 CFR 1.137(b)(3) requires a statement that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional." Since the statement appearing in the petition varies from the language required by 37 CFR 1.137(b)(3), the statement is being construed as the required statement. Petitioner must notify the Office if this is **not** a correct reading of the statement appearing in the petition.

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

This application is being referred to Technology Center AU 1625 for appropriate action by the Examiner in the normal course of business on the reply received

Charlema Grant
Attorney Advisor
Office of Petitions

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United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/706,526	02/16/2010	Hiroyoshi Miyake	1033228-000249	1833

7590 02/01/2012
BUCHANAN; INGERSOLL & ROONEY PC
POST OFFICE BOX 1404
ALEXANDRIA, VA 22313-1404

EXAMINER
TORRES WILLIAMS, MELANIE

ART UNIT	PAPER NUMBER
3657	

NOTIFICATION DATE	DELIVERY MODE
02/01/2012	ELECTRONIC

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

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

The petition is granted.

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

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

Mimi Farmer

Patent Publication Branch
Office of Data Management

FORM PET651G (Rev. 08/07)

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/706,560	02/16/2010	Martin Rath	Q117110	1886

23373 7590 11/10/2010
SUGHRUE MION, PLLC
2100 PENNSYLVANIA AVENUE, N.W.
SUITE 800
WASHINGTON, DC 20037

EXAMINER
GLICK, EDWARD J

ART UNIT	PAPER NUMBER
2882	

NOTIFICATION DATE	DELIVERY MODE
11/10/2010	ELECTRONIC

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

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

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

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

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Alexandria, VA 22313-1450
www.uspto.gov

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

In re Application of	
RATH et al.	**: DECISION ON REQUEST TO**
Application No.: 12/706,560	**: PARTICIPATE IN THE PATENT**
Filed: 16 February 2010	**: PROSECUTION HIGHWAY**
Attorney Docket No.: Q117110	**: PROGRAM AND PETITION**
For: METHOD FOR ARRANGING AN OPTICAL MODULE IN A MEASURING APPARATUS AND A MEASURING APPARATUS	**: 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(a), filed 20 September 2010 and supplemented on 28 July 2010, to make the above-identified application special.

The request and petition are **DISMISSED**.

Discussion

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

1. The U.S. application is

   a. a Paris Convention application which either
      i. validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the DPMA, 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 DPMA, 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 DPMA, 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 DPMA application(s), and
   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 DPMA application(s), and
   b. Submit a claims correspondence table in English;
4. Examination of the U.S. application has <u>not</u> begun;
5. Applicant must submit:
   a. Documentation of prior office action:
      i. a copy of all office actions from each of the DPMA application(s) containing the allowable/patentable claim(s), and
      ii. a copy of any office action which is relevant to patentability from the DPMA application(s) issued after grant of the request to participate in the PPH pilot program, and
   b. An English language translation of the DPMA office action from (5)(a)(i)-(ii) above, and
   c. A statement that the English translation is accurate;
6. Applicant must submit:
   a. An IDS listing the documents cited by the DPMA examiner in the DPMA office action (unless already submitted in this application), and
   b. Copies of the documents except U.S. patents or U.S. patent application publications (unless already submitted in this application);

Conditions (1-2) and (4-7) above are considered to have been met. However, the request to participate in the PPH pilot program and petition does not appear to meet condition (3).

Regarding the requirement of condition (3), applicant has failed to ensure that all claims of the instant application sufficiently correspond to the allowed/patentable claims of the DPMA application. For example only, claim 7 of the instant application requires "establishing of the position parameters comprises measuring a distance between the distance sensor and at least one of the reference surfaces" while claim 7 of the DPMA application requires "on each of which a distance measurement is taken." These limitations do not sufficiently correspond.

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

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

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

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

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

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United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/706,560	02/16/2010	Martin Rath	Q117110	1886

23373 7590 01/27/2011
SUGHRUE MION, PLLC
2100 PENNSYLVANIA AVENUE, N.W.
SUITE 800
WASHINGTON, DC 20037

EXAMINER
GLICK, EDWARD J

ART UNIT	PAPER NUMBER
2882	

NOTIFICATION DATE	DELIVERY MODE
01/27/2011	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):

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

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

In re Application of	
RATH et al.	**: DECISION ON REQUEST TO**
Application No.: 12/706,560	**: PARTICIPATE IN THE PATENT**
Filed: 16 February 2010	**: PROSECUTION HIGHWAY**
Attorney Docket No.: Q117110	**: PROGRAM AND PETITION**
For: METHOD FOR ARRANGING AN OPTICAL MODULE IN A MEASURING APPARATUS AND A MEASURING APPARATUS	**: 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(a), filed 20 September 2010, supplemented on 28 July 2010, and renewed on 07 December 2010, to make the above-identified application special.

The request and petition are **DENIED**.

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 DPMA, 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 DPMA, 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 DPMA, 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 DPMA application(s), and
   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 DPMA application(s), and
   b. Submit a claims correspondence table in English;
4. Examination of the U.S. application has <u>not</u> begun;
5. Applicant must submit:
   a. Documentation of prior office action:
      i. a copy of all office actions from each of the DPMA application(s) containing the allowable/patentable claim(s), and
      ii. a copy of any office action which is relevant to patentability from the DPMA application(s) issued after grant of the request to participate in the PPH pilot program, and
   b. An English language translation of the DPMA office action from (5)(a)(i)-(ii) above, and
   c. A statement that the English translation is accurate;
6. Applicant must submit:
   a. An IDS listing the documents cited by the DPMA examiner in the DPMA office action (unless already submitted in this application), and
   b. Copies of the documents except U.S. patents or U.S. patent application publications (unless already submitted in this application);

Conditions (1-2) and (4-7) above are considered to have been met. However, the request to participate in the PPH pilot program and petition does not appear to meet condition (3).

Regarding the requirement of condition (3), applicant has failed to ensure that all claims of the instant application sufficiently correspond to the allowed/patentable claims of the DPMA application. For example, claim 11 of the instant application requires "a wavelength range in at least the extreme ultraviolet frequency" while claim 11 of the DPMA application requires "use in the EUV and/or higher frequency wavelength range." These limitations do not sufficiently correspond.

No further reconsideration of this petition will be undertaken.

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

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

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

PTO/SB/20PCT-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:	12/706,594	Filing date:	16-FEB-2010
First Named Inventor:	William R. Dunn		
Title of the Invention:	Display Characteristic Feedback Loop		

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/US10/24318

The international filing date of the corresponding PCT application(s) is/are: 16-FEB-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)**

- [x] Is attached.
- [ ] Is not attached because the document is already in the U.S. application.

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

- [x] Is attached.
- [ ] Is not attached because the document is already in the U.S. application.

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

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

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

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

(continued)

Application No.:	12/706,594
First Named Inventor:	William R. 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 31 May 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 31 May 2011

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1-7	none	N/A
8	6	Identical
9	7	Identical
10	8	Identical
11	9	Identical
12	10	Identical
13	11	Identical
14	12	Identical
15-23	none	N/A
24	13	Identical
25	14	Identical
26	15	Identical
27	16	Identical
28	17	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 6 Sept 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.

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STANDLEY LAW GROUP LLP
6300 RIVERSIDE DRIVE
DUBLIN OH 43017

MAILED
FEB 01 2012
OFFICE OF PETITIONS

In re Application of
Dunn et al.
Application No.: 12/706,594
Filed: February 16, 2010
Attorney Docket No.: MAN2241-049B
For: DISPLAY CHARACTERISTIC FEEDBACK LOOP

: 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 6, 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.

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

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

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

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.
12/706,617	02/16/2010	Guillaume Bes	2901683-038001	1986

84331 7590 10/15/2010
Baker Donelson Bearman, Caldwell & Berkowitz, PC
920 Massachusetts Ave, NW
Suite 900
Washington, DC 20001

EXAMINER

ART UNIT	PAPER NUMBER
1793	

NOTIFICATION DATE	DELIVERY MODE
10/15/2010	ELECTRONIC

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

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

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

mailroomdc@bakerdonelson.com
ltapp@bakerdonelson.com
rseward@bakerdonelson.com

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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Baker Donelson Bearman, Caldwell & Berkowitz, PC
920 Massachusetts Ave, NW
Suite 900
Washington DC 20001

Applicant: Bes et al.
Appl. No.: 12/706,617
Filing Date: February 16, 2010
Title: CASTING PROCESS FOR ALUMINUM ALLOYS
Attorney Docket No.: 2901683-038001
Pub. No.: US 2010/0212855 A1
Pub. Date: August 26, 2010

This is a decision on the request for republication of patent application publication under 37 CFR 1.221(a), filed on October 8, 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: 10/18/2010 KKING1
10/12/2010 INTEFSW 00001773 504254 12706617
01 FC:1504 300.00 CR

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United States Patent and Trademark Office
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FARIBA SIRJANI
925 DELWARE AVENUE, APT. 9C
BUFFALO, NY 14209

MAILED
MAR 14 2011
OFFICE OF PETITIONS

In re Application of	:	
Bijan Danesh	:	
Application No. 12/706,727	:	DECISION ON PETITION
Filed: February 17, 2010	:	TO WITHDRAW
Attorney Docket No. DANESH-003	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed February 2, 2011.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request was signed by Fariba Sirjani. Fariba Sirjani have been withdrawn as attorney or agent of record; all other attorneys remain of record.

The correspondence address of record remains unchanged.

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

/Terri Johnson/
Terri Johnson
Petitions Examiner
Office of Petitions

cc: **MEREDITH & KEYHANI, PLLC**
330 MADISON AVE.
6TH FLOOR
NEW YORK NY 100171

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JUN 29 2011

OFFICE OF PETITIONS

LUEDEKA, NEELY & GRAHAM, P.C.
P O BOX 1871
KNOXVILLE TN 37901

In re Application of :
Raymond E. GARVEY : ON PETITION
Application No. 12/706,786 :
Filed: February 17, 2010 :
Atty. Docket No.: 59153.C2

This is a decision on the petition under 37 CFR 1.137(b), filed June 7, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The application was held abandoned for failure to reply in a timely manner to the Notice of Allowance and Fee(s) Due mailed March 3, 2011, which set a statutory period for reply of three (3) months. The application became abandoned June 4, 2011. A Notice of Abandonment was mailed June 10, 2011.

The petition satisfies the conditions for revival pursuant to 37 CFR 1.137(b) by including (1) a reply in the form of payment of the issue and publication fees in accordance with the Notice mailed March 3, 2011, (2) a petition fee of $1620, and (3) a statement of unintentional delay. The reply to the Notice is accepted as having been unintentionally delayed.

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

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

David Bucci
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.
12/706,800	02/17/2010	Greg Peter Wade Fixter	144485	1381

7590 03/03/2011
OLIFF & BERRIDGE, PLC
P.O. BOX 320850
ALEXANDRIA, VA 22320-4850

EXAMINER
OWENS, DOUGLAS W

ART UNIT	PAPER NUMBER
2821	

NOTIFICATION DATE	DELIVERY MODE
03/03/2011	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.

Mimi Farmer

Patent Publication Branch
Office of Data Management

FORM PET651G (Rev. 08/07)

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

MAILED

AUG 30 2010

OFFICE OF PETITIONS

In re Application of	:	
Seiichi NIEDA et al.	:	
Application No. 12/706,820	:	NOTICE UNDER 37 CFR. 1.28(c)
Filed: February 17, 2010	:	
Attorney Docket No. AMK-249-527	:	

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

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

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

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

Inquiries related to this communication should be directed to Michelle R. Eason at (571) 272-4231.

Thurman K. Page
Petitions 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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Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/706,883	02/17/2010	Ramon Debesa	10161	1546

54569 7590 03/18/2011
RUBEN ALCOBA, ESQ.
3399 NW 72 AVENUE
SUITE211
MIAMI, FL 33122

EXAMINER

ART UNIT	PAPER NUMBER
3744	

MAIL DATE	DELIVERY MODE
03/18/2011	PAPER

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

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

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RUBEN ALCOBA, ESQ.
3399 NW 72 AVENUE
SUITE211
MIAMI FL 33122

DECISION ON PETITION FOR CONVERSON to PROVISIONAL APPLICATION UNDER 37 CFR 1.53(C)(2) and MPEP 601.01(C)

In re Application of:
DEBESA, RAMON
Serial No.: 12/706,883
Filed: Feb. 17, 2010
Docket: 10161
Title: AIR CONDITIONER AND POOL HEATER DUAL SYSTEM

This is a decision on the petition for conversion to a provisional application filed April 8, 2010 under 37 CFR 1.53 (C) (2). A fee of $50.00 under 37 CFR § 1.17(q) has been paid.

The petition filed on March 14, 2011 requests conversion to a provisional application under 37 CFR 1.53(C) (2) and includes the required petition and the required fees as set forth in 37 CFR 1.17(q). On March 14, 2011, the applicant filed a request to disregard the petition for conversion to a provisional application. Therefore, the petition is dismissed as the request of the applicant.

The petition is DISMISSED. The application is being forwarded to the Art Unit 3744 for docketing.

/Henry C. Yuen/

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

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:	12/706,927	Filing date:	February 17, 2010
First Named Inventor:	Byron William Reese		
Title of the Invention:	Providing a Result with a Requested Accuracy Using Individuals Previously Acting with a Consensus		

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

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

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

The corresponding PCT application number(s) is/are: PCT/US2011/024875

The international filing date of the corresponding PCT application(s) is/are: February 15, 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)**

- [x] Is attached.
- [ ] Is not attached because the document is already in the U.S. application.

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

- [x] Is attached.
- [ ] Is not attached because the document is already in the U.S. application.

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

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

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

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

(continued)

Application No.:	12/706,927
First Named Inventor:	Byron William Reese

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

- [✔] Is attached
- [ ] Has already been filed in the above-identified U.S. application on _____

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

- [✔] Are attached.
- [ ] Have already been filed in the above-identified U.S. application on _____

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1-20	1-20	Claims 1-20 in the US and PCT applications are identical.

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

Signature /Bruce T. Neel/	Date October 20, 2011
Name (Print/Typed) Bruce T. Neel	Registration Number 37406

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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GREENBERG TRAURIG, LLP (SV)
C/O: GREENBERG TRAURIG LLP - CHICAGO OFFICE
77 WEST WACKER DRIVE, SUITE 3100
INTELLECTUAL PROPERTY DEPARTMENT
CHICAGO IL 60601

MAILED

JAN 24 2012

OFFICE OF PETITIONS

In re Application of:	: DECISION ON REQUEST TO
Reese et al.	: PARTICIPATE IN THE PATENT
Application No. 12/706,927	: PROSECUTION HIGHWAY
Filed: February 17, 2010	: PROGRAM AND PETITION
Attorney Docket No. 104128-217400/US	: 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 October 20, 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 Joan Olszewski at 571-272-7751.

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

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Alexandria, VA 22313-1450
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KELLEY DRYE & WARREN LLP
STEVEN J. MOORE
400 ALTLANTIC STREET , 13TH FLOOR
STAMFORD CT 06901

MAILED

AUG 24 2010

OFFICE OF PETITIONS

In re Application of
Stephens, et al.
Application No. 12/706,969
Filed: 17 February, 2010
Attorney Docket No. STRX-107.2(P)(US)(C)

DECISION ON PETITION

This is a decision on the petition filed on 17 February, 2010, under 37 C.F.R. §1.47.

The petition as considered under 37 C.F.R. §1.47(a) is **DISMISSED**.

NOTE:

Petitioner has place of record papers that appear to be in conflict as to the nature of the inventive entity.

In particularly the Application Data Sheet (ADS) filed of record contemporaneously with the instant petition and supporting documentation identifies a different inventive entity than is indicated with the petition and supporting documentation.

Thus, Petitioner appears to have failed to satisfy the requirements as set forth and described below and at the regulations at 37 C.F.R. §1.47 and the guidance in the Commentary at MPEP §409.03, et seq. (*See*, generally, the regulations at 37 C.F.R. §1.47 and the guidance in the Commentary at MPEP §409.03, et seq.)

Petitioner appears to have placed in the hands and words of others statements/representations/declarations about which the declarant and Petitioner—as one registered to practice before the Office—have a duty to inquire before presenting to the Office statements/representations/declarations.[1]

[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).

The petition pursuant to 37 C.F.R. §1.47(a) 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 Pursuant to 37 C.F.R. §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 C.F.R. §1.136(a).

This is **not** a final agency action within the meaning of 5 U.S.C. §704.

A grantable petition pursuant to 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.

Petitioner does not seem to have worked through the requirements of the petition, as set forth above, in satisfaction of those requirements. (*See, generally:* MPEP §409.03, and §409.03(a)—the applicable statute (35 U.S.C.§ 116).

In particular, Petitioner has not as of this writing satisfied the requirement(s) of the petition as listed above and discussed below.

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 17 February, without, *inter alia*, a fully executed oath/declaration

It does not appear that the Office mailed a Notice of Missing Parts requiring, *inter alia*, a fully executed oath/declaration because a petition pursuant to the regulations at 37 C.F.R. §1.47 was filed on deposit of the application.

On 17 February, 2010, a petition by former Counsel Katherine D. Lee (Reg. No. 44,865) and dated 21 January, 2003, was submitted by Petitioner Anatoly Frenkel (Reg. No. 54,106), who also filed, *inter alia*, with an oath/declaration executed (in 2002) by co-inventors Stephens, Kamstra and Beasley for themselves and on behalf of non-signing co-inventors James M. Jollota (Mr. Jollota) and James Fuhruing (Mr. Fuhring), with a statement as to the then current/valid/reasonably believed to be last known addresses for Messrs Jollota and Fuhring. While Petitioner Frenkel submitted a copy of the 13 May, 2003, decision granting Rule 47 Status in application 10/218,178—which Petitioner failed to state but Office records indicated is a parent application—Petitioner also filed of record an Application Data Sheet (ADS) that identifies the inventive entity as comprised only of Stephens, Kamstra and Beasley. It appears that Petitioner has filed of record papers that make the record unclear as to the structure of the inventive entity herein.

Thus, the required showings are not considered to have been made due to the conflicting information/data that Petitioner has placed of record.

Petitioner is reminded of his duties of candor to—with requirement for diligent inquiry before—the Office and to satisfy the Rules of Practice and the guidance in the Commentary at MPEP §409.03, and §409.03(a), et seq.

Out of an abundance of caution, Petitioner should step through the requirements of a grantable petition under 37 C.F.R. §1.47(a) (i.e., (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) and satisfy himself that he has complied with these requirements on submission of any renewed petition. (*See also*: the guidance in the Commentary at MPEP §409.03, and §409.03(a), et seq.)

Again, Petitioner has not worked through the requirements of the petition.

Thus, the present incompleteness of the record makes granting of the instant petition inappropriate.

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.[2]

The instant petition under 37 C.F.R. §1.47(a) is **dismissed**.

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

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

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

---

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

KELLEY DRYE
& WARREN LLP
STEVEN J. MOORE
400 ALTLANTIC STREET , 13TH FLOOR
STAMFORD CT 06901

MAILED
NOV 23 2010
OFFICE OF PETITIONS

In re Application of
Stephens, et al.
Application No. 12/706,969
Filed: 17 February, 2010
Attorney Docket No. STRX-107.2(P)(US)(C)

DECISION ON PETITION

This is a decision on the petition filed on 26 October, 2010, under 37 C.F.R. §1.47.

The petition as considered under 37 C.F.R. §1.47(a) is **DISMISSED**.

NOTE:

Again Petitioner has placed of record papers that lack clarity and detail—not only as to fact, but also as to Petitioner's contentions and intent.

If it is Petitioner's:

- contention that the instant application is due Rule 47 Status because that status previously was accorded in the progeny of the instant application; and
- intent that the Office accord Rule 47 Status in the instant application because of that history,

then Petitioner should so state and demonstrate.

The Office will not seek to infer or fathom Petitioner's contentions or intent.

Thus, Petitioner appears to have failed to satisfy the requirements as set forth and described below and at the regulations at 37 C.F.R. §1.47 and the guidance in the Commentary at MPEP §409.03, et seq. (*See*, generally, the regulations at 37 C.F.R. §1.47 and the guidance in the Commentary at MPEP §409.03, et seq.)

The petition pursuant to 37 C.F.R. §1.47(a) 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 Pursuant to 37 C.F.R. §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 C.F.R. §1.136(a).

This is **not** a final agency action within the meaning of 5 U.S.C. §704.

A grantable petition pursuant to 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.

Petitioner does not seem to have worked through the requirements of the petition, as set forth above, in satisfaction of those requirements. (*See, generally:* MPEP §409.03, and §409.03(a)—the applicable statute (35 U.S.C.§ 116).

In particular, Petitioner has not as of this writing satisfied the requirement(s) of the petition as listed above and discussed below.

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 17 February, without, *inter alia*, a fully executed oath/declaration

It does not appear that the Office mailed a Notice of Missing Parts requiring, *inter alia*, a fully executed oath/declaration because a petition pursuant to the regulations at 37 C.F.R. §1.47 was filed on deposit of the application.

On 17 February, 2010, a petition by former Counsel Katherine D. Lee (Reg. No. 44,865) and dated 21 January, 2003, was submitted by Petitioner Anatoly Frenkel (Reg. No. 54,106), who also filed, *inter alia*, with an oath/declaration executed (in 2002) by co-inventors Stephens, Kamstra and Beasley for themselves and on behalf of non-signing co-inventors James M. Jollota (Mr. Jollota) and James Fuhruing (Mr. Fuhring), with a statement as to the then current/valid/reasonably believed to be last known addresses for Messrs Jollota and Fuhring. While Petitioner Frenkel submitted a copy of the 13 May, 2003, decision granting Rule 47 Status in application 10/218,178—which Petitioner failed to state but Office records indicated is a parent application—Petitioner also filed of record an Application Data Sheet (ADS) that identifies the inventive entity as comprised only of Stephens, Kamstra and Beasley. It appears that Petitioner filed of record papers that made the record unclear as to the structure of the inventive entity herein. The petition was dismissed on 24 August, 2010.

On 26 October, 2010, Petitioner re-advanced the petition pursuant to 37 C.F.R. §1.47(a). Petitioner now seems to contend that the instant application is due Rule 47 Status because that status previously was accorded in the progeny of the instant application, and Petitioner's intent that the Office accord Rule 47 Status in the instant application because of that history, then Petitioner should so state and demonstrate.

The Office will not infer or fathom Petitioner's contentions or intent.

Thus, the required showings are not considered to have been made due to the incomplete and/or conflicting information/data that Petitioner has placed of record.

Petitioner is reminded of his duties of candor to—with requirement for diligent inquiry before—the Office and to satisfy the Rules of Practice and the guidance in the Commentary at MPEP §409.03, and §409.03(a), et seq.

Out of an abundance of caution, Petitioner should step through the requirements of a grantable petition under 37 C.F.R. §1.47(a) (i.e., (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) and satisfy himself that he has complied with these requirements on submission of any renewed petition. (*See also*: the guidance in the Commentary at MPEP §409.03, and §409.03(a), et seq.)

Again, Petitioner has not worked through the requirements of the petition.

Thus, the present incompleteness of the record makes granting of the instant petition inappropriate.

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]

The instant petition under 37 C.F.R. §1.47(a) is **dismissed**.

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

[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.

While 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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KELLEY DRYE
& WARREN LLP
STEVEN J. MOORE
400 ALTLANTIC STREET , 13TH FLOOR
STAMFORD CT 06901

MAILED
MAR 15 2011
OFFICE OF PETITIONS

In re Application of
Stephens, et al.
Application No. 12/706,969
Filed: 17 February, 2010
Attorney Docket No. STRX-107.2(P)(US)(C)

DECISION ON PETITION

This is a decision on the petition filed on 24 January, 2011, pursuant to 37 C.F.R. §1.47.

The petition pursuant to 37 C.F.R. §1.47(a) is **GRANTED**.

A grantable petition pursuant to 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 17 February, without, *inter alia*, a fully executed oath/declaration

It does not appear that the Office mailed a Notice of Missing Parts requiring, *inter alia*, a fully executed oath/declaration because a petition pursuant to the regulations at 37 C.F.R. §1.47 was filed on deposit of the application.

On 17 February, 2010, a petition by former Counsel Katherine D. Lee (Reg. No. 44,865) and dated 21 January, 2003, was submitted by Petitioner Anatoly Frenkel (Reg. No. 54,106), who also filed, *inter alia*, with an oath/declaration executed (in 2002) by co-inventors Stephens, Kamstra and Beasley for themselves and on behalf of non-signing co-inventors James M. Jollota (Mr. Jollota) and James Fuhruing (Mr. Fuhring), with a statement as to the then current/valid/reasonably believed to be last known addresses for Messrs Jollota and Fuhring. While Petitioner Frenkel submitted a copy of the 13 May, 2003, decision granting Rule 47 Status in application 10/218,178—which Petitioner failed to state but Office records indicated is a parent application—Petitioner also filed of record an Application Data Sheet (ADS) that identifies the inventive entity as comprised only of Stephens, Kamstra and Beasley. It appears that Petitioner filed of record papers that made the record unclear as to the structure of the inventive entity herein. The petition was dismissed on 24 August, 2010.

On 26 October, 2010, Petitioner re-advanced the petition pursuant to 37 C.F.R. §1.47(a). Petitioner seemed to contend that the instant application was due Rule 47 Status because that status previously was accorded in the precursors of the instant application, and Petitioner's intent that the Office accord Rule 47 Status in the instant application because of that history. In the absence of Petitioner's express intent, the Office did not seek to infer or fathom Petitioner's contentions or intent, and the petition was dismissed on 22 November, 2010.

On 24 January, 2011, Petitioner re-advanced the petition pursuant to 37 C.F.R. §1.47(a). with an express showing that Rule 47 Status was accorded in application 10/218,178 and sought to be accorded because of that history in application 11/625,138—however it does not appear that the technology center directed the petition to the Office of Petitions for consideration and determination before the application was allowed and a patent issued.

The above-identified application and papers have been reviewed and found in compliance with 37 C.F.R. §1.63(d).[1]

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[1] As provided in the regulations at 37 C.F.R. §1.63(d):

(1) A newly executed oath or declaration is not required under §1.51(b)(2) and §1.53(f) in a continuation or divisional application, provided that:
(i) The prior nonprovisional application contained an oath or declaration as prescribed by paragraphs (a) through (c) of this section;
(ii) The continuation or divisional application was filed by all or by fewer than all of the inventors named in the prior application;
(iii) The specification and drawings filed in the continuation or divisional application contain no matter that would have been new matter in the prior application; and
(iv) A copy of the executed oath or declaration filed in the prior application, showing the signature or an indication thereon that it was signed, is submitted for the continuation or divisional application.
(2) The copy of the executed oath or declaration submitted under this paragraph for a continuation or divisional application must be accompanied by a statement requesting the deletion of the name or names of the person or persons who are not inventors in the continuation or divisional application.

Application No. 12/706,969

This application is hereby **ACCORDED status pursuant to Rule §1.47(a)**. The Office will dispense with the Notice to the nonsigning inventor(s) and the announcement in the Official Gazette.[2].

The instant application is released to the Office of Patent Application Processing (OPAP) for further processing in due course.

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

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

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(3) Where the executed oath or declaration of which a copy is submitted for a continuation or divisional application was originally filed in a prior application accorded status under §1.47, the copy of the executed oath or declaration for such prior application must be accompanied by:
(i) A copy of the decision granting a petition to accord §1.47 status to the prior application, unless all inventors or legal representatives have filed an oath or declaration to join in an application accorded status under §1.47 of which the continuation or divisional application claims a benefit under 35 U.S.C. §120, §121, or §365(c); and
(ii) If one or more inventor(s) or legal representative(s) who refused to join in the prior application or could not be found or reached has subsequently joined in the prior application or another application of which the continuation or divisional application claims a benefit under 35 U.S.C. §120, §121, or §365(c), a copy of the subsequently executed oath(s) or declaration(s) filed by the inventor or legal representative to join in the application.

[2] See 37 CFR 1.47(c) and MPEP 201.06(c).

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

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

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KELLEY DRYE & WARREN LLP
STEVEN J. MOORE
400 ALTLANTIC STREET , 13TH FLOOR
STAMFORD CT 06901

MAILED
APR 18 2011
OFFICE OF PETITIONS

In re Application of Spencer Stephens, et al. Application No. 12/706,969 Filed: February 17, 2010 Attorney Docket No. STRX-107.2(P)(US)(C)	: : : : :	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 25, 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: **STRIX SYSTEMS, INC.**
2350 Mission College Blvd.
Suite 1070
Santa Clara, CA 95054

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.
12/706,970	02/17/2010	Koji YOSHIDA	Q116899	1706

7590 02/18/2011
SUGHRUE MION, PLLC
2100 PENNSYLVANIA AVENUE, N.W.
SUITE 800
WASHINGTON, DC 20037

EXAMINER
DUONG, THANH P

ART UNIT	PAPER NUMBER
1774	

NOTIFICATION DATE	DELIVERY MODE
02/18/2011	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.

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.
12/707,033	02/17/2010	Pierre PLAZE	144419	1814

7590 01/23/2012
OLIFF & BERRIDGE, PLC
P.O. BOX 320850
ALEXANDRIA, VA 22320-4850

EXAMINER
DAVIES, SAMUEL

ART UNIT	PAPER NUMBER
3724	

NOTIFICATION DATE	DELIVERY MODE
01/23/2012	ELECTRONIC

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

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

The petition is granted.

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

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

Betty Powell

Patent Publication Branch
Office of Data Management

FORM PET651G (Rev. 08/07)

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/707,051	02/17/2010	Masao HOSONO	0056258-000049	1848

21839 7590 08/03/2011
BUCHANAN, INGERSOLL & ROONEY PC
POST OFFICE BOX 1404
ALEXANDRIA, VA 22313-1404

EXAMINER
ZIMMERMAN, MARK K

ART UNIT	PAPER NUMBER
2625	

NOTIFICATION DATE	DELIVERY MODE
08/03/2011	ELECTRONIC

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

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

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

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

BUCHANAN, INGERSOLL & ROONEY PC
POST OFFICE BOX 1404
ALEXANDRIA VA 22313-1404

In re Application of	**: DECISION ON REQUEST TO**
HOSONO et al.	**: PARTICIPATE IN THE PATENT**
Application No.: 12/707,051	**: PROSECUTION HIGHWAY**
Filed: 17 February 2010	**: PROGRAM AND PETITION**
Attorney Docket No.: 0056258-000049	**: TO MAKE SPECIAL UNDER**
For: IMAGE PROCESSING SYSTEM,	**: 37 CFR 1.102(a)**
OPERATION METHOD THEREOF ...	

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed 13 July 2011, to make the above-identified application special.

The request and petition are **GRANTED**.

Discussion

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

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

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

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

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

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

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

Lee W. Young
TQAS, Technology Center 2600

UNITED STATES PATENT AND TRADEMARK OFFICE

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

In re Application of
Robert A. Stevenson

Application No. 12707084

Filed: February 17,2010

Attorney Docket No. GREATB-52784

: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 22-NOV-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	12707084	Confirmation Number	1916	Filing Date	2010-02-17
Attorney Docket Number (optional)	GREATB-52784	Art Unit	3766	Examiner	
First Named Inventor	Robert A. Stevenson				
Title of Invention	EMI FILTER EMPLOYING A CAPACITOR AND AN INDUCTOR TANK CIRCUIT HAVING OPTIMUM COMPONENT VALUES				

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
Robert	A.	Stevenson	

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	/Scott W. Kelley, Reg. No. 30762/	Date (YYYY-MM-DD)	2011-11-22
Name	Scott W. Kelley	Registration Number	30762

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.

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/707,092	02/17/2010	Glenn A. Goldstein	29451-504C02US	1928

30623 7590 03/06/2012
MINTZ, LEVIN, COHN, FERRIS, GLOVSKY AND POPEO, P.C
ONE FINANCIAL CENTER
BOSTON, MA 02111

EXAMINER
PACKARD, BENJAMIN J

ART UNIT	PAPER NUMBER
1612	

MAIL DATE	DELIVERY MODE
03/06/2012	PAPER

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

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

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MAR 0 6 2012

MINTZ, LEVIN, COHN, FERRIS, GLOVSKY AND
POPEO, P.C
ONE FINANCIAL CENTER
BOSTON MA 02111

In re Application of: Glenn Goldstein Serial No.: 12/707,092 Filed: February 17, 2010 Docket: **29451-504C02US** Title: **N-ACETYLCYSTEINE AMIDE (NAC AMIDE) FOR THE TREATMENT OF DISEASES AND CONDITIONS ASSOCIATED WITH OXIDATIVE STRESS**	:	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 final decision on the petition filed on February 17, 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 **DENIED**.

REGULATION AND PRACTICE

To be eligible for accelerated examination under 37 C.F.R. § 1.102(d) and pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published in the Federal Register on June 26, 2006 (71 Fed. Reg. 36323), the following conditions must be satisfied:

1. The application must be a non-reissue utility or design application filed under 37 CFR 1.111(a);
2. The application, the petition and the required fees must be filed electronically using the USPTO's electronic filing system (EFS), or EFS-web; if not filed electronically, a statement asserting that EFS and EFS-web were not available during the normal business hours;
3. The application, at the time of filing, must be complete under 37 CFR 1.51 and in condition for examination;

Conditions for Examination: The application must be in condition for examination at the time of filing. This means the application must include the following:

(A) Basic filing fee, search fee, and examination fee, under 37 CFR 1.16 (*see* MPEP section 607(I)),
(B) Application size fee under 37 CFR 1.16(s) (if the specification and drawings exceed 100 sheets of paper) (*see* MPEP section 607(II));
(C) An executed oath or declaration in compliance with 37 CFR 1.63;
(D) A specification (in compliance with 37 CFR 1.52) containing a description (37 CFR 1.71) and claims in compliance with 37 CFR 1.75;
(E) A title and an abstract in compliance with 37 CFR 1.72;
(F) Drawings in compliance with 37 CFR 1.84;
(G) Electronic submissions of sequence listings in compliance with 37 CFR 1.821(c) or (e), large tables, or computer listings in compliance with 37 CFR 1.96, submitted via the USPTO's electronic filing system (EFS) in ASCII text as part of an associated file (if applicable);
(H) Foreign priority claim under 35 U.S.C. 119(a)–(d) identified in the executed oath or declaration or an application data sheet (if applicable);
(I) Domestic benefit claims under 35 U.S.C. 119(e), 120, 121, or 365(c) in compliance with 37 CFR 1.78 (*e.g.*, the specific reference to the prior application must be submitted in the first sentence(s) of the specification or in an application data sheet, and for any benefit claim to a non-English language provisional application, the application must include a statement that: (a) An English language translation, and (b) a statement that the translation is accurate, have been filed in the provisional application) (if applicable);
(J) English language translation under 37 CFR 1.52(d), a statement that the translation is accurate, and the processing fee under 37 CFR 1.17(i) (if the specification is in a non-English language);
(K) No preliminary amendments present on the filing date of the application; and
(L) No petition under 37 CFR 1.47 for a non-signing inventor.

4. The application must contain three or fewer independent claims and twenty or fewer total claims and the claims must be directed to a single invention.

The application as filed is not eligible for accelerated examination because it was in no in condition for examination for the failure to cure the deficiencies set forth in the petition dismissal of March 3, 2010 within one month.

For the above-stated reasons, the petition of February 17, 2010 is **DENIED**.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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P.O. Box 1450
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Decision Date : April 19, 2012

In re Application of :

Glenn Goldstein

Application No : 12707092

Filed : 17-Feb-2010

Attorney Docket No : 29451-504C02US

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

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	12707092
Filing Date	17-Feb-2010
First Named Inventor	Glenn Goldstein
Art Unit	1612
Examiner Name	BENJAMIN PACKARD
Attorney Docket Number	29451-504C02US
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

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/707,110	02/17/2010	Yusci KADOBAYASHI	2010_0195A	1966

513 7590 08/24/2010
WENDEROTH, LIND & PONACK, L.L.P.
1030 15th Street, N.W.,
Suite 400 East
Washington, DC 20005-1503

EXAMINER
SINGH, SUNIL K

ART UNIT	PAPER NUMBER
3732	

NOTIFICATION DATE	DELIVERY MODE
08/24/2010	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):

ddalecki@wenderoth.com
eoa@wenderoth.com

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WENDEROTH, LIND & PONACK, L.L.P.
1030 15th Street, N.W.,
Suite 400 East
Washington DC 20005-1503

In re Application of: KADOBAYASHI, YUSEI Serial No.: 12/707,110 Filed: Feb. 17, 2010 Docket: 2010_0195A Title: SET OF ARTIFICIAL TEETH HAVING CONVEX ADJUSTMENT SURFACE	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 August 17, 2010, to make the above-identified application special.

The request and petition are **GRANTED.**

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

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more corresponding application(s) filed in the JPO or to a PCT application that does not contain any priority claim, or the U.S. application must be a national stage entry of a PCT application that does not contain any priority claim;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of all the office actions from each of the JPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate; and
(6) Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO office action along with copies of documents except U.S. patents or U.S. patent application publications.

In light of the petition being properly submitted, the request to participate in the PPH program and the petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

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

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

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 Cris Rodriguez, the SPE of Art Unit 3732, and 571-272-4964 for Class 433/171 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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CANTOR COLBURN LLP
20 Church Street
22nd Floor
Hartford CT 06103

MAILED
SEP 09 2011
OFFICE OF PETITIONS

In re Application of :
Noguchi, et al. :
Application No. 12/707,115 :
Filed: February 17, 2010 :
Attorney Docket No. YPL-0406-D :

ON PETITION

This decision is mailed in response to the petition under 37 CFR 1.181, filed June 30, 2011, requesting withdrawal of the holding of abandonment in the above-identified application.

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. This is **not** final agency action within the meaning of 5 U.S.C. § 704.

This application became abandoned for failure to timely respond to the Notice of Allowability, mailed March 4, 2011, which set a three (3) month period for reply. Accordingly, this application became abandoned on June 5, 2011. A Notice of Abandonment was mailed on June 21, 2011.

Petitioners assert the application did not become abandoned because the Notice of Allowability erroneously required corrected drawings. Petitioners allegedly contacted the examiner at some unspecified time after receiving the Notice of Allowability to argue that a drawing showing a "shade region" had previously been filed and; therefore, the drawing requirement in the Notice of Allowability was improper. Petitioners assert the examiner agreed.

The March 4, 2011 Notice of Allowability set a three month non-extendable period for reply. The Notice of Allowability was never withdrawn. Failure to timely reply resulted in the abandonment of the application.

Petitioners are reminded that official communication with the Office must be carried out in writing. 37 CFR 1.2. Oral advice from Office employees is not binding. See In re Sivertz, 227 USPQ 255,256 (Comm'r Pat. 1985). An Office employee's alleged statements made during a telephone conversation cannot nullify the March 4, 2011 Notice of Allowability, which required timely reply to avoid abandonment of the application. The failure to reply within the set period for reply resulted in the abandonment of the application.

Even if an applicant believes an Office action/Notice is mailed in error or lacks merit, failure to respond *in some written manner* by the deadline set in the Office action will result in the application's abandonment.

The petition under 37 CFR 1.181 to withdraw the holding of abandonment is **dismissed**.

Given the facts and circumstances of this case, petitioners are encouraged to file a petition to revive under the unavoidable standard of 37 CFR 1.137(a).

Further correspondence with respect to this matter should be delivered through one of the following mediums:

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)

Telephone inquiries 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

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

CANTOR COLBURN LLP
20 Church Street
22nd Floor
Hartford CT 06103

MAILED
OCT 13 2011
OFFICE OF PETITIONS

In re Application of :
Noguchi, et al. :
Application No. 12/707,115 :
Filed: February 17, 2010 :
Attorney Docket No. YPL-0406-D :

ON PETITION

This decision is mailed in response to the petition under 37 CFR 1.137(b), filed October 3, 2011, requesting revival of the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely respond to the Notice of Allowability, mailed March 4, 2011, which set a three (3) month period for reply. Accordingly, this application became abandoned on June 5, 2011. A Notice of Abandonment was mailed on June 21, 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 corrected drawing; (2) the petition fee of $1860.00; and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3230.

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

Shirene Willis Brantley
Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

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SEP 28 2010

OFFICE OF PETITIONS

NOVOZYMES, INC.
1445 DREW AVE.
DAVIS CA 95618

In re Application of	:
Paul Harris et al	:
Application No. 12/707,154	: DECISION ON PETITION
Filed: February 17, 2010	: UNDER 37 CFR 1.78(a)(3)
Attorney Docket No. 10545-US-DIV[2]	:

This is a decision on the petition under 37 CFR 1.78(a)(3), filed July 9, 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 and Application Data Sheet (ADS) filed with the petition.

The petition is **DISMISSED**.

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) 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 petition does not satisfy item (1) above.

The reference to add the above-noted, prior-filed application in the first sentence of the specification on page one following the title is not acceptable as drafted since it improperly incorporates by reference the prior-filed 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)). 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).

If reconsideration of this decision is desired, a renewed petition under 37 CFR § 1.78(a)(3) accompanied by a substitute amendment deleting the incorporation by reference statement to Application No. 11/760,243 is required.

Further correspondence with respect to this matter should be delivered through one of the following mediums:

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) 272-3208.

/KOC/
Karen Creasy
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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DEC 22 2010

OFFICE OF PETITIONS

NOVOZYMES, INC.
1445 DREW AVE.
DAVIS CA 95618

In re Application of	:
Paul Harris et al	:
Application No. 12/707,154	: DECISION ON PETITION
Filed: February 17, 2010	: UNDER 37 CFR 1.78(a)(3)
Attorney Docket No. 10545-US-DIV|2|	:

This is a decision on the renewed petition under 37 CFR 1.78(a)(3), filed October 7, 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.

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) 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.

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 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. In order for this application to be entitled to the benefit of the prior-filed application, all other requirements under 35 U.S.C. § 120 and 37

CFR 1.78(a)(1) and (a)(2) must be met. Similarly, the fact that the corrected Filing Receipt accompanying this decision on petition includes the prior-filed application should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed application noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether the application is entitled to the benefit of the earlier filing date.

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

Any inquiries concerning this decision may be directed to the undersigned at (571) 272-3208. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

This application is being forwarded to Technology Center Art Unit 1652 for consideration by the examiner of applicant's entitlement to claim benefit of priority under 35 U.S.C. § 120 to the prior-filed application.

/KOC/
Karen Creasy
Petitions Examiner
Office of Petitions

ATTACHMENT: Corrected Filing Receipt

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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
12/707,154	02/17/2010	1652	1090	10545-US-DIV[2]	9	1

CONFIRMATION NO. 2046

CORRECTED FILING RECEIPT

25907
NOVOZYMES, INC.
1445 DREW AVE
DAVIS, CA 95618

OC000000044812834

Date Mailed: 12/07/2010

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)

Paul Harris, Carnation, WA;
Elizabeth Golightly, Reno, NV;

Assignment For Published Patent Application

Novozymes, Inc., Davis, CA

Power of Attorney: The patent practitioners associated with Customer Number 25907

Domestic Priority data as claimed by applicant

This application is a DIV of 11/760,243 06/08/2007 PAT 7,670,819
which is a DIV of 10/976,660 10/28/2004 PAT 7,244,605
which claims benefit of 60/515,482 10/28/2003

Foreign Applications

If Required, Foreign Filing License Granted: 03/01/2010

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 12/707,154**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

Polypeptides having beta-glucosidase activity and polynucleotides encoding same

Preliminary Class

435

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/707,177	02/17/2010	Masato Inoue	03500.133353.1	2083

5514 7590 10/12/2010
FITZPATRICK CELLA HARPER & SCINTO
1290 Avenue of the Americas
NEW YORK, NY 10104-3800

EXAMINER
IGYARTO, CAROLYN

ART UNIT	PAPER NUMBER
2884	

MAIL DATE	DELIVERY MODE
10/12/2010	PAPER

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

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

UNITED STATES 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.01162008

FITZPATRICK CELLA HARPER & SCINTO
1290 Avenue of the Americas
NEW YORK, NY 10104-38

In re Application of INOUE Appl. No. 12/707177 Filing Date: 17 February 2010 Atty. Docket No. 03500.133353.1	: : : : :	NOTICE OF WITHDRAWAL FROM ISSUE UNDER 37 CFR § 1.313

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

The above-identified application is hereby withdrawn from issue. The Notice of Allowance and Issue Fee Due and the Notice of Allowability mailed 19 August 2010, are hereby vacated.

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

If the issue fee has been submitted, the applicant may request a refund, or may request that the fee be credited to a deposit account. However, applicant may wait until the application is either again found allowable or held abandoned. If the application is allowed, upon receipt of a new Notice of Allowance and Issue Fee Due, applicant may request that the previously submitted issue fee be applied toward payment of the issue fee in the amount identified on the new Notice of Allowance and Issue Fee Due. If the application is abandoned, applicant may request either a refund or a credit to a Deposit Account

Telephone inquires related to this decision should be directed to supervisory patent examiner David P. Porta at 571.272.2444.

The above-identified application is being forwarded to the examiner for appropriate action.

Richard Seidel, Director
Technology Center 2800
Semiconductors, Electrical and Optical Systems and Components

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Alexandria, VA 22313-1450
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MAILED

APR 29 2011

OFFICE OF PETITIONS

KING & SPALDING
1185 AVENUE OF THE AMERICAS
NEW YORK, NY 10036-4003

In re Application of	:	
Jochen Klieber	:	
Application No. 12/707,258	:	DECISION ON REQUEST FOR REFUND
Filed: February 17, 2010	:	
Attorney Docket No. 16641-105001US1	:	

This is a decision on the Request For Refund filed February 7, 2011 and resubmitted on February 15, 2011.

The request is **DISMISSED**.

The request for refund seeks a refund of the filing fees ($545.00) and the surcharge ($65.00), which according to the Office Finance Records were paid on February 18, 2010 and March 16, 2010 respectively. The refund request of February 15, 2011 was more than the three months permitted under § 1.28(a). The February 7, 2011 prior request was still not timely and was not accompanied by an assertion of small entity status.

The following inconsistencies appear in the request for refund filed February 7, 2010 and resubmitted on February 15, 2011:

(1) The request heading identifies the correct filing date of February 17, 2010, but the body of the request refers to a filing date of April 17, 2010.

(2) Paragraphs one (1) and two (2) are inconsistent for the date of the surcharge, March 13, 2010 vs April 13, 2010, with the actual date being March 16, 2010.

Lastly, regarding the "ASSERTION OF SMALL ENTITY STATUS UNDER 37 C.F.R. 1.27" submitted with the request on February 17, 2010, small entity status has been accorded.

Any questions concerning this matter may be directed to the undersigned at (571) 272-3208.

/KOC/
Karen Creasy
Petitions Examiner
Office of Petitions

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:	12/707,287	Filing date:	17-FEBRUARY-2010
First Named Inventor:	STAN A. SANDERS		
Title of the Invention:	ARTICULATED FIREFIGHTER BREATHING PACK		

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

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

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

The corresponding PCT application number(s) is/are: PCT/US2011/025097

The international filing date of the corresponding PCT application(s) is/are: 16 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.

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.:	12/707,287
First Named Inventor:	STAN A. SANDERS

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 – 26	1 – 26	Identical

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

Signature /David A. Belasco/	Date 23 November 2011
Name (Print/Typed) David A. Belasco	Registration Number 41,609

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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www.uspto.gov

BELASCO, JACOBS & TOWNSLEY LLP
HOWARD HUGHES CENTER
6701 CENTER DRIVE WEST
14th FLOOR
LOS ANGELES, CA 90045

MAILED
JAN 25 2012
OFFICE OF PETITIONS

In re Application of
Stan A. SANDERS
Application No.: 12/707,287
Filed: 17 February 2010
Attorney Docket No.: 09-085-B
For: ARTICULATED FIREFIGHTER BEATHING PACK

: 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 23 November 2011, to make the above-identified application special.

The request and petition are **GRANTED**.

DISCUSSION

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

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

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

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

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

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

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

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

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

Telephone inquiries concerning this decision should be directed to 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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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

MAILED

JAN 27 2011

OFFICE OF PETITIONS

In re Application of	:	
Kevin B. Howard et al	:	
Application No. 12/707,328	:	DECISION ON PETITION
Filed: February 17, 2010	:	TO WITHDRAW
Attorney Docket No. 75650.00005.CIP	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed December 10, 2010.

The request is **APPROVED**.

The request was signed by Todd M. Schneider on behalf of the practitioners of record associated with Customer Number 36183.

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

All future correspondence will be directed to assignee Internet Connectivity Group, Inc. at the address indicated below.

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

Irvin Dingle
Petitions Examiner
Office of Petitions

cc: Internet Connectivity Group, Inc.
20 Empire Drive
Lake Forest, CA 92630

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
12/707,328	02/17/2010	Kevin B. Howard	75650.00005.CIP

CONFIRMATION NO. 2342

POWER OF ATTORNEY NOTICE

36183
PAUL, HASTINGS, JANOFSKY & WALKER LLP
875 15th Street, NW
Washington, DC 20005

OC000000045699574

Date Mailed: 01/27/2011

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 12/10/2010.

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

/idingle/

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

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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Alexandria, Virginia 22313-1450
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/707,328	02/17/2010	Kevin B. Howard	75650.00005.CIP

CONFIRMATION NO. 2342

INTERNET CONNECTIVITY GROUP, INC.
20 EMPIRE DRIVE
LAKE FOREST, CA 92630

POA ACCEPTANCE LETTER

OC000000045699580

Date Mailed: 01/27/2011

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 12/10/2010.

The Power of Attorney in this application is accepted. Correspondence in this application will be mailed to the above address as provided by 37 CFR 1.33.

/idingle/

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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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Mossman, Kumar and Tyler, PC
P.O. Box 421239
Houston TX 77242

MAILED

OCT 12 2010

OFFICE OF PETITIONS

In re Application of	:	
Frumin, et al.	:	DECISION REFUSING STATUS
Application No. 12/707,353	:	UNDER 37 CFR 1.47(a)
Filed: February 17, 2010	:	
Attorney Docket No. ACU4-47838-US	:	

This is in response to the renewed petition under 37 CFR 1.47(a), filed September 1, 2010.

The petition is dismissed.

Rule 47 applicant is given TWO MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(a)," and should only address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventor. **FAILURE TO RESPOND WILL RESULT IN ABANDONMENT OF THE APPLICATION.** Any extensions of time will be governed by 37 CFR 1.136(a).

A grantable petition under 37 CFR 1.47(a) requires: (1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings); (2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116; (3) the petition fee; and (4) a statement of the last known address of the non-signing inventor.

Petitioner lacks item (1) set forth above.

As to item (1), petitioner has failed to establish that the non-signing inventor, Leonid L. Frumin, cannot be reached or has constructively refused to sign the declaration.

As stated in the June 8, 2010 decision on petition, "The Office would like to see a copy of the **cover letter** presenting the non-signing inventor with the application and papers for his signature that was delivered to the non-signing inventor's last known residence on February 4, 2010." While the February 4, 2010 correspondence was delivered to Mr. Frumin's last known address, it is unknown what the cover letter requested of him. The Office must be sure that Mr. Frumin received clear instructions to execute and return the declaration/power of attorney and assignment.

The July 1, 2010 correspondence was never delivered. Delivery was attempted twice over 12 days and the recipient was not at home. This fact does not establish he cannot be located or reached.or that he has constructively refused to cooperate. Many people are away from their home during the day. Requiring recipients to expend extra effort in trekking to a post office to collect mail that they may not be too keen on receiving in the first place is an excessive burden.

Another copy of the application papers should be mailed to Mr. Frumin's last known address ***without*** signature required for delivery. A cover letter requesting that he execute and return the declaration/power of attorney and assignment within three weeks should accompany the application papers. If the correspondence is not returned to sender, then petitioner will have shown that Mr. Frumin has constructively refused to cooperate in the filing the application, once three weeks have passed.

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)

Telephone inquiries should 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

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Mossman, Kumar and Tyler, PC
P.O. Box 421239
Houston TX 77242

MAILED

MAR 01 2011

OFFICE OF PETITIONS

In re Application of	:	
Frumin, et al.	:	DECISION ACCORDING STATUS
Application No. 12/707,353	:	UNDER 37 CFR 1.47(a)
Filed: February 17, 2010	:	
Attorney Docket No. ACU4-47838-US	:	

This is in response to the renewed petition under 37 CFR 1.47(a), filed January 6, 2011.

The petition is granted.

Petitioner has shown that the non-signing inventor, Leonid L. Frumin, has constructively 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 further pre-examination processing.

Telephone inquiries should 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

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Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/707,369	02/17/2010	Dominique Costantini	384164-022C1 (110298)	2421

37509 7590 07/18/2011
DECHERT LLP
P.O. BOX 390460
MOUNTAIN VIEW, CA 94039-0460

EXAMINER

ART UNIT	PAPER NUMBER
1615	

NOTIFICATION DATE	DELIVERY MODE
07/18/2011	ELECTRONIC

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patents@dechert.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

JUL 18 2011

DECHERT LLP
P.O. BOX 390460
MOUNTAIN VIEW, CA 94039-0460

In re Application of	:	DECISION ON REQUEST TO
CONSTANTINI ET AL.	:	PARTICIPATE IN PATENT
Application No. 12/707,369	:	PROSECUTION HIGHWAY
Filed: February 17, 2010	:	PROGRAM AND PETITION
Attorney Docket No.	:	TO MAKE SPECIAL UNDER
384164-022C1 (110298)	:	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 **DISMISSED**.

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

(1) The U.S. application is (a) a Paris Convention application which either (i) validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the EPO, or (ii) validly claims priority under 35 U.S.C. 119(a)/365(a) to a PCT application that contains no priority claims, or (b) a national stage application under the PCT (an application which entered the national stage in the U.S. from a PCT international application after compliance with 35 U.S.C. 371), which PCT application (i) validly claims priority under 35 U.S.C. 365(b) to an application filed in the EPO, or (ii) validly claims priority under 35 U.S.C. 365(b) to a PCT application that contains no priority claims, or (iii) contains no priority claim, or (c) a so-called bypass application filed under 35 U.S.C. 111(a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application (i) validly claims priority under 35 U.S.C. 365(b) to an application filed in the EPO or (ii) validly claims priority under 35 U.S.C. 365(b) to a PCT application that contains no priority claims or (iii) contains no priority claim;
(2) The EPO application(s) have at least one claim that was determined by the EPO to be allowable;
(3) All the claims in each U.S. application for which a request for participation in the PPH pilot program is made must sufficiently correspond or be amended to sufficiently correspond to the allowable claims in the EPO application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of all the Office actions (which are relevant to patentability) from each of the EPO application(s) containing the allowable claims that are the basis for the request;
(6) Applicant must submit a copy of the allowable claims from the EPO application(s);
(7) Applicant must submit a claim correspondence table in English; and

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

The request to participate in the PPH program and petition fails to comply with the requirement because:

Applicant did not file a copy of the allowable claims from the EPO application or a copy of all the Office actions (which are relevant to patentability) from each of the EPO application(s) containing the allowable claims that are the basis for the request.

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

Response must be submitted via EFS-Web with the document description: Petition to make special under Patent Pros Hwy. Information regarding EFS-Web is available at http://www.uspto.gov/ebc/efs_help.html.

Telephone inquiries concerning this decision should be directed to Cecilia Tsang at 571-272-0562.

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

Cecilia Tsang
Supervisory Patent Examiner
TC 1600

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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.
12/707,369	02/17/2010	Dominique Costantini	384164-022C1 (110298)	2421

37509 7590 08/25/2011
DECHERT LLP
P.O. BOX 390460
MOUNTAIN VIEW, CA 94039-0460

EXAMINER
GOTFREDSON, GAREN

ART UNIT	PAPER NUMBER
1619	

NOTIFICATION DATE	DELIVERY MODE
08/25/2011	ELECTRONIC

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DECHERT LLP
P.O. BOX 390460
MOUNTAIN VIEW, CA 94039-0460

In re Application of:	:	DECISION ON REQUEST TO
CONSTANTINI, ET AL.	:	PARTICIPATE IN PATENT
Application No.: 12/707,369	:	PROSECUTION HIGHWAY
Filed: February 17, 2010	:	PROGRAM AND PETITION
Attorney Docket No.: 384161-022C1 (110298)	:	TO MAKE SPECIAL UNDER
	:	37 CFR 1.102(a)

This is a decision on the request to reconsider participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed July 26, 2011, to make the above-identified application special.

The request and petition are **GRANTED**.

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

(1) The U.S. application is (a) a Paris Convention application which either (i) validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the EPO, or (ii) validly claims priority under 35 U.S.C. 119(a)/365(a) to a PCT application that contains no priority claims, or (b) a national stage application under the PCT (an application which entered the national stage in the U.S. from a PCT international application after compliance with 35 U.S.C. 371), which PCT application (i) validly claims priority under 35 U.S.C. 365(b) to an application filed in the EPO, or (ii) validly claims priority under 35 U.S.C. 365(b) to a PCT application that contains no priority claims, or (iii) contains no priority claim, or (c) a so-called bypass application filed under 35 U.S.C. 111(a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application (i) validly claims priority under 35 U.S.C. 365(b) to an application filed in the EPO or (ii) validly claims priority under 35 U.S.C. 365(b) to a PCT application that contains no priority claims or (iii) contains no priority claim;
(2) The EPO application(s) have at least one claim that was determined by the EPO to be allowable;
(3) All the claims in each U.S. application for which a request for participation in the PPH pilot program is made must sufficiently correspond or be amended to sufficiently correspond to the allowable claims in the EPO application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of all the Office actions (which are relevant to patentability) from each of the EPO application(s) containing the allowable claims that are the basis for the request;
(6) Applicant must submit a copy of the allowable claims from the EPO application(s);
(7) Applicant must submit a claim correspondence table in English; and

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

All requirements are met. Accordingly, petition is Granted.

Response must be submitted via EFS-Web with the document description: Petition to make special under Patent Pros Hwy. Information regarding EFS-Web is available at http://www.uspto.gov/ebc/efs_help.html.

Telephone inquiries concerning this decision should be directed to Cecilia Tsang at 571-272-0562.

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

/Cecilia Tsang/
Cecilia J. Tsang
Supervisory Patent Examiner
TC 1600

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: 40886US	Application Number (if known): 12/707,409	Filing date: February 17, 2010

First Named Inventor: Edward G. Latimer

Title: STEAM GENERATION FOR STEAM ASSISTED OIL RECOVERY

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

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

1. By filing this petition:

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

2. By filing this petition: applicant is agreeing to make an election without traverse in a telephonic interview and elect an invention that meets the eligibility requirements set forth in the notice titled "Pilot Program for Green Technologies Including Greenhouse Gas Reduction," as modified by the notice titled "Elimination of Classification Requirement in the Green Technology Pilot Program," each of which was published in the Federal Register, if the Office determines that the claims are not obviously directed to a single invention.

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

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

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

6. Other attachments: _____

Signature /Chance E. Hardie/	Date November 11, 2010
Name (Print/Typed) Chance E. Hardie	Registration Number 55,247

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.

Appl. No.:	12/707,409	Confirmation No.: 2496
Applicant:	Edward G. Latimer	
Filed:	February 17, 2010	
TC/A.U.:	3676	
Examiner:	Angel M Ditrani	
Docket No.:	40886US	
Customer No.:	28841	
Title:	STEAM GENERATION FOR STEAM ASSISTED OIL RECOVERY	

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

STATEMENTS OF SPECIAL STATUS

Sir:

In furtherance to the accompanying Petition to Make Special Under the Green Technology Pilot Program, Applicants submit the following in support thereof. The claimed invention in the above-identified application materially enhances the quality of the environment by contributing to the restoration or maintenance of the basic life-sustaining element air and reduction of green house gas carbon dioxide. In particular, the invention relates to steam assisted oil recovery utilizing steam generated in a manner to limit carbon dioxide green house gas emissions into the air.

Respectfully Submitted,

Date: November 11, 2010

By: /Chance E. Hardie/
Attorney
Registration No. 55,247

CONOCOPHILLIPS COMPANY – I.P. LEGAL
ATTN: Docketing
600 N. Dairy Ashford, MA-1135
Houston, Texas 77079
(281) 293-4126
(281) 293-2127 (Fax)

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/707,409	02/17/2010	Edward G. Latimer	40886US	2496

28841 7590 12/02/2010
ConocoPhillips Company - IP Services Group
Attention: DOCKETING
600 N. Dairy Ashford
Bldg. MA-1135
Houston, TX 77079

EXAMINER
DITRANI, ANGELA M

ART UNIT	PAPER NUMBER
3676	

NOTIFICATION DATE	DELIVERY MODE
12/02/2010	ELECTRONIC

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

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Legal-IP@conocophillips.com

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DEC - 1 2010

ConocoPhillips Company - IP Services Group
Attention: DOCKETING
600 N. Dairy Ashford
Bldg. MA-1135
Houston TX 77079

In re Application of	:	
Edward LATIMER et al.	:	DECISION ON PETITION
Application No. 12/707,409	:	TO MAKE SPECIAL UNDER
Filed: February 19, 2010	:	THE GREEN TECHNOLOGY
Attorney Docket No. 40886US	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed November 12, 2010, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **DISMISSED**.

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

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

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

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

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

The petition lacks item(s) 4.

In regard to item 4, petitioner should note that the instant petition includes a statement identifying the basis for the special status 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. Petitioner asserts that the claimed invention "*materially enhances the quality of the environment by contributing to the restoration or maintenance of the basic life-sustaining element air and reduction of green house gas carbon dioxide. In particular, the invention relates to steam assisted oil recovery utilizing steam generated in a manner to limit carbon dioxide green house gas emissions into the air.*" This statement is merely a speculation on how the instant invention can be used to materially enhance the quality of the environment. Since the claimed method and system for steam assisted oil recovery are used specifically for the SAGD process, it is unclear how much carbon dioxide is captured and whether the carbon dioxide capture system can offset other environmental problems associated with the SAGD process.

<u>Non-renewable resource</u> development projects such as recovering oils from certain geologic formations require energy for steam injection and refining. This process generates two to four times the amount of greenhouse gases per barrel of final product as the production of conventional oil. In injecting steam into an injection wellbore, it has been known that the water from the wellbore flows into a potable groundwater aquifer or river system through connected compartments to contaminate water in the surrounding strata. Large amount of water and large water recycling facilities are required to create the steam for the SAGD process. Between 2 to 4.5 volume units of water are used to produce each volume unit of synthetic crude oil (SCO) in an ex-situ mining operation. Despite recycling, almost all of it ends up in tailings ponds. It takes years and energy resources to reclaim water from the process of recovering tailings so that the recovered water can be recycled into the SAGD process. The availability of more oil for the world made possible by the SAGD process in itself raises global emissions of CO_2. Other environmental problems are land damage, including the substantial degradation in the land's ability to support forestry and farming

Since the SAGD process generates a high level of greenhouse gases, causes land damage, reduces water availability for other uses due to its heavy water demand, and contaminates the underground water sources, the claimed invention used in the SAGD process does not enhance

the quality of the environment. 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.

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 3676 for action in its regular turn.

/Lanna Mai/

Lanna Mai
Quality Assurance Specialist
Technology Center 3600

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/707,437	02/17/2010	Matthew Morell	017227-0216	2542

22428 7590 06/16/2011
FOLEY AND LARDNER LLP
SUITE 500
3000 K STREET NW
WASHINGTON, DC 20007

EXAMINER
PAGE, BRENT T

ART UNIT	PAPER NUMBER
1638	

MAIL DATE	DELIVERY MODE
06/16/2011	PAPER

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JUN 1 6 2011

Stephen B. Bent
FOLEY AND LARDNER LLP
SUITE 500
3000 K STREET NW
WASHINGTON DC 20007

In re Application of	:
Morrell	:Decision on Petition
Serial No.:12/707,437	:
Filed: 17 February 2010	:
Attorney Docket No.: 017227-0216	:

This letter is in response to the Petition filed on 29 April 2011 requesting that the restriction requirement dated 10 June 2010 be withdrawn.

BACKGROUND

On 22 December 2010, the examiner divided claims 53-72 into five groups as follows:

I. Claims 53-62, drawn to a wheat grain with one or more null alleles in addition to null allele of starch branching enzyme IIb, classified in class 800, subclass 320.3.

II. Claim 63, drawn to a wheat flour, classified in class 106, subclass 649.

III. Claims 64-65, drawn to a food product, classified in class 426, subclass 19.

IV. Claims 66-67, drawn to a process for preparing a food product, classified in class 426, subclass 463.

V. Claims 68-72, drawn to a process for preparing a product, classified in class 530, subclass 375.

On 20 January 2011, applicants made elected Group I, claims 53-62 for examination, with traverse.

On 15 February 2011, the examiner considered the traversal and made the requirement final. Claims 63-72 were withdrawn from consideration under 37 CFR 1.142(b). Claims 53-62 were rejected on the merits.

On 29 April 2011, applicants filed this petition.

DISCUSSION

The application, file history and petition have been considered carefully. Relevant claims corresponding to each of the five groups are set forth below:

> 53. (Previously Presented) Wheat grain comprising a null allele of a gene on a long arm of chromosome 2 encoding wheat starch branching enzyme IIb (BEIIb), in combination with one or more null alleles of genes which encode starch branching enzyme IIa (BEIIa), granule bound starch synthase (GBSS), starch synthase II (SSII) or starch branching enzyme I (BEI).
>
> 63. (Previously Presented) Wheat flour comprising a null allele of a gene on a long arm of chromosome 2 encoding wheat starch branching enzyme IIb (BEIIb), in combination with one or more null alleles of genes which encode starch branching enzyme IIa (BEIIa), granule bound starch synthase (GBSS), starch synthase II (SSII) or starch branching enzyme I (BEI).
>
> 64. (Previously Presented) A food product comprising wheat grain or wheat flour, wherein the wheat grain or wheat flour comprises a null allele of a gene on a long arm of chromosome 2 encoding wheat starch branching enzyme IIb (BEIIb), in combination with one or more null alleles of genes which encode starch branching enzyme IIa (BEIIa), granule bound starch synthase (GBSS), starch synthase II (SSII) or starch branching enzyme I (BEI).
>
> 66. (Previously Presented) A process of preparing a food product, comprising
> (i) obtaining wheat grain or wheat flour, wherein the wheat grain or wheat flour comprises a null allele of a gene on a long arm of chromosome 2 encoding wheat starch branching enzyme IIb (BEIIb), in combination with one or more null alleles of genes which encode starch branching enzyme IIa (BEIIa), granule bound starch synthase (GBSS), starch synthase II (SSII) or starch branching enzyme I (BEI), and
> (ii) processing the wheat grain or wheat flour to prepare the food product.

68. (Previously Presented) A process of preparing a product, comprising (i) obtaining wheat grain or wheat flour, wherein the wheat grain or wheat flour comprises a null allele of a gene on a long arm of chromosome 2 encoding wheat starch branching enzyme IIb (BEIIb), in combination with one or more null alleles of genes which encode starch branching enzyme IIa (BEIIa), granule bound starch synthase (GBSS), starch synthase II (SSII) or starch branching enzyme I (BEI),

(ii) isolating starch from the wheat grain or wheat flour, and

(iii) preparing the product from the starch.

Applicants request rejoinder of Groups I, II and III. The examiner has restricted between wheat grain of claim 53 (Group I), wheat flour of claim 63 (Group II) and the food product comprising wheat grain or wheat flour of claim 64 (Group III). To support this requirement, the examiner asserted that the wheat flour would not be expected to retain the DNA comprising the null allele of a gene on the long arm of chromosome 2 encoding wheat starch branching enzyme IIb in combination with one of more null alleles of genes which encode starch branching enzyme IIa, granule bound starch synthase, starch synthase II or starch branching enzyme I. No documentation has been provided by the examiner to support this position.

In this petition, applicant has provided a product brochure to demonstrate detection of DNA in highly processed food products, including wheat flour. This evidence is compelling. Moreover, Claim 64 is written in the alternative to encompass the embodiment of Group I and the embodiment of Group II. When the same embodiment is present in two claims, division between those claims would improperly result in filing of divisional application directed to patently indistinct subject matter. For these reasons, the requirement for restriction between Groups I, II and III is unwarranted.

It is noted that the restriction between Groups IV and V is unwarranted due to the fact that the first step of both claims 66 and 68 (obtaining wheat grain) is identical and that both claims read upon preparation of starch. A product comprising the starch of claim 68 is not patentably distinct from the food product of claim 66.

DECISION

Accordingly, the petition under 37 CFR 1.144 is **GRANTED**.

The restriction requirement between Groups I, II and III has been withdrawn.

The restriction requirement between Groups IV and V has been withdrawn.

The application will be returned to the examiner for preparation of a supplemental Office action consistent with this decision which addresses claims 53-65 on the merits.

Should there be any questions regarding this decision, please contact Quality Assurance Specialist Julie Burke, by mail addressed to Director, Technology Center 1600, PO BOX 1450,

ALEXANDRIA, VA 22313-1450, or by telephone at (571) 272-0512 or by Official Fax at 571-273-8300.

Jacqueline Stone
Director, Technology Center 1600

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: 81194128	Application Number (if known): 12/707,564	Filing date: February 17, 2010
First Named Inventor: Alex O'Connor Gibson		
Title: METHOD FOR STARTING AN ENGINE		

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 12, 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*.*

☒ *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	:	Alex O'Connor Gibson et al.
Application No.	:	12/707,564
Filed	:	February 17, 2010
Title	:	METHOD FOR STARTING AN ENGINE
Group Art Unit	:	3747
Confirmation No.	:	2775
Docket No.	:	81194128

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

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January 12, 2011
Date

Caitlin Fackrell
Caitlin Fackrell

STATEMENTS FOR PETITION TO MAKE SPECIAL

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 contributes to the more efficient utilization and conservation of energy resources; and/or (2) the claimed invention materially contributes to greenhouse gas emission reduction; and/or (3) the claimed invention materially enhances the quality of the environment.

II. Statement pertaining to the materiality standard.

Regarding basis (1), 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

disclosed at page 1 of Applicants' specification, vehicle fuel economy may be improved by selectively stopping and starting the engine of a vehicle, for example when the vehicle is in heavy stop-and-go traffic. However, certain disadvantages are associated with stop/start engine operation, especially for engines coupled to automatic transmissions. Due to these disadvantages many vehicles with an automatic transmission do not take advantage of the fuel-saving benefits of stop/start operation. For example, as disclosed at pages 1-2 of Applicants' specification, starting of an engine coupled to an automatic transmission may be initiated while the vehicle is in gear; the operator has less capacity to control the amount of engine torque that is transmitted to vehicle wheels when the engine is restarted in gear because the driver may not have direct control over transmission clutches. Further, an engine controller may be assigned more authority over engine control modes and the amount of engine torque that is transmitted to vehicle wheels to ensure accurate engine speed control during engine starts, and as a result the engine may be less responsive to driver demands. By addressing these and other issues typically associated with stop/start engine operation for engines coupled to automatic transmissions, the claimed methods make it more practical for an engine to improve fuel economy via frequent stopping and starting, and thus make it more likely for automatic transmission vehicles to adopt stop/start operation in accordance with the claimed methods to achieve improved fuel economy without encountering the issues associated with traditional stop/start operation. For example, claim 1 recites:

> A method for starting an engine, comprising:
>
> automatically starting the engine;
>
> injecting fuel into at least one cylinder during the automatic start, the injection of fuel during a cycle of a cylinder and comprising a first injection and a second injection; and
>
> transitioning to injecting fuel once during a cycle of the cylinder in response to a pressure of an intake manifold.

If during an engine restart, an operator does not immediately depress an accelerator pedal, the engine speed may reach a desired speed before intake manifold pressure drops below a desired level. A split injection during this period (*e.g.*, injecting fuel into at least one cylinder during the automatic start during a cylinder cycle, the injection of fuel comprising a first injection and a second injection, as claimed in claim 1) may lower the combustion torque and improve engine combustion stability at these reduced combustion

torque levels. However, once the intake manifold pressure drops below a desired level, fuel injection may be transitioned to a single injection mode (*e.g.*, transitioning to injecting fuel once during a cycle of the cylinder in response to a pressure of an intake manifold, as claimed in claim 1) where engine speed and torque may be controlled by way of spark or air flow throttling. Thus, the method of claim 1 may improve engine speed control for an engine that is coupled to an automatic transmission and that is started while in gear because the approach may provide improved engine torque control robustness and combustion at lower engine torque levels than previously available with conventional single fuel injection methods, during an engine start. Accordingly, an embodiment of the invention makes it more practical to improve fuel economy via frequent stopping and starting of the engine by remedying issues typically associated with such operation in an automatic transmission vehicle. Therefore, as discussed above, automatic transmission vehicles, which may not have taken advantage of the improved fuel economy of stop/start operation in order to avoid problems, may perform stop/start operation in accordance with the claimed methods without the issues that have traditionally plagued stop/start operation for engines with automatic transmissions, resulting in conservation of fuel on a larger scale.

Regarding basis (2), Applicants submit that the claimed invention materially contributes to greenhouse gas emission reduction as follows. As discussed above, the claimed invention improves fuel economy, and thus results in the combustion of less fuel. CO_2 is a product of fuel combustion, and is a greenhouse gas. Accordingly, by improving fuel economy which results in the combustion of less fuel, the claimed invention reduces greenhouse gas emissions.

Regarding basis (3), Applicants submit that the claimed invention materially enhances the quality of the environment by reducing engine emissions after the engine operates in a more stabilized combustion mode. Specifically, when the intake manifold pressure is pumped down as expected (*e.g.*, in response to a pressure of an intake manifold as claimed in claim 1), the engine may be at an operating condition that is more stabilized to transition to single fuel injection (*e.g.*, injecting fuel once during a cycle of the cylinder) which may improve engine emissions. This feature thus improves the quality of the environment.

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
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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.
12/707,564	02/17/2010	Alex O'Connor Gibson	81194128	2775

36865 7590 01/14/2011
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
01/14/2011	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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806 S.W. BROADWAY, SUITE 600
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In re Application of	:	
GIBSON, ALEX O'CONNOR et al	:	DECISION ON PETITION
Application No. 12/707,564	:	TO MAKE SPECIAL UNDER
Filed: Feb. 17, 2010	:	THE GREEN TECHNOLOGY
Attorney Docket No. 81194128	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed Jan. 21, 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 is currently undergoing pre-examination processing. Upon completion, the 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

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

PTO/SB/420 (11-10)
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PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Attorney Docket Number: 81194133	Application Number (if known): 12/707,567	Filing date: February 17, 2010
First Named Inventor: Alex O'Connor Gibson		
Title: METHOD FOR STARTING AN ENGINE		

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 12, 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*.*

☒ *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	:	Alex O'Connor Gibson et al.
Application No.	:	12/707,567
Filed	:	February 17, 2010
Title	:	METHOD FOR STARTING AN ENGINE
Group Art Unit	:	3747
Confirmation No.	:	2780
Docket No.	:	81194133

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

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January 12, 2011
Date

Caitlin Fackrell
Caitlin Fackrell

STATEMENTS FOR PETITION TO MAKE SPECIAL

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 contributes to the more efficient utilization and conservation of energy resources; and/or (2) the claimed invention materially contributes to greenhouse gas emission reduction.

II. Statement pertaining to the materiality standard.

Regarding basis (1), 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 disclosed at page 1 of Applicants' specification, vehicle fuel economy may be improved

by selectively stopping and starting the engine of a vehicle, for example when the vehicle is in heavy stop-and-go traffic or at stop lights, for example. However, stopping and restarting an engine may be challenging for engines coupled to an automatic transmission because of torque converter characteristics. Specifically, torque converter output torque increases more rapidly as engine speed exceeds a threshold speed. Thus, if an engine is restarted and allowed to exceed the threshold speed, an increasing amount of engine torque can be transferred to the vehicle driveline and wheels, which may result in more engine torque being imparted to the vehicle wheels during an engine restart than is desired. Further, although torque converter output can be controlled by adjusting engine speed under some conditions, it may be difficult to control engine speed during an engine start under some conditions, as detailed at pages 1-2 of Applicants' specification. Due to these challenges, many vehicles with an automatic transmission do not take advantage of the fuel-saving benefits of stop/start operation. By addressing these and other issues typically associated with stop/start engine operation for engines coupled to automatic transmissions, the claimed methods make it more practical for an engine to improve fuel economy via frequent stopping and starting, and thus make it more likely for automatic transmission vehicles to adopt stop/start operation in accordance with the claimed methods to achieve improved fuel economy without encountering the challenges associated with traditional stop/start operation. For example, claim 1 recites:

> A method for starting an engine, comprising:
>
> stopping the engine;
>
> automatically initiating an engine restart and initiating combustion in a first cylinder of the engine; and
>
> skipping combustion, according to an order of combustion of the engine, in at least one cylinder of the engine during the engine restart after initiating combustion in the first cylinder.

By skipping combustion in at least one cylinder of the engine during the engine restart as claimed in claim 1, it may be possible to control engine speed so that an undesirable amount of engine torque is not transferred to the wheels of a vehicle. For example, during an engine restart, combustion may be initiated in a cylinder. Combustion may proceed in other engine cylinders according to the engine combustion order (*e.g.*, 1-3-4-2 for a four-stroke four cycle engine). However, combustion in one or more cylinders according to the combustion order may be inhibited so that engine speed approaches a

desired level. In this way, it may be possible to control engine speed and the transfer of torque from an engine to vehicle wheels during the engine restart. Therefore, as discussed above, automatic transmission vehicles, which may not have taken advantage of the improved fuel economy of stop/start operation in order to avoid certain challenges associated with such operation, may perform stop/start operation in accordance with the claimed methods without the challenges that have traditionally plagued stop/start operation for engines with automatic transmissions, resulting in conservation of fuel on a larger scale.

Regarding basis (2), Applicants submit that the claimed invention materially contributes to greenhouse gas emission reduction as follows. As discussed above, the claimed invention improves fuel economy, and thus results in the combustion of less fuel. CO_2 is a product of fuel combustion, and is a greenhouse gas. Accordingly, by improving fuel economy which results in the combustion of less fuel, the claimed invention reduces greenhouse gas emissions.

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
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/707,567	02/17/2010	Alex O'Connor Gibson	81194133	2780

36865 7590 01/14/2011
ALLEMAN HALL MCCOY RUSSELL & TUTTLE, LLP
806 S.W. BROADWAY, SUITE 600
PORTLAND, OR 97205

EXAMINER
HUYNH, HAI H

ART UNIT	PAPER NUMBER
3747	

MAIL DATE	DELIVERY MODE
01/14/2011	PAPER

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PORTLAND OR 97205

In re Application of	:	
GIBSON, ALEX O'CONNOR et al	:	DECISION ON PETITION
Application No. 12/707,567	:	TO MAKE SPECIAL UNDER
Filed: Feb. 17, 2010	:	THE GREEN TECHNOLOGY
Attorney Docket No. 81194133	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed Jan. 12, 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

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

PTO/SB/420 (11-10)
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PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Attorney Docket Number: 81194134	Application Number (if known): 12/707,570	Filing date: February 17, 2010
First Named Inventor: Alex O'Connor Gibson		
Title: METHODS AND SYSTEMS FOR ASSISTED DIRECT START CONTROL		

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 18, 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*.*

☒ *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.**

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants	:	Alex O'Connor Gibson et al.
Application No.	:	12/707,570
Filed	:	February 17, 2010
Title	:	METHODS AND SYSTEMS FOR ASSISTED DIRECT START CONTROL
Group Art Unit	:	3655
Confirmation No.	:	2785
Docket No.	:	81194134

Commissioner for Patents
P.O. Box 1450
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January 18, 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 contributes to the more efficient utilization and conservation of energy resources; and/or (2) 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 contributes to the more efficient utilization and conservation of energy resources by improving fuel economy (*e.g.*, more efficiently utilizing and conserving fossil fuels).

Vehicle fuel economy may be improved by selectively stopping and starting the engine of a vehicle, for example when the vehicle is in heavy stop-and-go traffic or in extended periods of coasting. However, certain disadvantages are associated with stop/start engine operation, including unsatisfactory engine restarts. Due to these disadvantages, some vehicles may not take advantage of the fuel-saving benefits of stop/start operation, or may use it less often than they otherwise could. For example, as disclosed in pages 1-3 of Applicants' specification, coasting vehicles that have undergone shut-down can experience undesirable deceleration during a restart when the vehicle speed is below a certain threshold. One approach to mitigate this problem is to maintain a vehicle braking torque during the transition from free-wheel mode to engaged clutch travel, the vehicle braking torque maintained via a combination of a braking intervention and a clutch intervention. However, in this approach, when the vehicle is restarted while the vehicle is still moving, the combination of the wheel torque from the moving vehicle and the engine torque from the spinning engine may lead to a torque surge and the vehicle may lurch forward when a clutch is suddenly engaged. As such, this may degrade the quality of the restart. By addressing these and other issues typically associated with engine starting, the claimed methods make it possible for an engine to stop more frequently to further reduce fuel consumption. For example, claim 1 recites:

> A method for controlling a vehicle engine coupled to a stepped-gear-ratio transmission, comprising:
>
> in response to a first vehicle moving condition, shutting down the engine and at least partially disengaging the transmission while the vehicle is moving; and
>
> during a subsequent restart, while the vehicle is moving, starting the engine using starter motor assistance and adjusting a degree of engagement of a transmission clutch to adjust a torque transmitted to a wheel of the vehicle.

That is, in response to a first vehicle moving condition (such as a coasting condition wherein the vehicle is moving and the vehicle operator has not depressed the accelerator pedal or the brake pedal and the vehicle speed is above a threshold), the engine may be shut down, for example, by shutting off a fuel supply to the engine. Then, the vehicle transmission may be at least partially disengaged. In one example, the transmission may be fully disengaged. In another example, the transmission may be partially disengaged

and a transmission clutch may be slipped controllably. For example, a smaller amount of clutch slippage may be provided, the amount adjusted responsive to the vehicle speed and/or engine speed at the time of engine shutdown.

During a subsequent restart, while the vehicle is still moving, and with the transmission clutch still engaged, the engine may be started by activating a starter motor, and a degree of engagement of the transmission clutch may be adjusted, for example by engaging the clutch and controllably slipping the clutch, to adjust a torque transmitted to the wheel. For example, a larger amount of clutch slippage may be provided, the amount adjusted responsive to the vehicle speed and/or engine speed at the time of engine restart.

In this way, an engine may be restarted with starter motor assistance while the vehicle is still moving, and without transmitting the engine torque to the wheels. A smoother transition between engine combusting and non-combusting modes may be achieved, reducing potential vehicle lurches from a sudden clutch engagement, thus making it more possible to use engine shutdown more often. Therefore, the approach of claim 1 enables the vehicle to conserve fuel via more frequent stopping of the engine. And, because the claimed method also extends the duration of engine shut-down to conditions of vehicle coasting, still further additional fuel economy benefits may be achieved.

Regarding basis (2), Applicants submit that the claimed invention materially contributes to greenhouse gas emission reduction as follows. As discussed above, the claimed invention reduces fuel consumption, and thus results in the combustion of less fuel. CO_2 is a product of fuel combustion, and is a greenhouse gas. Accordingly, by improving fuel economy which results in the combustion of less fuel, the claimed invention reduces greenhouse gas emissions.

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/707,570	02/17/2010	Alex O'Connor Gibson	81194134	2785

36865 7590 03/02/2011
ALLEMAN HALL MCCOY RUSSELL & TUTTLE, LLP
806 S.W. BROADWAY, SUITE 600
PORTLAND, OR 97205

EXAMINER
LE, DAVID D

ART UNIT	PAPER NUMBER
3655	

MAIL DATE	DELIVERY MODE
03/02/2011	PAPER

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

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

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MAR - 2 2011

ALLEMAN HALL MCCOY RUSSELL & TUTTLE, LLP
806 S.W. BROADWAY, SUITE 600
PORTLAND OR 97205

In re Application of	:	
Alex GIBSON et al.	:	DECISION ON PETITION
Application No. 12/707,570	:	TO MAKE SPECIAL UNDER
Filed: February 17, 2010	:	THE GREEN TECHNOLOGY
Attorney Docket No. 81194134	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed on January 18, 2011, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **GRANTED**.

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

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

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

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

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

The application is being forwarded to the Technology Center Art Unit 3655 for action on the merits commensurate with this decision.

/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
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BULLIVANT HOUSER BAILEY PC
1415 L STREET
SUITE 1000
SACRAMENTO CA 95814

MAILED
DEC 02 2010
OFFICE OF PETITIONS

In re Application of
Stevenson
Application No.: 12/707,609
Filed: February 17, 2010
Attorney Docket No. **30395/40001 (Double Loop)**

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b) filed November 24, 2010. This is also a decision on the petition under 37 CFR 1.182 filed November 24, 2010, to expedite the petition under 37 CFR 1.137(b).

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

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

A "Notice to File Missing Parts of Nonprovisional Application" (the "Notice") was mailed by the Office on March 12, 2010, allowing a shortened period of reply of two-months from its mailing date. Extensions of time set for reply were available pursuant to 37 CFR 1.136(a). The Notice required payment of additional claim fees. No response was received within the allowable period and the application became abandoned on May 13, 2010. A Notice of Abandonment was mailed on November 24, 2010.

The payment of the additional claim fees is noted.

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 instant petition was ever given a power of attorney or authorization of agent to prosecute the above-identified application. If the person signing the instant petition desires to receive future correspondence regarding this application, the appropriate power of attorney or authorization of agent must be submitted. While a courtesy copy of this decision is being mailed to the person signing the instant petition, all future correspondence will be directed to the address of currently of record until such time as appropriate instructions are received to the contrary.

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

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3222.

/Kenya A. McLaughlin/

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

cc:
Christopher S. Tuttle
Alleman Hall McCoy Russell and Tuttle, LLP
806 S.W. Broadway
Suite 600
Portland, OR 97205

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 11/01/11

TO SPE OF : ART UNIT: 2839 Attn: PATEL TULSIDAS C (SPE)

SUBJECT : Request for Certificate of Correction for Appl. No.: 12/707630 Patent No.: 8026619

CofC mailroom date: 10/06/2011

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

FOR IFW FILES:

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

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

FOR PAPER FILES:

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

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

Note: **Please check Claim 26 should this correction be made or not**

Tasneem Siddiqui
Certificates of Correction Branch
703-756-1814 & 703-756-1593

Thank You For Your Assistance

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

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

Comments: The correction is approved.

/Tulsidas C Patel/ 2839

SPE Art Unit

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ONE FINANCIAL CENTER
BOSTON, MA 02111

MAILED

SEP 26 2011

OFFICE OF PETITIONS

In re Application of	:	
Henkel-Wallace et al.	:	DECISION ON PETITION
Application No. 12/707,649	:	TO WITHDRAW
Filed: February 17, 2010	:	FROM RECORD
Attorney Docket No. 40717-501001US	:	

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 1, 2011.

The request is **DISMISSED** as involving a moot issue.

A review of the file record indicates that the power of attorney to the attorneys/agents associated with Customer Number 64046 was revoked by the assignee of the patent application on September 15, 2011. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

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

/Liana Walsh/
Liana Walsh
Petitions Examiner
Office of Petitions

cc: BEYER LAW GROUP LLP
P.O. BOX 1687
CUPERTINO CA 95015-1687

UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, VA 22313-1450
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Decision Date : August 22,2011

In re Application of :

Larry Hughes

Application No : 12707670

Filed : 17-Feb-2010

Attorney Docket No : LRHJ134318

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 August 22,2011

The request is **APPROVED.**

The request was signed by David P. Sheldon (registration no. 62494) on behalf of all attorneys/agents associated with Customer Number 26389 . All attorneys/agents associated with Cusotmer Number 26389 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	Larry J. Hughes, Jr.
Name2	
Address 1	7820 Southeast 71st Street
Address 2	
City	Mercer Island
State	WA
Postal Code	98040
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	12707670
Filing Date	17-Feb-2010
First Named Inventor	Larry Hughes
Art Unit	2173
Examiner Name	KIEU VU
Attorney Docket Number	LRHJ134318
Title	METHOD AND SYSTEM FOR CERTIFYING WEBFORMS

◉ Please withdraw me as attorney or agent for the above identified patent application and the practitioners of record associated with Customer Number: 26389

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	Larry J. Hughes, Jr.
Address	7820 Southeast 71st Street
City	Mercer Island
State	WA
Postal Code	98040
Country	US

I am authorized to sign on behalf of myself and all withdrawing practitioners.	
Signature	/David P. Sheldon/
Name	David P. Sheldon
Registration Number	62494

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MOETTELI & ASSOCIATES SARL
ST. LEONHARDSTRASSE 4
ST. GALLEN CH-90-00 CH SWITZERLAND

MAILED

APR 19 2011

OFFICE OF PETITIONS

In re Application of	:	
Oechsle et al.	:	DECISION ON PETITION
Application No. 12/707,773	:	TO WITHDRAW
Filed: February 18, 2010	:	FROM RECORD
Attorney Docket No. PUS-O007-001	:	

This is a decision on the Request to Withdraw as attorney or agent under 37 C.F.R. § 1.36(b) or 37 C.F.R. § 10.40 filed March 7, 2011.

The request is **DISMISSED**.

A review of the file record indicates that the attorneys/agents associated with Customer Number 51184: (1) do not have power of attorney in this patent application; but (2) have been employed or otherwise engaged in the proceedings in this patent application. The Office will no longer approve requests from practitioners to withdraw from applications where the requesting practitioner was never given power of attorney but 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.

The change of correspondence address as listed in the Request to Withdraw cannot be accepted because it was not signed by an attorney of record. See MPEP §§ 601.03 and 405. A courtesy copy of this decision is being mailed to the address given on the petition; however, the Office will continue to mail all future correspondence solely to the address of record until otherwise properly notified by the applicant.

There is an outstanding Office action February 16, 2011 that requires a reply from the applicants.

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

Liana Walsh
Petitions Examiner
Office of Petitions

cc: WALTER OECHSLE
37 TOPTANI DRIVE
BERWICK SPRINGS, VIC 3805
AUSTRALIA

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MAILED
APR 13 2011
OFFICE OF PETITIONS

In re Application of :
Niioka :
Application No.12/707,794 : ON PETITION
Filed: February 18, 2010 :
Attorney Docket No. CA2157 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed February 28, 2011, to revive the above-identified application.

The petition is **GRANTED**.

This above-identified application became abandoned for failure to file a response to a Notice to file Missing Parts of Nonprovisional Application which was mailed on March 1, 2010. The Notice set an extendable two (2) month period for reply. No extensions of time were obtained under the provisions of 37 CFR §1.136(a). Accordingly, this application became abandoned on May 2, 2010. A Notice of Abandonment was mailed on November 15, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of filing fees 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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JUN 23 2011
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BUCHANAN, INGERSOLL & ROONEY PC
POST OFFICE BOX 1404
ALEXANDRIA VA 22313-1404

In re Application of	:	
Toru Hayase et al	:	
Application No. 12/707,840	:	DECISION GRANTING PETITION
Filed: February 18, 2010	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 1018775-001143	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed June 22, 2011, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on May 18, 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 2852 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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DEC 30 2011
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NIXON & VANDERHYE, PC
901 NORTH GLEBE ROAD, 11TH FLOOR
ARLINGTON VA 22203

In re Application of	: DECISION ON REQUEST TO
Akira FURUKAWA et al.	: PARTICIPATE IN PPH PROGRAM
Application No. 12/707,900	: AND PETITION TO MAKE SPECIAL
Filed: February 18, 2010	: UNDER 37 CFR 1.102(a)
Atty. Docket No.: MNL-2018-2461	:
For: LOW PRESSURE EGR 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(a), filed November 15, 2011 to make the above-identified application special.

The petition is **DISMISSED**.

A grantable request to participate in the PPH (patent prosecution highway) program and petition to make special require:

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

(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) through (4), and (6) above are considered to have been met. However, the request to participate in the PPH program and petition fail to meet requirement (5).

Regarding the requirement of condition (5), applicant has failed to submit a copy of all the office actions from each of the JPO application(s) containing the allowability/patentable claims. Whereas applicant has provided a translation of the JPO office actions containing the allowable/patentable claims, a copy of the JPO office action itself has not been provided.

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

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

Telephone inquiries concerning this decision should be directed to Robert DeWitty, Petition Attorney, Office of Petitions at 571-272-8427.

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

Thurman K. Page

David Bucci
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MAILED
JAN 31 2012
OFFICE OF PETITIONS

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

In re Application of	: DECISION ON REQUEST TO
Akira FURUKAWA et al.	: PARTICIPATE IN PPH PROGRAM
Application No. 12/707,900	: AND PETITION TO MAKE SPECIAL
Filed: February 18, 2010	: UNDER 37 CFR 1.102(a)
Atty. Docket No.: MNL-2018-2461	:
For: LOW PRESSURE EGR APPARATUS	

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 6, 2012, 2011 to make the above-identified application special.

The petition is **GRANTED**.

A grantable request to participate in the PPH (patent prosecution highway) 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 (Japanese Patent Office);

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

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

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

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

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

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

Telephone inquiries concerning this decision should be directed to Robert DeWitty, Petition Attorney, Office of Petitions at 571-272-8427.

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

This application will be forwarded to Technology Center Art Unit 3747 for action commensurate with this decision.

Thurman K. Page

David Bucci
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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ALSTON & BIRD LLP
BANK OF AMERICA PLAZA
101 SOUTH TRYON STREET, SUITE 4000
CHARLOTTE NC 28280-4000

MAILED

AUG 29 2011

OFFICE OF PETITIONS

In re Application of	:	
Drake, Daniel Vernon	:	DECISION ON PETITION
Application No. 12/707,999	:	TO WITHDRAW
Filed: February 18, 2010	:	FROM RECORD
Attorney Docket No. 053913/379695	:	

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 12, 2011.

The request is **NOT APPROVED**.

The Office will only accept correspondence address changes to the most current address information provided for the assignee of the entire interest *who properly became of record under 37 CFR 3.71*, or, if no assignee of the entire interest has properly been made of record, the most current address information provided for the first named inventor. 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.*

As there is no Statement under 37 CFR 3.73(b) in the instant application, the request cannot be granted. All future communications from the Office will be directed to above-listed address until otherwise properly notified by the applicant or a proper change of correspondence address have been submitted.

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

/Liana Walsh/
Liana Walsh
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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MCCORMICK, PAULDING & HUBER LLP
185 ASYLUM ST.
CITY PLACE II
HARTFORD CT 06103

MAILED

OCT 27 2011

OFFICE OF PETITIONS

In re Patent No. 7,938,207 :
Issue Date: May 10, 2011 :
Application No. 12/708,058 : ON PETITION
Filed: December 18, 2010 :
Attorney Docket No. **7922-0009-1** :

This is a decision on the petition filed October 14, 2011, which is being treated as a request under 37 CFR 3.81(b)[1] to correct the name of the assignee on the front page of the above-identified patent by way of a Certificate of Correction.

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 Marina F. Cunningham appearing on the correspondence shall constitute a representation to the United States Patent and Trademark Office that he is authorized to represent the particular party in whose behalf he acts. If, Marina F. Cunningham desires to be acknowledged as the attorney of record in this file, the appropriate power of attorney documents must be submitted.

Petitioner states that the correct assignee's name is "DEKA Products Limited Partnership" 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.

The request is hereby **GRANTED**.

Telephone inquiries concerning this decision may be directed to the JoAnne Burke at (571) 272-4584. Inquiries regarding the issuance of a certificate of correction should be directed to the Certificate of Correction Branch at (571) 272-4200.

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

JoAnne Burke
Petitions Examiner
Office of Petitions

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

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GEARHART LAW LLC
4 FERNHARTROAD
CHARTHAM, NY 07928

MAILED

AUG 1 6 2010

OFFICE OF PETITIONS

In re Application of	:	
Ralf Altmeyer et al	:	
Application No. 12/708,076	:	ON REQUEST
Filed: February 18, 2010	:	
Attorney Docket No. 1639 CRX 05 UTL	:	

This is in response to the communication entitled, "CORRECTED SPECIFICATION AND CLAIMS" submitted on February 18, 2010.

The communication request that the Office accept the **later-filed** (time stamp of 17:34:49) Specification and Claims that contains the 66 page specification and 6 pages of 52 claims on February 18, 2010 in replacement of the Incorrect Specification and Claims filed earlier (time stamp of 15:33:49) on February 18, 2010. The communication states that "Applicants inadvertently attached incorrect files during the electronic filing process, as filed today, February 18, 2010."

As requested, the Office will treat the 66 page of specification and 6 pages of 52 claims (time stamp of 17:34:49) as the initial disclosure, unless otherwise specified by applicant.

The application will be referred to the Office of Patent Application Processing for pre-examination processing using the 66 page of specification and 6 pages of 52 claims (time stamp of 17:34:49) as requested on February 18, 2010.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3208.

/KOC/
Karen Creasy
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.
12/708,137	02/18/2010	Adrian Robert BOWLES	144384	3875

7590 08/26/2010
OLIFF & BERRIDGE, PLC
P.O. BOX 320850
ALEXANDRIA, VA 22320-4850

EXAMINER
LEE, BENJAMIN C

ART UNIT	PAPER NUMBER
2612	

NOTIFICATION DATE	DELIVERY MODE
08/26/2010	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.

Nioni Farmer

Patent Publication Branch
Office of Data Management

Adjustment date: 08/24/2010 NFARMER
02/19/2010 INTERFAC 02102399 153481 12708137
02 FC:1111 540.00 CR
04 FC:1202 156.00 CR

FORM PET651G (Rev. 08/07)

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	12708145
Filing Date	18-Feb-2010
First Named Inventor	Hiroshi NISHIKAWA
Art Unit	2442
Examiner Name	JEFFREY NICKERSON
Attorney Docket Number	354598US26DIV
Title	POINT-BASED CUSTOMER TRACKING AND MAINTENANCE INCENTIVE SYSTEM

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

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

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

Petition Fee

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

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

☐ Applicant(s) status remains as SMALL ENTITY.

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

Reason for withdrawal from issue

○ One or more claims are unpatentable

◉ Consideration of a request for continued examination (RCE) (List of Required Documents and Fees)

○ Applicant hereby expressly abandons the instant application (any attorney/agent signing for this reason must have power of attorney pursuant to 37 CFR 1.32(b)).

RCE request,submission, and fee.

☐ I certify, in accordance with 37 CFR 1.4(d)(4) that : The RCE request ,submission, and fee have already been filed in the above-identified application on

☒ Are attached.

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

I certify, in accordance with 37 CFR 1.4(d)(4) that I am:

◉ An attorney or agent registered to practice before the Patent and Trademark Office who has been given power of attorney in this application.

○ An attorney or agent registered to practice before the Patent and Trademark Office, acting in a representative capacity.

○ A sole inventor

○ A joint inventor; I certify that I am authorized to sign this submission on behalf of all of the inventors

○ A joint inventor; all of whom are signing this e-petition

○ The assignee of record of the entire interest that has properly made itself of record pursuant to 37 CFR 3.71

Signature	/Steven Chang/
Name	Steven B. Chang
Registration Number	59423

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Decision Date : June 2,2011

In re Application of :

Hiroshi NISHIKAWA

DECISION ON PETITION

UNDER CFR 1.313(c)(2)

Application No : 12708145

Filed : 18-Feb-2010

Attorney Docket No : 354598US26DIV

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

The petition is **GRANTED.**

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

Petitioner is advised that the issue fee paid 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 2442 for processing of the request for continuing examination under 37 CFR 1.114 .

Office of Petitions

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MAILED

DEC 07 2010

OFFICE OF PETITIONS

Wellstat Management Company. LLC
LEGAL DEPARTMENT
930 CLOPPER ROAD
GAITHERSBURG MD 20878

In re Application of
Lorence, et al.
Application No. 12/708,159
Filed: February 18, 2010
Atty. Dkt. No.: 18044-PCTUSC1

: DECISION ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed November 23, 2010.

The petition is **GRANTED**.

This application became abandoned May 4, 2010 for failure to timely reply to the Notice to File Missing Parts of Nonprovisional Application (Notice) mailed March 3, 2010. The Notice set a two month statutory period of time for reply. Notice of Abandonment was mailed November 19, 2010.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Director may require additional information. See MPEP 711.03(c)(II)(C) and (D).

The instant petition has been carefully reviewed and found in compliance with the requirements set forth above.

In view thereof, this application is being forwarded to the Office of Patent Application Processing for further processing.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3205.

/ALESIA M. BROWN/

Alesia M. Brown
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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H.C. PARK & ASSOCIATES, PLC
8500 LEESBURG PIKE
SUITE 7500
VIENNA VA 22182

MAILED
JUN 28 2011
OFFICE OF PETITIONS

In re Application of

Park

Application No. 12/708,182

Filed: February 18, 2010

Attorney Docket No. **P2577USC1**

DECISION ON PETITION

This is a decision on the petition to withdraw the holding of abandonment under 37 CFR 1.181(a), filed June 6, 2011.

The petition is **granted**.

This application was held abandoned December 24, 2010, after no reply was received to non-final Office action mailed September 23, 2010. The notice set forth a shortened statutory period for reply of three months from its mailing date. No response was received within the allowable period and the application became abandoned on December 24, 2010. A Notice of Abandonment was mailed April 15, 2011. The instant petition was filed on June 6, 2011. Petitioner maintains that the notice of July 12, 2010, was never received.

When, as in this case petitioner is arguing that an Office communication was not received, petitioner must establish non-receipt of the Office communication in accordance with section 711.03(c) of the *Manual of Patent Examining Procedure* that requires the following:

> To minimize costs and burdens to practitioners and the Office, the Office has modified the showing required to establish nonreceipt of an Office action. The showing required to establish nonreceipt of an Office communication must include a statement from the practitioner describing the system used for recording an Office action received at the correspondence address of record with the USPTO. The statement should establish that the docketing system is sufficiently reliable. It is expected that the record would include, but not be limited to, the application number, attorney docket number, the mail date of the Office action and the due date for the response.
>
> Practitioner must state that the Office action was not received at the correspondence address of record, and that a search of the practitioner's record(s), including any file jacket or the equivalent, and the application

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

Petitioner has met the burden of proof as established by Section 711.03(c)(II) of the MPEP. The holding of abandonment is, therefore, withdrawn[1].

The application file is being forwarded to Technology Center, GAU 3621 for further processing that will include re-mailing of the non-final Office action and resetting of the period for reply.

Questions concerning this decision should be directed to the undersigned at (571) 272-3222.

/Kenya A. McLaughlin/

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

[1] It is noted that petitioner states that the power of attorney and mailing address for the subject application was erroneously changed by USPTO. The record supports this. However, it is noted that the non-final Office action was mailed on September 23, 2010, to H.C. Park & Associates—the attorney of record. Accordingly, the petition is being granted on the basis of the petitioner's statements regarding non-receipt of the non-final Office action and the copy of the relevant portions of petitioner's master docket provided.

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DANIEL RODRIGUEZ
3717 S CABRILLO AVE
SAN PEDRO CA 90731

MAILED

JUN 20 2011

OFFICE OF PETITIONS

In re Application of	:	
Daniel Rodriguez	:	
Application No. 12/708,260	:	ON PETITION
Filed: February 18, 2010	:	
Attorney Docket No. 6278959	:	

This is a decision on the petition to revive under 37 CFR 1.137(b), filed June 8, 2011.

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

The above-identified application became abandoned for failure to timely file a reply in response to the non-final Office action mailed September 15, 2010. This Office action set a shortened statutory period for reply of three months. No reply having been received, the application became abandoned on December 16, 2010. The Office mailed a Notice of Abandonment on April 25, 2011.

With the instant petition, applicant made the proper statement of unintentional delay, paid the petition fee, and filed the required reply in the form of an Amendment.

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 instant petition was ever given a power of attorney or authorization of agent to prosecute the above-identified application. If the person signing the instant petition desires to receive future correspondence regarding this application, the appropriate power of attorney or authorization of agent must be submitted. While a courtesy copy of this decision is being mailed to the person signing the instant petition, all future correspondence will be directed to the address currently of record until such time as appropriate instructions are received to the contrary.

The application is being forwarded to Group Art Unit 3671 for consideration of the Amendment, filed June 8, 2011.

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

Cliff Congo
Petitions Attorney
Office of Petitions

cc: Lyman Smith
Shimokaji & Associates, P.C.
8911 Research Drive
Irvine, California 926818

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

PTO/SB/420 (05-10)
Approved for use through 05/31/2010. OMB 0651-0062
U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Attorney Docket Number: 1630-0792PUS1	Application Number (if known): 12/708,343	Filing date: February 18, 2010
First Named Inventor: Dongjoo YOU		
Title: METHOD AND APPARATUS FOR MANUFACTURING SILICON THIN FILM LAYER AND MANUFACTURING APPARATUS OF SOLAR		

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

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

1. By filing this petition:

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

2. By filing this petition: applicant is agreeing to make an election without traverse in a telephonic interview and elect an invention that meets the eligibility requirements set forth in the notice titled "Pilot Program for Green Technologies Including Greenhouse Gas Reduction," as modified by the notice titled "Elimination of Classification Requirement in the Green Technology Pilot Program," each of which was published in the Federal Register, if the Office determines that the claims are not obviously directed to a single invention.

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

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

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

6. Other attachments: _____

Signature	Date DEC 09 2010
Name (Print/Typed) Esther H. Chong	Registration Number 40,953

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.

4

Docket No.: 1630-0792PUS1
(Patent)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent Application of:	Dongjoo YOU et al.		
Application No.:	12/708,343	Confirmation No.:	4261
Filed:	February 18, 2010	Art Unit:	2813
For:	METHOD AND APPARATUS FOR MANUFACTURING SILICON THIN FILM LAYER AND MANUFACTURING APPARATUS OF SOLAR CELL	Examiner:	Daniel M. Luke

STATEMENT OF SPECIAL STATUS FOR THE ELIGIBILITY REQUIREMENT UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

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

Sir:

In support of the Petition to Make Special Under the Green Technology Pilot Program, it is respectfully submitted that the basis for the requested special status is that the invention claimed in the above-identified patent application materially contributes to the development of renewable energy sources and/or green house gas emission reduction. Specifically, the claimed invention relates to a solar cell.

Additionally, by filing this petition, the applicant agrees to make an election without traverse in a telephone interview and elect an invention that meets the eligibility requirements set for 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.

It is also submitted that this application meets the eligibility requirements to participate in the Green Technology Pilot Program, as listed in the attached Petition to Make Special Under the Green Technology Pilot Program.

Accordingly, it is respectfully requested that the Petition be granted.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Seth S. Kim, Reg. No. 54,577, at the telephone number of the undersigned below to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Director is hereby authorized in this, concurrent, and future replies to charge any fees required during the pendency of the above-identified application or credit any overpayment to Deposit Account No. 02-2448.

Dated: DEC 09 2010

Respectfully submitted,

By _____

Esther H. Chong
Registration No.: 40953
BIRCH, STEWART, KOLASCH & BIRCH, LLP
8110 Gatehouse Road, Suite 100 East
P.O. Box 747
Falls Church, VA 22040-0747
703-205-8000

Attachment

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.
12/708,343	02/18/2010	Dongjoo YOU	1630-0792PUS1	4261

2292 7590 01/13/2011
BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH, VA 22040-0747

EXAMINER
LUKE, DANIEL M

ART UNIT	PAPER NUMBER
2813	

NOTIFICATION DATE	DELIVERY MODE
01/13/2011	ELECTRONIC

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

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

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

mailroom@bskb.com

UNITED STATES PATENT AND TRADEMARK OFFICE

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

In re Application of	:	
YOU et al.	:	DECISION ON PETITION
Application No. 12/708,343	:	TO MAKE SPECIAL UNDER
Filed: February 18, 2010	:	THE GREEN TECHNOLOGY
Attorney Docket No. 1630-0792PUS1	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed on December 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 **DISMISSED**.

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

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications and be filed prior to the date of the notice, December 8, 2009.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to

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

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

The petition lacks item 4.

In regard to item 4, applicant's statement pertaining to how the materiality standard is met does not satisfy the requirements for this pilot. The instant petition includes a statement identifying the basis for the special status as contributing to the development of renewable energy resources and/or green house gas emission reduction. The claims generally related to the manufacture of silicon thin film layers. The materiality standard does not permit an applicant to speculate as to how a hypothetical end-user might specially apply the invention in a manner that could contribute to the development of renewable resources and/or green house gas emission reduction. Any argument that the claimed invention relates to solar cells is considered speculate as to how a hypothetical end-user might specially apply the claimed invention.

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

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

The application is being forwarded to the Technology Center Art Unit 2813 for action in its regular turn.

Lee W. Young
Quality Assurance Specialist
Technology Center 2800

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

PTO/SB/420 (05-10)
Approved for use through 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: 1630-0792PUS1	Application Number (if known): 12/708,343	Filing date: February 18, 2010
First Named Inventor: Dongjoo YOU		
Title: METHOD AND APPARATUS FOR MANUFACTURING SILICON THIN FILM LAYER AND MANUFACTURING APPARATUS OF SOLAR		

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

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

1. By filing this petition:

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

2. By filing this petition: applicant is agreeing to make an election without traverse in a telephonic interview and elect an invention that meets the eligibility requirements set forth in the notice titled "Pilot Program for Green Technologies Including Greenhouse Gas Reduction," as modified by the notice titled "Elimination of Classification Requirement in the Green Technology Pilot Program," each of which was published in the Federal Register, if the Office determines that the claims are not obviously directed to a single invention.

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

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

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

6. Other attachments: Preliminary Amendment

Signature	Date FEB 11 2011
Name (Print/Typed) Esther H. Chong	Registration Number 40,953

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.

4

Docket No.: 1630-0792PUS1
(Patent)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent Application of:	Dongjoo YOU et al.		
Application No.:	12/708,343	Confirmation No.:	4261
Filed:	February 18, 2010	Art Unit:	2813
For:	METHOD AND APPARATUS FOR MANUFACTURING SILICON THIN FILM LAYER AND MANUFACTURING APPARATUS OF SOLAR CELL	Examiner:	Daniel M. Luke

RENEWED
STATEMENT OF SPECIAL STATUS FOR THE ELIGIBILITY REQUIREMENT UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

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

Sir:

In support of a Renewed Petition to Make Special Under the Green Technology Pilot Program, it is respectfully submitted that the basis for the requested special status is that the invention claimed in this patent application materially contributes to the development of renewable energy sources and/or green house gas emission reduction.

The invention of this patent application materially contributes to the development of renewable energy sources and/or green house gas emission reduction because this application is particularly directed to a method of manufacturing a solar cell using a solar cell manufacturing apparatus.

For example, claim 14 claims a method of manufacturing a solar cell using a solar cell manufacturing apparatus having an outer chamber, an inner chamber disposed within the outer chamber, a container disposed at the inner chamber and which receives a fluid, and a heat

exchanger disposed at the outside of the outer chamber and which exchanges heat of the fluid, the method comprising: supporting a substrate on a supporting member; applying heat to the substrate using the supporting member; circulating the fluid in the container to suppress an abrupt change of a temperature of the inner chamber so that a property of a micro-crystalline silicon thin film layer to be deposited on the substrate is substantially uniformly sustained; injecting a process gas into the inner chamber and adjusting a temperature of the process gas injected into the inner chamber; dispersing the process gas having the adjusted temperature within the inner chamber; depositing the micro-crystalline silicon thin film layer on the substrate using the process gas; and fabricating the solar cell from the substrate having the deposited micro-crystalline silicon thin film layer.

As noted in the disclosure, the container circulates a fluid to the inner chamber, and enables a temperature of the inner chamber to be substantially constantly sustained, and a temperature of a distribution plate disposed within the inner chamber to be substantially constantly sustained. Accordingly, a property of a micro-crystalline silicon thin film layer for a solar cell is substantially uniformly sustained (see paragraphs [0059] and [0071] of the specification), so as to allow a crystallization degree of a micro-crystalline silicon thin film layer for the solar cell to be uniformly sustained.

Thereby, an improved efficiency solar cell may be obtained. Accordingly, manufacturing of such improved efficiency solar contributes to the development of renewable energy sources and/or green house gas emission reduction.

Additionally, by filing this Renewed Petition, the applicant agrees to make an election without traverse in a telephone interview and elect an invention that meets the eligibility requirements set for 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.

It is also submitted that this application meets the eligibility requirements to participate in the Green Technology Pilot Program, as listed in the attached Renewed Petition to Make Special Under the Green Technology Pilot Program.

Accordingly, it is respectfully requested that the Renewed Petition be granted.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Seth S. Kim, Reg. No. 54,577, at the telephone number of the undersigned below to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Director is hereby authorized in this, concurrent, and future replies to charge any fees required during the pendency of the above-identified application or credit any overpayment to Deposit Account No. 02-2448.

Dated: FEB 11 2011

Respectfully submitted,

By _____

Esther H. Chong
Registration No.: 40953
BIRCH, STEWART, KOLASCH & BIRCH, LLP
8110 Gatehouse Road, Suite 100 East
P.O. Box 747
Falls Church, VA 22040-0747
703-205-8000

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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.
12/708,343	02/18/2010	Dongjoo YOU	1630-0792PUS1	4261

2292 7590 02/24/2011
BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH, VA 22040-0747

EXAMINER
LUKE, DANIEL M

ART UNIT	PAPER NUMBER
2813	

NOTIFICATION DATE	DELIVERY MODE
02/24/2011	ELECTRONIC

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

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

mailroom@bskb.com

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

In re Application of	:	
YOU et al.	:	DECISION ON PETITION
Application No. 12/708,343	:	TO MAKE SPECIAL UNDER
Filed: February 18, 2010	:	THE GREEN TECHNOLOGY
Attorney Docket No. 1630-0792PUS1	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed on December 09, 2010 and renewed on February 11, 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 Lee W. Young at 571-272-4549.

The application is being forwarded to the Technology Center Art Unit 2813 for action in its regular turn.

Lee W. Young
Quality Assurance Specialist
Technology Center 2800

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

PTO/SB/420 (05-10)
Approved for use through 01/31/2011. OMB 0651-0062
U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE
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: 41040US	Application Number (if known): 12/708,356	Filing date: February 18, 2010

First Named Inventor: Mark A Hughes

Title: SELENIUM REMOVAL PROCESS

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

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

1. By filing this petition:

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

2. By filing this petition: applicant is agreeing to make an election without traverse in a telephonic interview and elect an invention that meets the eligibility requirements set forth in the notice titled "Pilot Program for Green Technologies Including Greenhouse Gas Reduction," as modified by the notice titled "Elimination of Classification Requirement in the Green Technology Pilot Program," each of which was published in the Federal Register, if the Office determines that the claims are not obviously directed to a single invention.

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

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

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

6. Other attachments: _____

Signature /Chance E. Hardie/	Date November 11, 2010
Name (Print/Typed) Chance E. Hardie	Registration Number 55,247

***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.

Appl. No.:	12/708,356	Confirmation No.: 4285
Applicant:	Mark A Hughes	
Filed:	February 18, 2010	
TC/A.U.:	1797	
Examiner:	unknown	
Docket No.:	41040US	
Customer No.:	28841	
Title:	SELENIUM REMOVAL PROCESS	

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

STATEMENTS OF SPECIAL STATUS

Sir:

In furtherance to the accompanying Petition to Make Special Under the Green Technology Pilot Program, Applicants submit the following in support thereof. The claimed invention in the above-identified application materially enhances the quality of the environment by contributing to the restoration or maintenance of the basic life-sustaining element water. In particular, the invention relates to methods of treating water to remove selenium, which would otherwise contaminate the water.

Respectfully Submitted,

Date: November 11, 2010

By: /Chance E. Hardie/
Attorney
Registration No. 55,247

CONOCOPHILLIPS COMPANY – I.P. LEGAL
ATTN: Docketing
600 N. Dairy Ashford, MA-1135
Houston, Texas 77079
(281) 293-4126
(281) 293-2127 (Fax)

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/708,356	02/18/2010	Mark A. Hughes	41040US	4285

28841 7590 11/22/2010
ConocoPhillips Company - IP Services Group
Attention: DOCKETING
600 N. Dairy Ashford
Bldg. MA-1135
Houston, TX 77079

EXAMINER

ART UNIT	PAPER NUMBER
1797	

NOTIFICATION DATE	DELIVERY MODE
11/22/2010	ELECTRONIC

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

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Legal-IP@conocophillips.com

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ConocoPhillips Company - IP Services Group
Attention: DOCKETING
600 N. Dairy Ashford
Bldg. MA-1135
Houston TX 77079

NOV 22 2010

In re Application of	:	
Hughes et al.	:	DECISION ON PETITION
Application No. 12/708,356	:	TO MAKE SPECIAL UNDER
Filed: 2/18/2010	:	THE GREEN TECHNOLOGY
Attorney Docket No. **41040US**	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed 11/12/2010, 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 1797 for action on the merits commensurate with this decision.

/Tom Dunn/

Tom Dunn
Quality Assurance Specialist
Technology Center 1700

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NOVOZYMES, INC.
1445 DREW AVE
DAVIS, CA 95618

MAILED
SEP 23 2010
OFFICE OF PETITIONS

In re Application of
Klotz et al.
Application No. 12/708,433
Filed: February 18, 2010
Attorney Docket No. 10211-US-CON

: DECISION ON PETITION
: UNDER 37 CFR 1.78(a)(3)

This is a decision on the petitions under 37 CFR § 1.78(a)(3), filed July 9, 2010, to accept an unintentionally delayed claim under 35 U.S.C. § 120 for the benefit of prior-filed nonprovisional Application No. 12/022,771, filed January 30, 2008, as set forth in the concurrently filed amendment and Application Data Sheet (ADS).

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) 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 Commissioner may require additional where there is a question whether the delay was unintentional.

The reference to add the prior-filed application on page one following the first sentence of the specification has been included in a concurrently filed amendment. However, the amendment is not acceptable as drafted since it improperly incorporates by reference the prior-filed applications. Petitioner's attention is directed to Dart Industries v. Banner, 636 F.2d 684, 207 USPQ 273 (C.A.D.C. 1980), where the court drew a distinction between a permissible 35 U.S.C. § 120 statement and the impermissible introduction of new matter by way of incorporation by reference in a 35 U.S.C. § 120 statement. Application Nos. 11/176,864 and 60/586,103 were referenced in the first sentence of the specification upon filing, and the amendment submitted with the instant petition also references Application No. 12/053,831. Therefore, the incorporation by reference sentence included in the amendment is not proper for Application No. 12/053,831. However, the Office will accept the priority claim as shown in the application data sheet filed concurrently.

The instant nonprovisional application was filed after November 29, 2000, and the claim for priority herein is submitted after expiration of the period specified in 37 CFR § 1.78(a)(2)(ii).

See 35 U.S.C. § 120. Accordingly, having found that the instant petition satisfies the conditions of 37 CFR § 1.78(a)(3) for acceptance of an unintentionally delayed claim for priority under 35 U.S.C. § 120, the petition to accept an unintentionally delayed claim of benefit to the prior-filed application is granted.

Petitioner should note that the required petition surcharge fee under 37 CFR 1.17(t), in the amount of $1,410 will be charged to the deposit account as authorized.

The granting of the petition to accept the delayed benefit claim to the prior-filed application under 37 CFR § 1.78(a)(3) should not be construed as meaning that the instant application is entitled to the benefit of the filing date of the prior-filed application. In order for the instant application to be entitled to the benefit of the prior-filed application, all other requirements under 35 U.S.C. §120 and 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 should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed application noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether the instant application is entitled to the benefit of the earlier filing date.

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

Any questions concerning this matter may be directed to Alicia Kelley at (571) 272-6059.

This matter is being referred to Technology Center Art Unit 1652 for appropriate action on the amendment submitted July 9, 2010, including consideration by the examiner of the claim under 35 U.S.C. § §120 and 37 CFR 1.78(a)(2) for the benefit of the prior-filed nonprovisional application.

/Liana Walsh/
Liana Walsh
Petitions Examiner
Office of Petitions

ATTACHMENT: Corrected Filing Receipt

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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
12/708,433	02/18/2010	1652	1090	10211-US-CON	16	1

CONFIRMATION NO. 4436

CORRECTED FILING RECEIPT

25907
NOVOZYMES, INC.
1445 DREW AVE
DAVIS, CA 95618

OC000000043628329

Date Mailed: 09/22/2010

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)

Alan Klotz, Indianapolis, IN;
Kimberly M. Brown, Elk Grove, CA;
Elizabeth J. Zaretsky, Reno, NV;

Assignment For Published Patent Application

Novozymes, Inc., Davis, CA

Power of Attorney: The patent practitioners associated with Customer Number 25907

Domestic Priority data as claimed by applicant

This application is a CON of 10/669,757 09/24/2003 PAT 7,364,892
which claims benefit of 60/413,057 09/24/2002
This application 12/708,433
is a DIV of 12/022,771 01/30/2008 PAT 7,705,137
which is a DIV of 10/669,757 09/24/2003 PAT 7,364,892
which claims benefit of 60/413,057 09/24/2002

Foreign Applications

If Required, Foreign Filing License Granted: 03/05/2010

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 12/708,433**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

Microbial trypsin mutants having chymotrypsin activity and nucleic acids encoding same

Preliminary Class

435

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.
12/708,452	02/18/2010	Tsuyoshi Shimomichi	6639P893	4473

8791 7590 08/10/2010
BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP
1279 OAKMEAD PARKWAY
SUNNYVALE, CA 94085-4040

EXAMINER

ART UNIT	PAPER NUMBER
2831	

MAIL DATE	DELIVERY MODE
08/10/2010	PAPER

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

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

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

In re Application of	**: DECISION ON REQUEST TO**
Tsuyoski SHIMOMICHI	**: PARTICIPATE IN THE PATENT**
Application No.: 12/708,452	**: PROSECUTION HIGHWAY**
Filed: 18 February 2008	**: PROGRAM AND PETITION**
Attorney Docket No.: 6639P893	**: TO MAKE SPECIAL UNDER**
For: ELECTRONIC 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 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 <u>not</u> begun;
5. Applicant must submit:
   a. Documentation of prior office action:
      i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claim(s) or
      ii. if the allowable/patentable claims(s) are from a "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
      iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form;
   b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above
   c. A statement that the English translation is accurate;
6. Applicant must submit:
   a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application)
   b. Copies of the documents except U.S. patents or U.S. patent application publications (unless already submitted in this application);

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

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

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

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

Lee W. Young
TQAS
Technology Center 2800

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/708,454	02/18/2010	Michio Yamashita	6639P887	4476

8791 7590 07/22/2011
BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP
1279 OAKMEAD PARKWAY
SUNNYVALE, CA 94085-4040

EXAMINER
TRAN, THAI Q

ART UNIT	PAPER NUMBER
2484	

MAIL DATE	DELIVERY MODE
07/22/2011	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

MAILED

JUN 21 2011

DIRECTOR OFFICE
TECHNOLOGY CENTER 2400

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

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

In re Application of: Yamashita et al.
Application No. 12708454
Filed: February 18, 2010
For: **METHOD AND APPARATUS FOR REPRODUCING VIDEO AND AUDIO**

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 March 08, 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 (1) validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more corresponding JPO application(s) or to a PCT application that does not contain any priority claim, or (2) is a national stage entry of a PCT application that does not contain any priority claim;

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

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

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

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

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

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

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

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

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

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

/Chau Nguyen/

Chau Nguyen
Quality Assurance Specialist
Technology Center 2400

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Decision Date : February 13, 2012

In re Application of :

John Kenney

Application No : 12708502

Filed : 18-Feb-2010

Attorney Docket No : ULPH-022/01US 175021-2076

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 13, 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	OmniPV, Inc.
Name2	
Address 1	1030 Hamilton Court
Address 2	
City	Menlo Park
State	CA
Postal Code	94025
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	12708502
Filing Date	18-Feb-2010
First Named Inventor	John Kenney
Art Unit	1725
Examiner Name	ALEXANDER KOLLIAS
Attorney Docket Number	ULPH-022/01US 175021-2076
Title	Solar Modules Including Spectral Concentrators and Related Manufacturing Methods

◉ 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	OmniPV, Inc.
Address	1030 Hamilton Court
City	Menlo Park
State	CA
Postal Code	94025
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	12708505
Filing Date	18-Feb-2010
First Named Inventor	John Kenney
Art Unit	1725
Examiner Name	ALEXANDER KOLLIAS
Attorney Docket Number	ULPH-022/02US 175021-2077
Title	Solar Modules Including Spectral Concentrators and Related Manufacturing Methods

◉ 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	OmniPV, Inc.
Address	1030 Hamilton Court
City	Menlo Park
State	CA
Postal Code	94025
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 13, 2012

In re Application of :

John Kenney

Application No : 12708505

Filed : 18-Feb-2010

Attorney Docket No : ULPH-022/02US 175021-2077

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 13, 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	OmniPV, Inc.
Name2	
Address 1	1030 Hamilton Court
Address 2	
City	Menlo Park
State	CA
Postal Code	94025
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	12708507
Filing Date	18-Feb-2010
First Named Inventor	John Kenney
Art Unit	2883
Examiner Name	DINH CHIEM
Attorney Docket Number	ULPH-022/03US 175021-2078
Title	Optical Devices Including Resonant Cavity Structures

◉ 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	OmniPV, Inc.
Address	1030 Hamilton Court
City	Menlo Park
State	CA
Postal Code	94025
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 13, 2012

In re Application of :

John Kenney

Application No : 12708507

Filed : 18-Feb-2010

Attorney Docket No : ULPH-022/03US 175021-2078

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 13, 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	OmniPV, Inc.
Name2	
Address 1	1030 Hamilton Court
Address 2	
City	Menlo Park
State	CA
Postal Code	94025
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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TOWNSEND AND TOWNSEND AND CREW, LLP
TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO CA 94111-3834

MAILED
NOV 08 2010
OFFICE OF PETITIONS

In re Application of	:	
TATIANA SEGURA ET AL.	:	DECISION ON PETITION
Application No. 12/708,520	:	TO WITHDRAW
Filed: February 18, 2010	:	FROM RECORD
Attorney Docket No. **02307K-196610US 2009-233-**	:	

This is a decision on the request to withdraw as attorney of record under 37 CFR § 1.36(b), filed September 22, 2010.

The request is **NOT APPROVED**.

A review of the file record indicates that Annette S. Parent or any attorneys/agents associated with Customer Number 20350 does not have power of attorney or was ever given power of attorney in the above-identified application. Accordingly, the request to withdraw under 37 CFR § 1.36(b) is not applicable.

All future communications from the Office will continue to be directed to the 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
www.uspto.gov

TEXAS INSTRUMENTS INCORPORATED
P O BOX 655474, M/S 3999
DALLAS TX 75265

MAILED
DEC 08 2011
OFFICE OF PETITIONS

In re Application of	:	
Hunter et al.	:	
Application No. 12/708,533	:	DECISION ON PETITION
Filed: February 18, 2010	:	
Attorney Docket No. TI-68603	:	

This is a decision on the petition under 37 CFR 1.182, filed, September 19, 2011, to correct the spelling of the name of second inventor "Richard David Nicho" to – Richard David Nicholson --.

A review of the record shows that the change to inventor Nicholson's name has been entered by the examiner.

In light of the above, the petition is **Dismissed as Moot**.

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. Balser appearing on the correspondence shall constitute a representation to the United States Patent and Trademark Office that he is authorized to represent the particular party in whose behalf he acts. The file does not indicate a change of address has been submitted, although the address given on the petition differs from the address of record. If appropriate, a change of address should be filed in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address given on the petition; however, the Office will mail all future correspondence solely to the address of record.

Any questions concerning this matter may be directed to the undersigned at (571) 272-3215.

The matter is being referred to the Office of Data Management for further processing.

Charlema Grant
Petition Attorney
Office of Petitions

Cc: Balser & Grell IP Law, L.L.P.
37 Creekside Court
Acworth, Georgia 30101

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	12708592
Filing Date	19-Feb-2010
First Named Inventor	Richard Florence
Art Unit	2861
Examiner Name	MATTHEW LUU
Attorney Docket Number	BDT0002US2
Title	IMAGING MODULE FOR HOT MELT WAX INK JET PRINTER

◉ Please withdraw me as attorney or agent for the above identified patent application and the practitioners of record associated with Customer Number: 23413

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

10.40(b)(4)

10.40(c)(1)(iv)

Certifications

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

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

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

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

Name	Paul E. Christensen
Address	1111 Main Street Suite 700
City	Vancouver
State	WA
Postal Code	98660

Country	US
I am authorized to sign on behalf of myself and all withdrawing practitioners.	
Signature	/Dave S. Christensen Reg. No. 40955//
Name	Dave S. Christensen
Registration Number	40955

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Decision Date : September 16,2011

In re Application of :

Richard Florence

Application No : 12708592

Filed : 19-Feb-2010

Attorney Docket No : BDT0002US2

DECISION ON REQUEST TO WITHDRAW AS ATTORNEY/AGENTOF RECORD

This is an electronic decision on the Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed September 16,2011

The request is **APPROVED.**

The request was signed by Dave S. Christensen (registration no. 40955) on behalf of all attorneys/agents associated with Customer Number 23413 . All attorneys/agents associated with Cusotmer Number 23413 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	Paul E. Christensen
Name2	
Address 1	1111 Main Street
Address 2	Suite 700
City	Vancouver
State	WA
Postal Code	98660
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

ST.ONGE STEWARD
JOHNSTON & REENS LLC
986 BEDFORD STREET
STAMFORD CT 06905-5619

MAILED

JAN 14 2011

OFFICE OF PETITIONS

In re Application of
Ettwein
Application No. 12/708,607
Filed: 19 February, 2010
Attorney Docket No. 03685-P0029A

DECISION ON PETITION

This is a decision on the petition filed under "35 U.S.C. §119(a)-(d)" on 29 June, 2010, and considered under 37 C.F.R. §1.55(c), to accept an unintentionally delayed claim under 35 U.S.C. §119(a)-(d) for the benefit of priority to foreign (DE (Germany)) Patent Application No. 10 2009 011 434.3, filed on 20 February, 2009.

The petition is **GRANTED**.

This pending nonprovisional application was filed after November 29, 2000, and did not include a 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. Since the claim for priority is submitted after the period specified in 37 C.F.R. §1.55(a)(1)(i), this is an appropriate petition under the provisions of 37 C.F.R. §1.55(c).

A petition under 37 C.F.R. §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 C.F.R. §1.63(c)(2)) or in an Application Data Sheet (37 C.F.R. §1.76(b)(6);

(3) the surcharge as set forth in 37 C.F.R. §1.17(t);

(4) a statement that the entire delay between the date the claim was due under 37 C.F.R. 1.55(a)(1) 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); and

(5) the above-identified nonprovisional application must be filed within 12 months of the filing date of the foreign application.

This application was filed after November 29, 2000 and within 12 months of the filing date of the foreign application to which benefit is now being claimed.

On 29 June, 2010, a signed application data sheet (ADS) was received which identifies the foreign application for which priority is claimed by application number, country and filing date.

The required petition fee was received with the petition.

Lastly, Petitioner has provided an adequate statement of unintentional delay.

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

The granting of the petition to accept the delayed benefit claim to the prior-filed application under 37 C.F.R. §1.55(c) should not be construed as meaning that this application is entitled to the benefit of the prior-filed application. In order for this application to be entitled to the benefit of the prior-filed application, all other requirements under 35 U.S.C. §119(a)-(d) and 37 C.F.R. §1.55(a)(1) must be met. Similarly, the fact that the corrected Filing Receipt accompanying this decision on petition includes the prior-filed application should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed application noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether 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 foreign application, accompanies this decision on petition.

This application is released back to the Office of Patent Application Processing (OPAP) for such further processing as necessary before being forwarded for substantive 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 concerning this decision may be directed to John Gillon at (571) 272-3214. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

Chris Bottorff
Supervisory 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
12/708,607	02/19/2010	3672	1220	03685-P0029A	17	1

CONFIRMATION NO. 4821

CORRECTED FILING RECEIPT

ST.ONGE STEWARD JOHNSTON & REENS LLC
986 Bedford Street
Stamford, CT 06905-5619

OC000000045278632

Date Mailed: 01/04/2011

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)

Pierre Ettwein, Residence Not Provided;

Power of Attorney: None

Domestic Priority data as claimed by applicant

Foreign Applications
GERMANY 10 2009 011 434.3 02/20/2009

If Required, Foreign Filing License Granted: 03/03/2010

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 12/708,607**

Projected Publication Date: To Be Determined - pending completion of Missing Parts

Non-Publication Request: No

Early Publication Request: No

Title

Instrument With Self-Unlocking Adjustment Wheel

Preliminary Class

175

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).

Modified PTO/SB/20PCT-JP (01-2010)
Approved for use through 01/31/2012. OMB 0651-0058
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

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

Application No.:	12/708,616	Filing Date:	February 19, 2010
First Named Inventor:	Taiji SASAKI et al.	Attorney Docket No.:	2010_0256A
Title of the Invention:	RECORDING MEDIUM, PLAYBACK DEVICE, AND INTEGRATED CIRCUIT		

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/JP2010/001052 claiming priority based on U.S. Provisional Application Serial No. 61/154,001**

The international date of the corresponding PCT application(s) is/are: **February 2, 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)

[X] is attached.
[ ] is not attached because the document is already in the U.S. application.

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

[X] is attached.
[ ] is not attached because the document is already in the U.S. application.

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

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

[ ] is attached.
[X] Has already been filed in the above-identified U.S. application on April 1, 2010.

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

[ ] Are attached.
[X] Have already been filed in the above-identified U.S. application on April 1, 2010.

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.

The USPTO is hereby authorized to charge any fees under 37 C.F.R. §§ 1.16, 1.17, and 1.492, which may be required by this paper to Deposit Account No. 23-0975.

Modified PTO/SB/20PCT-JP (01-2010)
Approved for use through 01/31/2012. OMB 0651-0058
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

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

Application No.:	12/708,616
First Named Inventor:	Taiji SASAKI et al.

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1	1	Identical
2	2	Identical
3	3	Identical
4	4	Identical
5	5	Identical
6	6	Identical
7	7	Identical

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

Signature /W. Douglas Hahm/ 2010.11.16 20:56:32 -05'00'	Date: November 17, 2010
Name: (Print/Type) W. Douglas Hahm	Registration No. 44,142

VERIFICATION OF TRANSLATION

I, Benjamin Willey, translator at Nakajima & Associates IP Firm, 6th floor, Yodogawa 5-Bankan, 3-2-1 Toyosaki, Kita-Ku, Osaka, Japan, hereby declare that I am conversant with the English and Japanese languages and am a competent translator thereof. I further declare that to the best of my knowledge and belief the following is a true and correct translation made by me of the International Preliminary Report issued on PCT/JP2010/001052.

Date: November 5, 2010

Benjamin Willey

Benjamin Willey

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference: P054849P0B69

FOR FURTHER ACTION: See Form PCT/IPEA/416

International application No.: PCT/JP2010/001052

International filing date *(day/month/year)*: 18. 02. 2010

Priority date *(day/month/year)*: 20. 02. 2009

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

Int.Cl. H04N13/04(2006.01)i, G11B20/12(2006.01)i, H04N5/92(2006.01)i

Applicant: Panasonic Corporation

1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.

2. This REPORT consists of a total of 4 sheets, including this cover sheet.

3. This report is also accompanied by ANNEXES, comprising:

a. ☒ *(sent to the applicant and to the International Bureau)* a total of 7 sheets, as follows:

☒ sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).

☐ sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.

b. ☐ *(sent to the International Bureau only)* a total of (indicate type and number of electronic carrier(s)) _____ containing a sequence listing, in electronic form only, as indicated in the Supplemental Box Relating to Sequence Listing (see paragraph 3*bis* of Annex C of the Administrative Instructions).

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

☒ Box No. I Basis of the report

☐ Box No. II Priority

☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and

	industrial applicability
☐Box No. IV	Lack of unity of invention
☒Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step 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

Date of submission of the demand: 16. 07. 2010

Date of completion of this report: 04. 10. 2010

Name and mailing address of the IPEA/

Japan Patent Office (IPEA/JP)

3-4-3 Kasumigaseki, Chiyoda-ku, Tokyo-to 100-8915

Authorized officer: Kazushige ITO

Telephone No.: 03-3581-1101 Extension: 3581

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.: PCT/JP2010/001052

Box No. I Basis of the report

1. With regard to the **language**, this report is based on:

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

☐a translation of the international application into _____ which is the language of a translation furnished for the purposes of:

☐international search (Rules 12.3(a) and 23.1(b)).

☐publication of the international application (Rule 12.4(a)).

☐international preliminary examination (Rules 55.2(a) and/or 55.3(a)).

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

☐the international application as originally filed/furnished.

☒the description:

pages 1-268 as originally filed/furnished.

pages* _____ received by this Authority on _____

pages* _____ received by this Authority on _____

☒the claims:

Nos. _____ as originally filed/furnished.

Nos.* _____ as amended (together with any statement) under Article 19

Nos.* 1-7 received by this Authority on 16. 07. 2010

Nos.* _____ received by this Authority on _____

☒the drawings:

pages 1-104 as originally filed/furnished.

pages* _____ received by this Authority on _____

pages* _____ received by this Authority on _____

☐a sequence listing - see Supplemental Box Relating to Sequence Listing.

3. ☒The amendments have resulted in the cancellation of:

☐the description, pages _____

☒the claims, Nos. 8-10

☐the drawings, sheets/figs _____

☐the sequence listing *(specify)*: _____

4. ☐This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since either they are considered to go beyond the disclosure as filed, or they were not accompanied by a letter indicating the basis for the amendments in the application as filed, as indicated in the Supplemental Box (Rules 70.2(c)

and (c-*bis*)):

☐the description, pages _____

☐the claims, Nos. _____

☐the drawings, sheets/figs _____

☐the sequence listing *(specify)*: _____

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

6. ☐Supplementary international search report(s) from Authority(ies) _____ have been received and taken into account in drawing up this report (Rule 45*bis*.8(b) and (c)).

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

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.: PCT/JP2010/001052

Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step and industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims 1-7	YES
	Claims _____	NO
Inventive step (IS)	Claims 1-7	YES
	Claims _____	NO
Industrial applicability (IA)	Claims 1-7	YES
	Claims _____	NO

2. Citations and explanations (Rule 70.7)

Document 1: JP 11-191895 A (Matsushita Electric Industrial Co., Ltd.) 1999.07.13, Entire document and figures & US 6925250 B1 & EP 1011268 A1 & WO 99/012348 A1 & CN 1269941 A & KR 2000-0057426 A

Document 2: JP 2000-270347 A (Sharp Corporation) 2000.09.29, Entire document and figures (no family)

Document 1 recites the invention of an optical disc playback device for playing back regular or stereoscopic video images. The invention in Document 1 divides a right-view video signal and a left-view video signal for stereoscopic images into frames of at least one GOP that are recorded on the optical disc in an interleaved arrangement as in Fig. 3. Paragraphs [0022] and [0044] of Document 1 recite storing, in a buffer, a playback signal lasting the duration of a track jump by recording interleaved blocks over at least one revolution of the disc.

Furthermore, paragraph [0039] of Document 1 recites two decoders outputting the same VPTS video image.

Document 2 recites the invention of a playback device for stereoscopic video images. Paragraph [0036] of Document 2 recites using a track buffer for continuous output even when the pickup jumps.

The invention claimed in Claims 1-7 of the present application has novelty and an inventive step. Documents 1 and 2 do not recite dividing an area which is accessed immediately before a long jump into a stereoscopic area and a monoscopic area to permit setting the size of extents in a stream file arranged in the stereoscopic area independently of the size of extents in a base file arranged in the monoscopic area, thereby reducing the buffer capacity through which playback of stereoscopic video images is guaranteed.

Furthermore, the Documents listed in the International Search Report do not recite reducing the amount of duplicate data stored in the stereoscopic area and the monoscopic area by arranging a common area, monoscopic area, and stereoscopic area in this order.

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.: PCT/JP2010/001052

Box No. VI Certain documents cited

1. Certain published documents (Rule 70.10)

   Application No. / Patent No.: WO 2010/032404 A1 [E, X]

   Publication date (day/month/year): 25.03.2010

   Filing date (day/month/year): 10.09.2009

   Priority date (valid claim) (day/month/year): 17.09.2008

2. Non-written disclosures (Rule 70.9)

   Kind of non-written disclosure:

   Date of non-written disclosure (day/month/year):

   Date of written disclosure referring to non-written disclosure (day/month/year):

特許協力条約

PCT

特許性に関する国際予備報告（特許協力条約第二章）

（法第12条、法施行規則第56条）
〔ＰＣＴ36条及びＰＣＴ規則70〕

出願人又は代理人の書類記号 P054849P0B69	今後の手続きについては、様式ＰＣＴ／ＩＰＥＡ／４１６を参照すること。	
国際出願番号 ＰＣＴ／ＪＰ２０１０／００１０５２	国際出願日 (日.月.年) １８．０２．２０１０	優先日 (日.月.年) ２０．０２．２００９
国際特許分類（ＩＰＣ） Int.Cl. H04N13/04(2006.01)i, G11B20/12(2006.01)i, H04N5/92(2006.01)i		
出願人（氏名又は名称） パナソニック株式会社		

１．この報告書は、ＰＣＴ35条に基づきこの国際予備審査機関で作成された国際予備審査報告である。
法施行規則第57条（ＰＣＴ36条）の規定に従い送付する。

２．この国際予備審査報告は、この表紙を含めて全部で ４ ページからなる。

３．この報告には次の附属物件も添付されている。

a．☑ 附属書類は全部で ７ ページである。

☑ 補正されて、この報告の基礎とされた及び／又はこの国際予備審査機関が認めた訂正を含む明細書、請求の範囲及び／又は図面の用紙（ＰＣＴ規則70.16及び実施細則第607号参照）

☐ 第Ｉ欄４．及び補充欄に示したように、出願時における国際出願の開示の範囲を超えた補正を含むものとこの国際予備審査機関が認定した差替え用紙

b．☐ 配列表に関する補充欄に示され、電子形式のみで提出された、配列表を含む電子媒体は全部で
＿＿＿＿＿＿＿＿＿＿＿＿＿＿＿＿（電子媒体の種類、数を示す）。
（実施細則附属書Ｃ３の２第３段落参照）

４．この国際予備審査報告は、次の内容を含む。

☑ 第Ｉ欄 国際予備審査報告の基礎
☐ 第Ⅱ欄 優先権
☐ 第Ⅲ欄 新規性、進歩性又は産業上の利用可能性についての国際予備審査報告の不作成
☐ 第Ⅳ欄 発明の単一性の欠如
☑ 第Ⅴ欄 ＰＣＴ35条(2)に規定する新規性、進歩性又は産業上の利用可能性についての見解、それを裏付けるための文献及び説明
☑ 第Ⅵ欄 ある種の引用文献
☐ 第Ⅶ欄 国際出願の不備
☐ 第Ⅷ欄 国際出願に対する意見

国際予備審査の請求書を受理した日 １６．０７．２０１０	国際予備審査報告を作成した日 ０４．１０．２０１０
名称及びあて先 日本国特許庁（ＩＰＥＡ／ＪＰ） 郵便番号１００－８９１５ 東京都千代田区霞が関三丁目４番３号	特許庁審査官（権限のある職員） ５Ｐ ８８３９ 伊東 和重 電話番号 ０３－３５８１－１１０１ 内線 ３５８１

特許性に関する国際予備報告

国際出願番号 PCT／JP2010／001052

第Ⅰ欄 報告の基礎

1．言語に関し、この予備審査報告は以下のものを基礎とした。

☑ 出願時の言語による国際出願

☐ 出願時の言語から次の目的のための言語である ＿＿＿＿＿＿ 語に翻訳された、この国際出願の翻訳文

☐ 国際調査（ＰＣＴ規則12.3(a)及び23.1(b)）

☐ 国際公開（ＰＣＴ規則12.4(a)）

☐ 国際予備審査（ＰＣＴ規則55.2(a)又は55.3(a)）

2．この報告は下記の出願書類を基礎とした。（法第6条（ＰＣＴ14条）の規定に基づく命令に応答するために提出された差替え用紙は、この報告において「出願時」とし、この報告に添付していない。）

☐ 出願時の国際出願書類

☑ 明細書

第 1－268 ページ、出願時に提出されたもの
第 ＿＿＿＿ ページ*、＿＿＿＿ 付けで国際予備審査機関が受理したもの
第 ＿＿＿＿ ページ*、＿＿＿＿ 付けで国際予備審査機関が受理したもの

☑ 請求の範囲

第 ＿＿＿＿ 項、出願時に提出されたもの
第 ＿＿＿＿ 項*、ＰＣＴ１９条の規定に基づき補正されたもの
第 1－7 項*、16.07.2010 付けで国際予備審査機関が受理したもの
第 ＿＿＿＿ 項*、＿＿＿＿ 付けで国際予備審査機関が受理したもの

☑ 図面

第 1－104 ~~ページ／~~図、出願時に提出されたもの
第 ＿＿＿＿ ページ／図*、＿＿＿＿ 付けで国際予備審査機関が受理したもの
第 ＿＿＿＿ ページ／図*、＿＿＿＿ 付けで国際予備審査機関が受理したもの

☐ 配列表
配列表に関する補充欄を参照すること。

3．☑ 補正により、下記の書類が削除された。

☐ 明細書 第 ＿＿＿＿ ページ
☑ 請求の範囲 第 8-10 項
☐ 図面 第 ＿＿＿＿ ページ／図
☐ 配列表（具体的に記載すること） ＿＿＿＿

4．☐ この報告は、補充欄に示したように、この報告に添付されかつ以下に示した補正が出願時における開示の範囲を超えてされたものと認められるので、その補正がされなかったものとして作成した。（ＰＣＴ規則70.2(c)）

☐ 明細書 第 ＿＿＿＿ ページ
☐ 請求の範囲 第 ＿＿＿＿ 項
☐ 図面 第 ＿＿＿＿ ページ／図
☐ 配列表（具体的に記載すること） ＿＿＿＿

5．☐ この報告は、ＰＣＴ規則 91 の規定により国際予備審査機関が認めた又は国際予備審査機関に通知された明らかな誤りの訂正を考慮して作成した（ＰＣＴ規則70.2(e)）。

6．☐ この報告を作成するにあたり、補充国際調査機関である ＿＿＿＿ から受領した補充国際調査報告を考慮した。（ＰＣＴ規則45の2.8(b)及び(c)）

＊４．に該当する場合、その用紙に"superseded"と記入されることがある。

第Ⅴ欄　新規性、進歩性又は産業上の利用可能性についての法第12条（PCT35条(2)）に定める見解、それを裏付ける文献及び説明

1.　見解

新規性（N）	請求項	1－7	有
	請求項		無
進歩性（IS）	請求項	1－7	有
	請求項		無
産業上の利用可能性（IA）	請求項	1－7	有
	請求項		無

2.　文献及び説明（PCT規則70.7）

文献1：JP 11-191895 A（松下電器産業株式会社）1999.07.13，全文，全図 & US 6925250 B1 & EP 1011268 A1 & WO 99/012348 A1 & CN 1269941 A & KR 2000-0057426 A

文献2：JP 2000-270347 A（シャープ株式会社）2000.09.29，全文，全図（ファミリーなし）

文献1には、通常映像又は立体映像を再生する光ディスク再生装置の発明が記載されている。文献1では、立体画像の右眼用映像信号と左眼用映像信号を1GOP以上のフレーム群に各々分割し、図3のごとく左右交互に光ディスクに記録している。そして文献1の段落【0022】【0044】には、インターリーブブロックをディスクの1回転以上に渡って記録することにより、トラックジャンプ時間の再生信号をバッファに確保することが記載されている。

また文献1の段落【0039】には、2つのデコーダが同じVPTSの画像を出力することが記載されている。

文献2には、立体映像の再生装置の発明が記載されている。文献2の段落【0036】には、トラックバッファを用いてピックアップがジャンプしても連続的な出力を行うことが記載されている。

本願の請求項1－7に係る発明は、新規性、進歩性を有する。ロングジャンプの直前にアクセスされる領域を立体視専用領域と平面視専用領域に分けることによって、立体視専用領域に配置された各ストリームファイルのエクステントのサイズを、平面視専用領域に配置されたベースストリームファイルのエクステントのサイズによらず独立に設計することができるようにし、立体視映像の再生時に確保されるべきバッファの容量を削減することは、文献1，2には記載されていない。

また、共用領域、平面視専用領域、立体視専用領域の順に配列することによって、平面視専用領域と立体視専用領域に重複して格納されるデータ量の増大を押さえることも、国際調査報告に列記された文献には記載されていない。

第VI欄　ある種の引用文献

1.　ある種の公表された文書（PCT規則70.10）

出願番号 特許番号	公知日 （日．月．年）	出願日 （日．月．年）	優先日（有効な優先権の主張） （日．月．年）
WO 2010/032404 A1 「E, X」	25.03.2010	10.09.2009	17.09.2008

2.　書面による開示以外の開示（PCT規則70.9）

書面による開示以外の開示の種類	書面による開示以外の開示の日付 （日．月．年）	書面による開示以外の開示に言及している書面の日付（日．月．年）

VERIFICATION OF TRANSLATION

I, Benjamin Willey, translator at Nakajima & Associates IP Firm, 6th floor, Yodogawa 5-Bankan, 3-2-1 Toyosaki, Kita-Ku, Osaka, Japan, hereby declare that I am conversant with the English and Japanese languages and am a competent translator thereof. I further declare that to the best of my knowledge and belief the following is a true and correct translation made by me of the claims of PCT/JP2010/001052 after amendment under PCT article 34.

Date: November 5, 2010

Benjamin Willey

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CLAIMS

1. A recording medium having recorded thereon an interleaved stream including a plurality of data blocks, and management information, wherein

the interleaved stream includes a main-view stream used for monoscopic video playback and a sub-view stream used for stereoscopic video playback in combination with the main-view stream,

the plurality of data blocks include a plurality of main-view data blocks contained in the main-view stream, and a plurality of sub-view data blocks contained in the sub-view stream,

the management information includes 2D management information that refers to the main-view data blocks in monoscopic video playback, and 3D management information that refers to the main-view data blocks in stereoscopic video playback,

the plurality of data blocks are grouped into a common data block group, a 2D data block group, and a 3D data block group,

the common data block group includes one or more of the main-view data blocks and one or more of the sub-view data blocks, the main-view data blocks included in the common data block group being referred to by both the 2D management information and the 3D management information,

the 2D data block group includes one or more of the main-view data blocks, the main-view data blocks included in the 2D data block group not being referred to by the 3D management information and being referred to by the 2D management information,

the 3D data block group includes one or more of the main-view data blocks and one or more of the sub-view data blocks, the main-view data blocks included in the 3D data block group not being referred to by the 2D management information and being referred to by the 3D management information,

the 2D data block group is recorded on an area which is accessed immediately before a long jump that occurs in monoscopic video playback and whose logical address succeeds a logical address of an area on which the common data block group is recorded, and

the 3D data block group is recorded on an area which is accessed immediately before a long jump that occurs in stereoscopic video playback and whose logical address succeeds a logical address of the area on which the 2D data block group is recorded, and

the main-view data blocks included in the 2D data block group and the main-view data blocks included in the 3D data block group are identical in content.

2. The recording medium of Claim 1, wherein

a presentation time stamp of a last picture included in the 2D data block group and a presentation time stamp of a last picture included in the 3D data block group match each other.

3. The recording medium of Claim 2 having further recorded thereon playback path information that indicates a playback path using a plurality of playback sections, wherein

a seamless playback with a succeeding playback section is secured for each playback section defined for the 2D data block group and each playback section defined for the 3D data block group.

4. The recording medium of Claim 1, wherein

the 3D data block group has a data size that does not cause buffer underflow to a playback device during the long jump that occurs in stereoscopic playback, and

the 2D data block group has a data size which, when read immediately after the common data block group, does not cause buffer underflow to the playback device during the long jump that occurs in monoscopic video playback.

5. The recording medium of Claim 1 comprising a plurality of recording layers, wherein

each long jump is a jump from one of the recording layers to another one of the recording layers.

6. (Amended) A playback device for playing back video from a recording medium having recorded thereon an interleaved stream including a plurality of data blocks, and management information, wherein

the interleaved stream includes a main-view stream used for monoscopic video playback and a sub-view stream used for stereoscopic video playback in combination with the main-view stream,

the plurality of data blocks include a plurality of main-view data blocks contained in the main-view stream, and a plurality of sub-view data blocks contained in the sub-view stream,

the management information includes 2D management information that refers to the main-view data blocks in monoscopic video playback, and 3D management information that refers to the main-view data blocks in stereoscopic video playback,

the plurality of data blocks are grouped into a common data block group, a 2D data block group, and a 3D data block group,

the common data block group includes one or more of the main-view data blocks and one or more of the sub-view data blocks, the main-view data blocks included in the common data block group being referred to by both the 2D management information and the 3D management information,

the 2D data block group includes one or more of the main-view data blocks, the main-view data blocks included in the 2D data block group not being referred to by the 3D management information and being referred to by the 2D management information,

the 3D data block group includes one or more of the main-view data blocks and one or more of the sub-view data blocks, the main-view data blocks included in the 3D data block group not being referred to by the 2D management information and being

referred to by the 3D management information,

the 2D data block group is recorded on an area which is accessed immediately before a long jump that occurs in monoscopic video playback and whose logical address succeeds a logical address of an area on which the common data block group is recorded, and

the 3D data block group is recorded on an area which is accessed immediately before a long jump that occurs in stereoscopic video playback and whose logical address succeeds a logical address of the area on which the 2D data block group is recorded,

the main-view data blocks included in the 2D data block group and the main-view data blocks included in the 3D data block group are identical in content, and

the playback device comprises:

a read unit operable to read the interleaved stream from the recording medium;

a separation unit operable to extract the main-view stream and the sub-view stream by separating the main-view data blocks and the sub-view data blocks from the interleaved stream;

a read buffer operable to store the extracted main-view stream and sub-view stream; and

a decoder operable to receive a compressed picture included in the main-view stream and the sub-view stream from the read buffer and decode the compressed picture, wherein

the read unit reads the main-view data blocks <u>included in the common data block group and the 2D data block group</u> using the 2D management information in monoscopic video playback, and

the separation unit extracts the main-view stream by separating the main-view data blocks <u>included in the common data block group and the 3D data block group</u> from the interleaved stream using the 3D management information.

7. (Amended) A semiconductor integrated circuit for performing audio and video signal processing on data received from a recording medium having recorded thereon an interleaved stream composed of a plurality of data blocks, and management information, wherein

the interleaved stream includes a main-view stream used for monoscopic video playback and a sub-view stream used for stereoscopic video playback in combination with the main-view stream,

the plurality of data blocks include a plurality of main-view data blocks contained in the main-view stream, and a plurality of sub-view data blocks contained in the sub-view stream,

the management information includes 2D management information that refers to the main-view data blocks in monoscopic video playback, and 3D management information that refers to the main-view data blocks in stereoscopic video playback,

the plurality of data blocks are grouped into a common data block group, a 2D

data block group, and a 3D data block group,

the common data block group includes one or more of the main-view data blocks and one or more of the sub-view data blocks, the main-view data blocks included in the common data block group being referred to by both the 2D management information and the 3D management information,

the 2D data block group includes one or more of the main-view data blocks, the main-view data blocks included in the 2D data block group not being referred to by the 3D management information and being referred to by the 2D management information,

the 3D data block group includes one or more of the main-view data blocks and one or more of the sub-view data blocks, the main-view data blocks included in the 3D data block group not being referred to by the 2D management information and being referred to by the 3D management information,

the 2D data block group is recorded on an area which is accessed immediately before a long jump that occurs in monoscopic video playback and whose logical address succeeds a logical address of an area on which the common data block group is recorded, and

the 3D data block group is recorded on an area which is accessed immediately before a long jump that occurs in stereoscopic video playback and whose logical address succeeds a logical address of the area on which the 2D data block group is recorded,

the main-view data blocks included in the 2D data block group and the main-view data blocks included in the 3D data block group are identical in content,

the main-view data blocks and the sub-view data blocks both include visual data,

at least one of the main-view data blocks and the sub-view data blocks includes audio data, and

the semiconductor integrated circuit comprises:

a main control unit operable to control the semiconductor integrated circuit;

a stream processing unit operable to receive the interleaved stream and, after temporarily storing the received interleaved stream in one of memory units internal and external to the semiconductor integrated circuit, demultiplex the received interleaved stream into the visual data and the audio data;

a signal processing unit operable to decode the audio data and the visual data; and

an AV output unit operable to output the decoded audio data and the decoded video data, wherein

the stream processing unit includes a switching unit that switches a storage location of the received interleaved stream in the memory that has a first area and a second area,

in stereoscopic video playback, the main control unit causes the switching unit to store data contained in the main-view data blocks in the first area and to store data contained in the sub-view data blocks in the second area, and

the main control unit uses the 3D management information when causing the switching unit to store the data contained in the main-view data blocks <u>included in the</u>

common data block group and the 3D data block group in the first area.

8. (Cancelled)
9. (Cancelled)
10. (Cancelled)

請求の範囲

[請求項1] 複数のデータブロックからなるインターリーブストリームと管理情報とが記録された記録媒体であって、

前記インターリーブストリームは、平面視再生に利用されるメインビュー・ストリームと、前記メインビュー・ストリームと組み合わされて立体視映像の再生に利用されるサブビュー・ストリームとを含み、

前記複数のデータブロックは、前記メインビュー・ストリームから構成される複数のメインビュー・データブロックと、前記サブビュー・ストリームから構成される複数のサブビュー・データブロックとを含み、

前記管理情報は、平面視再生時に、前記メインビュー・データブロックを参照する２Ｄ管理情報と、立体視再生時に、前記メインビュー・データブロックを参照する３Ｄ管理情報とを含み、

前記複数のデータブロックの種類には、共通データブロックと、２Ｄデータブロックと、３Ｄデータブロックとがあり、

前記共通データブロックは、前記メインビュー・データブロックと前記サブビュー・データブロックとを含み、前記共通データブロックに含まれるメインビュー・データブロックは、２Ｄ管理情報及び３Ｄ管理情報の双方から参照され、

前記２Ｄデータブロックは、前記メインビュー・データブロックを含み、前記２Ｄデータブロックに含まれるメインビュー・データブロックは、３Ｄ管理情報からは参照されずに、２Ｄ管理情報から参照され、

前記３Ｄデータブロックは、前記メインビュー・データブロックと前記サブビュー・データブロックとを含み、前記３Ｄデータブロックに含まれるメインビュー・データブロックは、２Ｄ管理情報からは参照されずに、３Ｄ管理情報から参照され、

２Ｄデータブロックは、共通データブロックが記録されている領域に論理アドレスが後続する領域であって、平面視映像の再生中に生じるロングジャンプの直前にアクセスされる領域に記録され、

３Ｄデータブロックは、２Ｄデータブロックが記録されている領域に論理アドレスが後続する領域であって、立体視映像の再生中に生じるロングジャンプの直前にアクセスされる領域に記録され、

２Ｄデータブロックに含まれるメインビュー・データブロックと３Ｄデータブロックに含まれるメインビュー・データブロックとは同一の内容であること

を特徴とする記録媒体。

[請求項2] ２Ｄデータブロックに含まれる最後のピクチャの表示時刻と、３Ｄデータブロックに含まれる最後のピクチャの表示時刻とが一致することを特徴とする

請求項１に記載の記録媒体。

[請求項3] 前記記録媒体には更に、複数の再生区間により再生経路を示す再生経路情報が記録されており、

２Ｄデータブロック及び３Ｄデータブロックに定義された再生区間は、後続する再生区間とのシームレスな再生が保証された再生区間であることを特徴とする

請求項２に記載の記録媒体。

[請求項4] ３Ｄデータブロックは、前記立体視映像の再生中に生じるロングジャンプ中に、再生装置にバッファアンダーフローを生じさせないデータサイズを有し、

２Ｄデータブロックは、共通データブロックと連続して読み出されることで、前記平面視映像の再生中に生じるロングジャンプ中に、再生装置にバッファアンダーフローを生じさせないデータサイズを有する

ことを特徴とする請求項３に記載の記録媒体。

[請求項5] 前記記録媒体は複数の記録層を含み、前記ロングジャンプは前記複数の記録層間のジャンプである
請求項１に記載の記録媒体。

[請求項6] （補正後） 複数のデータブロックからなるインターリーブストリームと管理情報とが記録された記録媒体から映像を再生するための再生装置であって、

前記インターリーブストリームは、平面視再生に利用されるメインビュー・ストリームと、前記メインビュー・ストリームと組み合わされて立体視映像の再生に利用されるサブビュー・ストリームとを含み、

前記複数のデータブロックは、前記メインビュー・ストリームから構成される複数のメインビュー・データブロックと、前記サブビュー・ストリームから構成される複数のサブビュー・データブロックとを含み、

前記管理情報は、平面視再生時に、前記メインビュー・データブロックを参照する２Ｄ管理情報と、立体視再生時に、前記メインビュー・データブロックを参照する３Ｄ管理情報とを含み、

前記複数のデータブロックの種類には、共通データブロックと、２Ｄデータブロックと、３Ｄデータブロックとがあり、

前記共通データブロックは、前記メインビュー・データブロックと前記サブビュー・データブロックとを含み、前記共通データブロックに含まれるメインビュー・データブロックは、２Ｄ管理情報及び３Ｄ管理情報の双方から参照され、

前記２Ｄデータブロックは、前記メインビュー・データブロックを含み、前記２Ｄデータブロックに含まれるメインビュー・データブロックは、３Ｄ管理情報からは参照されずに、２Ｄ管理情報から参照され、

前記３Ｄデータブロックは、前記メインビュー・データブロックと

前記サブビュー・データブロックとを含み、前記３Ｄデータブロックに含まれるメインビュー・データブロックは、２Ｄ管理情報からは参照されずに、３Ｄ管理情報から参照され、

２Ｄデータブロックは、共通データブロックが記録されている領域に論理アドレスが後続する領域であって、平面視映像の再生中に生じるロングジャンプの直前にアクセスされる領域に記録され、

３Ｄデータブロックは、２Ｄデータブロックが記録されている領域に論理アドレスが後続する領域であって、立体視映像の再生中に生じるロングジャンプの直前にアクセスされる領域に記録され、

２Ｄデータブロックに含まれるメインビュー・データブロックと３Ｄデータブロックに含まれるメインビュー・データブロックとは同一の内容であり、

前記再生装置は、

前記記録媒体から、前記インターリーブストリームを読み出す読出手段と、

前記インターリーブストリームから前記メインビュー・データブロックと前記サブビュー・データブロックを分離し、前記メインビュー・ストリームと前記サブビュー・ストリームを抽出する分離手段と、

抽出された前記メインビュー・ストリームと前記サブビュー・ストリームを格納するリードバッファと、

リードバッファから、前記メインビュー・ストリームと前記サブビュー・ストリームに含まれる圧縮ピクチャの供給を受けて、前記圧縮ピクチャを復号するデコーダと、

を備え、

前記読出手段は、平面視映像の再生時に、前記２Ｄ管理情報を利用して、共通データブロック、及び２Ｄデータブロックに含まれるメインビュー・データブロックを読み出し、

前記分離手段は、立体視映像の再生時に、前記３Ｄ管理情報を利用

してインターリーブストリームから、共通データブロック、及び３Ｄデータブロックに含まれるメインビュー・データブロックを分離して、メインビュー・ストリームを抽出することを特徴とする
再生装置。

[請求項7]　（補正後）　複数のデータブロックからなるインターリーブストリームと管理情報とが記録された記録媒体から受信したデータに対して、映像・音声信号処理を行う半導体集積回路であって、

前記インターリーブストリームは、平面視再生に利用されるメインビュー・ストリームと、前記メインビュー・ストリームと組み合わされて立体視映像の再生に利用されるサブビュー・ストリームとを含み、

前記複数のデータブロックは、前記メインビュー・ストリームから構成される複数のメインビュー・データブロックと、前記サブビュー・ストリームから構成される複数のサブビュー・データブロックとを含み、

前記管理情報は、平面視再生時に、前記メインビュー・データブロックを参照する２Ｄ管理情報と、立体視再生時に、前記メインビュー・データブロックを参照する３Ｄ管理情報とを含み、

前記複数のデータブロックの種類には、共通データブロックと、２Ｄデータブロックと、３Ｄデータブロックとがあり、

前記共通データブロックは、前記メインビュー・データブロックと前記サブビュー・データブロックとを含み、前記共通データブロックに含まれるメインビュー・データブロックは、２Ｄ管理情報及び３Ｄ管理情報の双方から参照され、

前記２Ｄデータブロックは、前記メインビュー・データブロックを含み、前記２Ｄデータブロックに含まれるメインビュー・データブロックは、３Ｄ管理情報からは参照されずに、２Ｄ管理情報から参照され、

前記３Ｄデータブロックは、前記メインビュー・データブロックと前記サブビュー・データブロックとを含み、前記３Ｄデータブロックに含まれるメインビュー・データブロックは、２Ｄ管理情報からは参照されずに、３Ｄ管理情報から参照され、

前記２Ｄデータブロックは、前記共通データブロックが記録されている領域に論理アドレスが後続する領域であって、立体視映像の再生中に生じるロングジャンプの直前にアクセスされる領域に記録され、

前記３Ｄデータブロックは、前記２Ｄデータブロックが記録されている領域に論理アドレスが後続する領域であって、立体視映像の再生中に生じるロングジャンプの直前にアクセスされる領域に記録され、

２Ｄデータブロックに含まれるメインビュー・データブロックと３Ｄデータブロックに含まれるメインビュー・データブロックとは同一の内容であり、

各々の前記メインビュー・データブロックと各々の前記サブビュー・データブロックは、映像系データを含み、

各々の前記メインビュー・データブロックと各々の前記サブビュー・データブロックの少なくともいずれかは、音声系データを含み、

前記半導体集積回路は、

前記半導体集積回路の制御を行う主制御部と、

受信した前記インターリーブストリームを前記半導体集積回路の内部もしくは外部に設けられたメモリに一旦格納した後、前記映像系データと前記音声系データとに多重分離するストリーム処理部と、

前記音声系データと前記映像系データをそれぞれデコードする信号処理部と、

デコードされた前記映像系データと前記音声系データとを出力するAV出力部とを備えており、

前記ストリーム処理部は、前記受信したインターリーブストリームを前記メモリに格納する際、格納先を切り替える切替部を備えており

前記メモリは、第１の領域と第２の領域とを有しており、

立体視映像の再生時に、前記主制御部は、前記メインビュー・データブロックに属しているデータを、前記第１の領域に格納するように前記切替部を制御し、前記サブビュー・データブロックに属しているデータを、前記第２の領域に格納するように前記切替部を制御し、

前記主制御部は、前記共通データブロック、及び３Ｄデータブロックに含まれるメインビュー・データブロックに属しているデータを、前記第１の領域に格納するように前記切替部を制御する際は、前記３Ｄ管理情報を利用する

ことを特徴とする半導体集積回路。

[請求項8] （削除）

[請求項9] （削除）

[請求項10] （削除）

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.
12/708,616	02/19/2010	Taiji SASAKI	2010_0256A	4842

52349 7590 01/20/2011
WENDEROTH, LIND & PONACK L.L.P.
1030 15th Street, N.W.
Suite 400 East
Washington, DC 20005-1503

EXAMINER

ART UNIT	PAPER NUMBER
2482	

NOTIFICATION DATE	DELIVERY MODE
01/20/2011	ELECTRONIC

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

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

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

ddalecki@wenderoth.com
eoa@wenderoth.com

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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TECHNOLOGY CENTER 2400

WENDEROTH, LIND & PONACK L.L.P.
1030 15th Street, N.W.
Suite 400 East
Washington DC 20005-1503

In re Application of
SASAKI, TAIJI et al.
Application No. 12/708,616
Filed: February 19, 2010
Attorney Docket No. 2010_0256A

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

This is a decision on the request to participate in the PCT Patent Prosecution Highway (PPH) pilot program and the petition under 37 CFR 1.102(d), filed November 17, 2010 to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PCT-PPH 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) and
(8) The 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 Mehrdad Dastouri at 571-272-7418.

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.

/Mehrdad Dastouri/

Mehrdad Dastouri
Quality Assurance Specialist
Technology Center 2400

Modified PTO/SB/20PCT-JP (01-2010)
Approved for use through 01/31/2012. OMB 0651-0058
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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

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

Application No.:	12/708,628	Filing Date:	February 19, 2010
First Named Inventor:	Wataru IKEDA et al.	Attorney Docket No.:	2010_0234A
Title of the Invention:	RECORDING MEDIUM, PLAYBACK DEVICE, INTEGRATED CIRCUIT		

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/JP2010/000912 claiming priority based on U.S. Provisional Applications 61/154,004 and 61/161,527**

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

[X] is attached.
[ ] is not attached because the document is already in the U.S. application.

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

[X] is attached.
[ ] is not attached because the document is already in the U.S. application.

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

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

[X] 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)

[X] 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.

The USPTO is hereby authorized to charge any fees under 37 C.F.R. §§ 1.16, 1.17, and 1.492, which may be required by this paper to Deposit Account No. 23-0975.

Modified PTO/SB/20PCT-JP (01-2010)
Approved for use through 01/31/2012. OMB 0651-0058
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

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

(continued)

Application No.:	12/708,628
First Named Inventor:	Wataru IKEDA et al.

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
26	1	Identical
27	2	Identical
28	3	Identical
29	4	Identical
30	5	Identical
31	6	Identical

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

Signature	/W. Douglas Hahm/ 2010.11.12 13:35:02 -05'00'	Date: November 12, 2010
Name: (Print/Type)	W. Douglas Hahm	Registration No. 44,142

VERIFICATION OF TRANSLATION

I, Kyozo Omori, translator at Nakajima & Associates IP Firm, 6th floor, Yodogawa 5-Bankan, 3-2-1 Toyosaki, Kita-Ku, Osaka, Japan, hereby declare that I am conversant with the English and Japanese languages and am a competent translator thereof. I further declare that to the best of my knowledge and belief the following is a true and correct translation made by me of the International Preliminary Report issued on PCT/JP2010/000912.

Date: November 4, 2010

Kyozo Omori

Kyozo Omori

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference: P055209P0B88

FOR FURTHER ACTION: See Form PCT/IPEA/416

International application No.: PCT/JP2010/000912

International filing date *(day/month/year):* 15. 02. 2010

Priority date *(day/month/year):* 20. 02. 2009

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

Int.Cl. H04N13/04(2006.01)i, G11B20/10(2006.01)i, H04N5/92(2006.01)i

Applicant: Panasonic Corporation

1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.

2. This REPORT consists of a total of ____4____ sheets, including this cover sheet.

3. This report is also accompanied by ANNEXES, comprising:

a. ☒ *(sent to the applicant and to the International Bureau)* a total of ____8____ sheets, as follows:

☒ sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).

☐ sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.

b. ☐ *(sent to the International Bureau only)* a total of (indicate type and number of electronic carrier(s)) _____ containing a sequence listing, in electronic form only, as indicated in the Supplemental Box Relating to Sequence Listing (see paragraph 3*bis* of Annex C of the Administrative Instructions).

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

☒Box No. I Basis of the report

☐Box No. II Priority

☐Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability

☐Box No. IV Lack of unity of invention

☒Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step 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

Date of submission of the demand: 09. 07. 2010

Date of completion of this report: 04. 10. 2010

Name and mailing address of the IPEA/

Japan Patent Office (IPEA/JP)

3-4-3 Kasumigaseki, Chiyoda-ku, Tokyo-to 100-8915

Authorized officer: Kazushige ITO 5P 8839

Telephone No.: 03-3581-1101 Extension: 3581

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.: PCT/JP2010/000912

Box No. I Basis of the report

1. With regard to the **language**, this report is based on:

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

☐ a translation of the international application into _____ which is the language of a translation furnished for the purposes of:

☐ international search (Rules 12.3(a) and 23.1(b)).

☐ publication of the international application (Rule 12.4(a)).

☐ international preliminary examination (Rules 55.2(a) and/or 55.3(a)).

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

☐ the international application as originally filed/furnished.

☒ the description:

pages 1-213 as originally filed/furnished.

pages* _____ received by this Authority on _____

pages* _____ received by this Authority on _____

☒ the claims:

Nos. _____ as originally filed/furnished.

Nos.* _____ as amended (together with any statement) under Article 19

Nos.* 1-6 received by this Authority on 09. 07. 2010

Nos.* _____ received by this Authority on _____

☒ the drawings:

~~sheets/~~Figs. 1-104 as originally filed/furnished.

sheets/Figs. * _____ received by this Authority on _____

sheets/Figs. * _____ received by this Authority on _____

☐ a sequence listing - see Supplemental Box Relating to Sequence Listing.

3. ☒ The amendments have resulted in the cancellation of:

☐ the description, pages _____

☒ the claims, Nos. 7-25

☐ the drawings, sheets/figs _____

☐ the sequence listing *(specify)*: _____

4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since either they are considered to go beyond the disclosure as filed, or they were not accompanied by a letter indicating the basis for the amendments in the application as filed, as indicated in the Supplemental Box (Rules 70.2(c) and (c-*bis*)):

☐ the description, pages _____

☐ the claims, Nos. _____

☐ the drawings, sheets/figs _____

☐ the sequence listing *(specify)*: _____

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

6. ☐ Supplementary international search report(s) from Authority(ies) _____ have been received and taken into account in drawing up this report (Rule 45*bis*.8(b) and (c)).

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

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.: PCT/JP2010/000912

Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step and industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims 1-6	YES
	Claims _____	NO
Inventive step (IS)	Claims 1-6	YES
	Claims _____	NO
Industrial applicability (IA)	Claims 1-6	YES
	Claims _____	NO

2. Citations and explanations (Rule 70.7)

Document 1: WO 2008/044191 A2 (KONINKLIJKE PHILIPS ELECTRONICS N.V.) 2008. 04. 17, page 1, line 8-page 3, line 14; page 6, lines 18-21 & EP 2105032 A1 & KR 10-2009-0066320 A & JP 2010-510558 A

Document 2: JP 2004-274125 A (Sony Corporation) 2004. 09. 30, paragraphs [0031]-[0035], [0041], [0044]-[0052], Figs. 3, 4, 8 and 9 (no family)

Document 1 recites the invention of a playback device for a Blu-ray Disc. Document 1 recites, in page 1, line 8-page 3, line 14, that a video stream and a graphics stream are recorded on a Blu-ray Disc and that the streams are played back. Also, Document 1 recites, in page 6, lines 18-21, that the data stream contains the depth map information for the 2D graphics object ODS and each ODS.

The depth map information recited in Document 1 corresponds to the "control information" in the invention of the present application.

Document 2 recites the invention of an image processing device that overlays a subtitle with image data of a stereo image and displays the overlaid image. Document 2 recites, in paragraph [0041], that the data stream is transmitted via predetermined media. Also, Document 2 recites, in paragraphs [0031]-[0035] and [0044]-[0052] and Figs. 3, 4, 8 and 9, that subtitle data is transformed into right-channel subtitle data and left-channel subtitle data, and they are overlaid with stereo moving picture data.

The invention claimed in Claim 1-6 of the present application has novelty and inventive step. None of the Documents cited in the International Search Report recites that the location of control information for stereoscopic playback is defined as being in the sub-view stream which is played back in the stereoscopic playback.

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.: PCT/JP2010/000912

Box No. VI Certain documents cited

1. Certain published documents (Rule 70.10)

Application No., Patent No.: WO 2010/032399 A1 "E,A"

Publication date *(day/month/year)*: 25. 03. 2010

Filing date *(day/month/year)*: 09. 09. 2009

Priority date (valid claim) *(day/month/year)*: 18. 09. 2008

2. Non-written disclosures (Rule 70.9)

Kind of non-written disclosure:

Date of non-written disclosure *(day/month/year)*:

Date of written disclosure referring to non-written disclosure *(day/month/year)*:

特 許 協 力 条 約

PCT

特許性に関する国際予備報告（特許協力条約第二章）

（法第12条、法施行規則第56条）
［ＰＣＴ36条及びＰＣＴ規則70］

出願人又は代理人の書類記号 P055209P0B88	今後の手続きについては、様式ＰＣＴ／ＩＰＥＡ／４１６を参照すること。	
国際出願番号 ＰＣＴ／ＪＰ２０１０／０００９１２	国際出願日 （日．月．年） １５．０２．２０１０	優先日 （日．月．年） ２０．０２．２００９
国際特許分類（ＩＰＣ） Int.Cl. H04N13/04(2006.01)i, G11B20/10(2006.01)i, H04N5/92(2006.01)i		
出願人（氏名又は名称） パナソニック株式会社		

１．この報告書は、ＰＣＴ35条に基づきこの国際予備審査機関で作成された国際予備審査報告である。
法施行規則第57条（ＰＣＴ36条）の規定に従い送付する。

２．この国際予備審査報告は、この表紙を含めて全部で ４ ページからなる。

３．この報告には次の附属物件も添付されている。

a．☑ 附属書類は全部で ８ ページである。

☑ 補正されて、この報告の基礎とされた及び／又はこの国際予備審査機関が認めた訂正を含む明細書、請求の範囲及び／又は図面の用紙（ＰＣＴ規則70.16及び実施細則第607号参照）

☐ 第Ｉ欄４．及び補充欄に示したように、出願時における国際出願の開示の範囲を超えた補正を含むものとこの国際予備審査機関が認定した差替え用紙

b．☐ 配列表に関する補充欄に示され、電子形式のみで提出された、配列表を含む電子媒体は全部で
（電子媒体の種類、数を示す）。
（実施細則附属書Ｃ３の２第３段落参照）

４．この国際予備審査報告は、次の内容を含む。

☑ 第Ｉ欄　国際予備審査報告の基礎
☐ 第Ⅱ欄　優先権
☐ 第Ⅲ欄　新規性、進歩性又は産業上の利用可能性についての国際予備審査報告の不作成
☐ 第Ⅳ欄　発明の単一性の欠如
☑ 第Ⅴ欄　ＰＣＴ35条(2)に規定する新規性、進歩性又は産業上の利用可能性についての見解、それを裏付けるための文献及び説明
☑ 第Ⅵ欄　ある種の引用文献
☐ 第Ⅶ欄　国際出願の不備
☐ 第Ⅷ欄　国際出願に対する意見

国際予備審査の請求書を受理した日 ０９．０７．２０１０	国際予備審査報告を作成した日 ０４．１０．２０１０	
名称及びあて先 日本国特許庁（ＩＰＥＡ／ＪＰ） 郵便番号１００－８９１５ 東京都千代田区霞が関三丁目４番３号	特許庁審査官（権限のある職員） 伊東　和重	５Ｐ　８８３９
	電話番号　０３－３５８１－１１０１　内線　３５８１	

特許性に関する国際予備報告

国際出願番号 ＰＣＴ／ＪＰ２０１０／０００９１２

第Ｉ欄　報告の基礎

1．言語に関し、この予備審査報告は以下のものを基礎とした。

☑ 出願時の言語による国際出願

☐ 出願時の言語から次の目的のための言語である ＿＿＿＿＿＿ 語に翻訳された、この国際出願の翻訳文

☐ 国際調査（ＰＣＴ規則12.3(a)及び23.1(b)）

☐ 国際公開（ＰＣＴ規則12.4(a)）

☐ 国際予備審査（ＰＣＴ規則55.2(a)又は55.3(a)）

2．この報告は下記の出願書類を基礎とした。（法第6条（ＰＣＴ14条）の規定に基づく命令に応答するために提出された差替え用紙は、この報告において「出願時」とし、この報告に添付していない。）

☐ 出願時の国際出願書類

☑ 明細書

第 1-213 ページ、出願時に提出されたもの

第 ＿＿＿＿ ページ*、＿＿＿＿ 付けで国際予備審査機関が受理したもの

第 ＿＿＿＿ ページ*、＿＿＿＿ 付けで国際予備審査機関が受理したもの

☑ 請求の範囲

第 ＿＿＿＿ 項、出願時に提出されたもの

第 ＿＿＿＿ 項*、ＰＣＴ１９条の規定に基づき補正されたもの

第 1-6 項*、09.07.2010 付けで国際予備審査機関が受理したもの

第 ＿＿＿＿ 項*、＿＿＿＿ 付けで国際予備審査機関が受理したもの

☑ 図面

第 1-104 ~~ページ~~／図、出願時に提出されたもの

第 ＿＿＿＿ ページ／図*、＿＿＿＿ 付けで国際予備審査機関が受理したもの

第 ＿＿＿＿ ページ／図*、＿＿＿＿ 付けで国際予備審査機関が受理したもの

☐ 配列表

配列表に関する補充欄を参照すること。

3．☑ 補正により、下記の書類が削除された。

☐ 明細書　第 ＿＿＿＿ ページ

☑ 請求の範囲　第 7-25 項

☐ 図面　第 ＿＿＿＿ ページ／図

☐ 配列表（具体的に記載すること）＿＿＿＿

4．☐ この報告は、補充欄に示したように、この報告に添付されかつ以下に示した補正が出願時における開示の範囲を超えてされたものと認められるので、その補正がされなかったものとして作成した。（ＰＣＴ規則70.2(c)）

☐ 明細書　第 ＿＿＿＿ ページ

☐ 請求の範囲　第 ＿＿＿＿ 項

☐ 図面　第 ＿＿＿＿ ページ／図

☐ 配列表（具体的に記載すること）＿＿＿＿

5．☐ この報告は、ＰＣＴ規則 91 の規定により国際予備審査機関が認めた又は国際予備審査機関に通知された明らかな誤りの訂正を考慮して作成した（ＰＣＴ規則70.2(e)）。

6．☐ この報告を作成するにあたり、補充国際調査機関である ＿＿＿＿ から受領した補充国際調査報告を考慮した。（ＰＣＴ規則45の2.8(b)及び(c)）

＊ 4．に該当する場合、その用紙に "superseded" と記入されることがある。

第Ｖ欄　新規性、進歩性又は産業上の利用可能性についての法第12条（ＰＣＴ35条(2)）に定める見解、それを裏付ける文献及び説明

１．　見解

新規性（N）	請求項	１－６	有
	請求項		無
進歩性（ＩＳ）	請求項	１－６	有
	請求項		無
産業上の利用可能性（ＩＡ）	請求項	１－６	有
	請求項		無

２．　文献及び説明（ＰＣＴ規則70.7）

文献１：WO 2008/044191 A2 (KONINKLIJKE PHILIPS ELECTRONICS N.V.) 2008.04.17, 第１頁第８行－第３頁第１４行，第６頁第１８－２１行 & EP 2105032 A1 & KR 10-2009-0066320 A & JP 2010-510558 A

文献２：JP 2004-274125 A（ソニー株式会社）2004.09.30, 段落【0031】－【0035】【0041】【0044】－【0052】，図３，４，８，９（ファミリーなし）

文献１には、ブルーレイディスクの再生装置の発明が記載されている。文献１の第１頁第８行－第３頁第１４行には、ブルーレイディスクにビデオストリーム及びグラフィックストリームが記録され、それらを再生することが記載されている。また文献１の第６頁第１８－２１行には、データストリームが２Ｄグラフィクスのオブジェクト ＯＤＳ及び各ＯＤＳに対する奥行きマップ情報含んでいることが記載されている。
文献１の奥行きマップ情報が、本願発明の「制御情報」に相当する。

文献２には、ステレオ画像の画像データに字幕を合成して表示する、画像処理装置の発明が記載されている。文献１の段落【００４１】には、データストリームが所定のメディアを介して伝送されることが記載されている。また段落【００３１】－【００３５】【００４４】－【００５２】，図３，４，８，９には、距離パラメータに基づいて字幕データを右チャンネル用字幕データ及び左チャンネル用字幕データに変形し、ステレオ動画像データに合成することが記載されている。

本願の請求項１－６に係る発明は、新規性、進歩性を有する。立体視再生用の制御情報の置き場所を、立体視再生時に再生されるサブビューストリーム内に規定することは、国際調査報告に列記された文献には記載されていない。

第VI欄 ある種の引用文献

1． ある種の公表された文書（ＰＣＴ規則 70.10）

出願番号 特許番号	公知日 （日．月．年）	出願日 （日．月．年）	優先日（有効な優先権の主張） （日．月．年）
WO 2010/032399 A1 「E, A」	25.03.2010	09.09.2009	18.09.2008

2． 書面による開示以外の開示（ＰＣＴ規則 70.9）

書面による開示以外の開示の種類	書面による開示以外の開示の日付 （日．月．年）	書面による開示以外の開示に言及している書面の日付（日．月．年）

特許協力条約

発信人　日本国特許庁（国際予備審査機関）

代理人
中島司朗
様

あて名
〒531-0072
日本国大阪府大阪市北区豊崎三丁目２番１号淀川５番館６Ｆ

ＰＣＴ

特許性に関する国際予備報告（特許協力条約第二章）の送付の通知書

（法施行規則第 57 条）
〔ＰＣＴ規則 71.1〕

発送日 (日.月.年)　１２．１０．２０１０	
出願人又は代理人の書類記号　P055209P0B88	重要な通知

国際出願番号	国際出願日	優先日
ＰＣＴ／ＪＰ２０１０／０００９１２	(日.月.年)　１５．０２．２０１０	(日.月.年)　２０．０２．２００９

出願人（氏名又は名称）
パナソニック株式会社

１．国際予備審査機関は、この国際出願に関して特許性に関する国際予備報告及び付属書類が作成されている場合には、それらをこの送付書とともに送付することを、出願人に通知する。

２．国際予備報告及び付属書類が作成されている場合には、すべての選択官庁に通知するために、それらの写しを国際事務局に送付する。

３．選択官庁から要求があったときは、国際事務局は国際予備報告（付属書類を除く）の英語の翻訳文を作成し、それをその選択官庁に送付する。

４．注　意

出願人は、各選択官庁に対し優先日から３０月以内に（官庁によってはもっと遅く）所定の手続（翻訳文の提出及び国内手数料の支払い）をしなければならない（ＰＣＴ39条（１））（様式ＰＣＴ／１Ｂ／３０１とともに国際事務局から送付された注を参照）。

国際出願の翻訳文が選択官庁に提出された場合には、その翻訳文は、特許性に関する国際予備報告の付属書類の翻訳文を含まなければならない。この翻訳文を作成し、関係する選択官庁に直接送付するのは出願人の責任である。

選択官庁が適用する期間及び要件の詳細については、ＰＣＴ出願人の手引き第Ⅱ巻を参照すること。

出願人はＰＣＴ第 33 条(5)に注意する。すなわち、ＰＣＴ第 33 条(2)から(4)までに規定する新規性、進歩性及び産業上利用可能性の基準は国際予備審査にのみ用いるものであり、締約国は、請求の範囲に記載されている発明が自国において特許を受けることができる発明であるかどうかを決定するに当たっては、追加の又は異なる基準を適用することができる（ＰＣＴ第 27 条(5)も併せて参照）。そのような追加の基準は、例えば、実施可能要件や特許請求の範囲の明確性又は裏付け要件を、特許要件から免除することも含む。

名称及びあて名 日本国特許庁（ＩＰＥＡ／ＪＰ） 郵便番号１００－８９１５ 東京都千代田区霞が関三丁目４番３号	権限のある職員 特　許　庁　長　官 電話番号　０３－３５８１－１１０１　内線　３５８１	５Ｐ	８８３９

注　　意

1．法律又は契約等の制限により、国際予備審査報告に記載した非特許文献の写しの一部又は全てが送付されない場合があります。

2．文献の写しの請求について
国際予備審査報告に記載された文献であって国際調査報告に記載されていない文献の複写

特許庁にこれらの引用文献の写しを請求することもできますが、独立行政法人工業所有権情報・研修館（特許庁庁舎２階）で公報類の閲覧・複写および公報以外の文献複写等の取り扱いをしています。

〔担当及び照会先〕
〒１００－００１３　東京都千代田区霞が関３丁目４番３号（特許庁庁舎２階）
独立行政法人工業所有権情報・研修館
【公 報 類】　閲覧部　ＴＥＬ　03－3581－1101　内線3811～2
【公報以外】　資料部　ＴＥＬ　03－3581－1101　内線3831～3

また、（財）日本特許情報機構でも取り扱いをしています。
これらの引用文献の複写を請求する場合は下記の点に注意してください。

〔申込方法〕
（１）特許（実用新案・意匠）公報については、下記の点を明記してください。
○特許・実用新案及び意匠の種類
○出願公告又は出願公開の年次及び番号（又は特許番号、登録番号）
○必要部数
（２）公報以外の文献の場合は、下記の点に注意してください。
○国際予備審査報告の写しを添付してください（返却します）。
〔申込み及び照会先〕
〒１３５－００１６　東京都江東区東陽４－１－７　佐藤ダイヤビルディング
財団法人　日本特許情報機構　情報業務部業務課
ＴＥＬ　０３－３５０８－２３１３
注）　特許庁に対して文献の写しの請求をすることができる期間は、国際出願日から７年です。

3．各選択官庁に対し、国際出願の写し（既に国際事務局から送達されている場合は除く）及びその所定の翻訳文を提出し、国内手数料を支払うことが必要となります。その期限については各国ごとに異なりますので注意してください。（条約第22条、第39条及び第64条(2)(a)(i)参照）

VERIFICATION OF TRANSLATION

I, Kyozo Omori, translator at Nakajima & Associates IP Firm, 6th floor, Yodogawa 5-Bankan, 3-2-1 Toyosaki, Kita-Ku, Osaka, Japan, hereby declare that I am conversant with the English and Japanese languages and am a competent translator thereof. I further declare that to the best of my knowledge and belief the following is a true and correct translation made by me of the claims of PCT/JP2010/000912 after amendment under PCT article 34.

Date: November 4, 2010

Kyozo Omori

Kyozo Omori

CLAIMS

1. (Amended) A playback device for playing back a recording medium on which a main-view video stream, a sub-view video stream, and a graphics stream are recorded, wherein

the main-view video stream includes picture data constituting a main view of a stereoscopic image,

the sub-view video stream includes metadata and picture data constituting a sub view of the stereoscopic image,

the graphics stream includes graphics data, and a graphics plane on which the graphics data is drawn is overlaid with a main-view video plane and a sub-view video plane on which the respective picture data are drawn,

the metadata is control information defining an offset control that applies offsets of leftward and rightward directions to horizontal coordinates in the graphics plane when the graphics plane is overlaid with the main-view video plane and the sub-view video plane, and

the control information includes information that indicates, by a number of pixels, values of the offsets to be applied to the graphics plane,

the playback device comprises:

a video decoder operable to obtain the picture data constituting the main view and the picture data constituting the sub view by decoding the main-view video stream and the sub-view video stream;

a graphics decoder operable to obtain the graphics data by decoding the graphics stream;

the main-view video plane on which the picture data constituting the main view is drawn;

the sub-view video plane on which the picture data constituting the sub view is drawn;

the graphics plane on which the graphics data is drawn; and

an overlay unit operable to overlay the graphics plane with the main-view

video stream and the sub-view video stream,

wherein the overlay unit, in accordance with the control information, applies offsets of leftward and rightward directions to the horizontal coordinates in the graphics plane, and overlays resultant graphics planes with the main-view video plane and the sub-view video plane, respectively.

2. (Amended) The playback device of Claim 1, wherein

the control information further includes information that defines directions of the offsets to be applied to the graphics plane, and

the overlay unit, in accordance with the control information, applies offsets of leftward and rightward directions to the horizontal coordinates in the graphics plane, and overlays resultant graphics planes with the main-view video plane and the sub-view video plane, respectively.

3. (Amended) The playback device of Claim 2, wherein

each of the picture data included in the main-view video stream and the picture data included in the sub-view video stream represents a plurality of groups of pictures,

each group of pictures in the plurality of groups of pictures constitutes a plurality of frames, and the control information is a plurality of pieces of control information held as parameter sequences in one-to-one correspondence with the plurality of frames, and

the overlay unit, in accordance with each piece of control information being each parameter sequence, applies offsets of leftward and rightward directions to the horizontal coordinates in the graphics plane, and overlays resultant graphics planes with the main-view video plane and the sub-view video plane, respectively.

4. (Amended) A method for recording a video stream and a graphics stream onto a recording medium, the method comprising the steps of:

generating a main-view video stream which includes picture data constituting a main view of a stereoscopic image;

generating a sub-view video stream which includes metadata and picture data constituting a sub view of the stereoscopic image;

generating a graphics stream which includes graphics data;

recording the main-view video stream;

recording the sub-view video stream; and

recording the graphics stream, wherein

a plane on which the graphics data is drawn is overlaid with a main-view video plane on which the picture data constituting the main view is drawn and with a sub-view video plane on which the picture data constituting the sub view is drawn,

the metadata is control information defining an offset control that applies offsets of leftward and rightward directions to horizontal coordinates in the graphics plane when the graphics plane is overlaid with the main-view video plane and the sub-view video plane, and

the control information includes information that indicates, by a number of pixels, values of the offsets to be applied to the graphics plane.

5. (Amended) A recording medium playback system including a recording medium on which a main-view video stream, a sub-view video stream, and a graphics stream are recorded, and a playback device for playing back the recording medium, wherein

the main-view video stream includes picture data constituting a main view of a stereoscopic image,

the sub-view video stream includes metadata and picture data constituting a sub view of the stereoscopic image,

the graphics stream includes graphics data, and a graphics plane on which the graphics data is drawn is overlaid with a main-view video plane and a sub-view video plane on which the respective picture data are drawn,

the metadata is control information defining an offset control that applies offsets of leftward and rightward directions to horizontal coordinates in the graphics plane when the graphics plane is overlaid with the main-view video plane and the sub-view video plane, and

the control information includes information that indicates, by a number of pixels, values of the offsets to be applied to the graphics plane,

the playback device comprises:

a video decoder operable to obtain the picture data constituting the main view and the picture data constituting the sub view by decoding the main-view video stream and the sub-view video stream;

a graphics decoder operable to obtain the graphics data by decoding the graphics stream;

the main-view video plane on which the picture data constituting the main view is drawn;

the sub-view video plane on which the picture data constituting the sub view is drawn;

the graphics plane on which the graphics data is drawn; and

an overlay unit operable to overlay the graphics plane with the main-view video stream and the sub-view video stream,

wherein the overlay unit, in accordance with the control information, applies offsets of leftward and rightward directions to the horizontal coordinates in the graphics plane, and overlays resultant graphics planes with the main-view video plane and the sub-view video plane, respectively.

6. (Amended) A semiconductor integrated circuit for performing an image signal process onto data received from a recording medium on which a main-view video stream, a sub-view video stream, and a graphics stream are recorded, wherein

the main-view video stream includes picture data constituting a main view of a stereoscopic image,

the sub-view video stream includes metadata and picture data constituting a sub view of the stereoscopic image,

the graphics stream includes graphics data, and a graphics plane on which the graphics data is drawn is overlaid with a main-view video plane and a sub-view video plane on which the respective picture data are drawn,

the metadata is control information defining an offset control that applies offsets of leftward and rightward directions to horizontal coordinates in the graphics plane when the graphics plane is overlaid with the main-view video plane and the sub-view video plane,

the control information includes information that indicates, by a number of pixels, values of the offsets to be applied to the graphics plane,

the main-view video stream is multiplexed as a main-view transport stream and then is divided into a plurality of main-view data groups,

the sub-view video stream is multiplexed as a sub-view transport stream and then is divided into a plurality of sub-view data groups,

the main-view data groups and the sub-view data groups are recorded as data in which the main-view data groups and the sub-view data groups are arranged in an interleaved manner,

the graphics stream is multiplexed into one of or both of the main-view transport stream and the sub-view transport stream, and at least one of the main-view data groups and the sub-view data groups include the graphics data,

the semiconductor integrated circuit comprises:

a main control unit operable to control the semiconductor integrated circuit;

a stream processing unit operable to receive, from the recording medium, the data in which the main-view data groups and the sub-view data groups are arranged in an interleaved manner, store the received data into a memory provided inside or outside of the semiconductor integrated circuit, and then demultiplex the data into the picture data and the graphics data;

a signal processing unit operable to decode the picture data and the graphics data; and

an AV output unit operable to output the picture data decoded by the signal processing unit,

the stream processing unit includes:

a switching unit operable to switch storage destination when the received data is stored into the memory,

the memory includes a first area, a second area, a third area, a fourth area, and a fifth area,

the main control unit controls the switching unit to store the main-view data groups into the first area and to store the sub-view data groups into the second area,

data belonging to the main-view data groups, among the decoded picture data, is stored into the third area, the third area corresponding to the main-view video plane,

data belonging to the sub-view data groups, among the decoded picture data, is stored into the fourth area, the fourth area corresponding to the sub-view video plane,

the decoded graphics data is stored into the fifth area, the fifth area corresponding to the graphics plane,

the AV output unit includes:

an image superimposing unit operable to superimpose the decoded picture data with the decoded graphics data,

the image superimposing unit, in accordance with the control information, applies offsets of leftward and rightward directions to the horizontal coordinates in the graphics plane, and overlays resultant graphics planes with the main-view video plane and the sub-view video plane, respectively, and

the AV output unit outputs the decoded picture data having been superimposed with the decoded graphics data.

Claim 7 (Cancelled)

Claim 8 (Cancelled)

Claim 9 (Cancelled)

Claim 10 (Cancelled)

Claim 11 (Cancelled)

Claim 12 (Cancelled)

Claim 13 (Cancelled)

Claim 14 (Cancelled)

Claim 15 (Cancelled)

Claim 16 (Cancelled)

Claim 17 (Cancelled)

Claim 18 (Cancelled)

Claim 19 (Cancelled)

Claim 20 (Cancelled)

Claim 21 (Cancelled)

Claim 22 (Cancelled)

Claim 23 (Cancelled)

Claim 24 (Cancelled)

Claim 25 (Cancelled)

請求の範囲

[請求項1] （補正後）

メインビュービデオストリームと、サブビュービデオストリームと、グラフィクスストリームとが記録された記録媒体を再生する再生装置であって、

前記メインビュービデオストリームは、立体視映像のメインビューを構成するピクチャデータを含み、

前記サブビュービデオストリームは、立体視映像のサブビューを構成するピクチャデータと、メタデータとを含み、

前記グラフィクスストリームは、グラフィクスデータを含み、前記グラフィクスデータが描画されるグラフィクスプレーンは、前記メインビューを構成するピクチャデータが描画されるメインビュービデオプレーン及び前記サブビューを構成するピクチャデータが描画されるサブビュービデオプレーンと合成され、

前記メタデータは、前記グラフィクスプレーンに対して水平座標の右方向及び左方向のオフセットを与えて、それぞれ前記メインビュービデオプレーン及び前記サブビュービデオプレーンと合成する、オフセット制御を規定する制御情報であり、

前記制御情報は、前記グラフィクスプレーンのオフセット値を画素数で示す情報を含み、

前記メインビュービデオストリーム及び前記サブビュービデオストリームをデコードすることにより、メインビューを構成するピクチャデータ及びサブビューを構成するピクチャデータを得るビデオデコーダと、

前記グラフィクスストリームをデコードすることにより、グラフィクスデータを得るグラフィクスデコーダと、

前記メインビューを構成するピクチャデータが描画されるメインビュービデオプレーンと、

前記サブビューを構成するピクチャデータが描画されるサブビュービデオプレーンと、

前記グラフィクスデータが描画されるグラフィクスプレーンと、

前記メインビュービデオプレーン及び前記サブビュービデオプレーンと、前記グラフィクスプレーンとを合成する合成部と、

を備え、

前記合成部は、前記制御情報に基づいて、前記グラフィクスプレーンに対して、水平座標の右方向及び左方向のオフセットを与えて、それぞれ前記メインビュービデオプレーン及び前記サブビュービデオプレーンと合成する

ことを特徴とする再生装置。

[請求項2]　(補正後)

前記制御情報は、

前記グラフィクスプレーンのオフセット方向を規定する情報をさらに含み、

前記合成部は、前記制御情報に基づいて、前記グラフィクスプレーンに対して、水平座標の右方向及び左方向のオフセットを与えて、それぞれ前記メインビュービデオプレーン及び前記サブビュービデオプレーンと合成する

ことを特徴とする請求項１記載の再生装置。

[請求項3]　(補正後)

前記メインビュービデオストリームにおけるピクチャデータ及び前記サブビュービデオストリームにおけるピクチャデータは、それぞれ複数のグループオブピクチャを構成し、前記複数のグループオブピクチャにおける各グループオブピクチャは、それぞれ複数のフレームを構成し、前記複数のフレームにおける各フレームに対応する制御情報を、パラメータシーケンスとして有し、

前記合成部は、前記パラメータシーケンスにおける個々の制御情報

に基づいて、前記グラフィクスプレーンに対して、水平座標の右方向及び左方向のオフセットを与えて、それぞれ前記メインビュービデオプレーン及び前記サブビュービデオプレーンと合成する

ことを特徴とする請求項２記載の再生装置。

[請求項4] (補正後)

ビデオストリームと、グラフィクスストリームとを記録媒体に記録する方法であって、

立体視映像のメインビューを構成するピクチャデータを含むメインビュービデオストリームを生成するステップと、

立体視映像のサブビューを構成するピクチャデータと、メタデータとを含むサブビュービデオストリームを生成するステップと、

グラフィクスデータを含むグラフィクスストリームを生成するステップと、

前記メインビュービデオストリームを記録するステップと、

前記サブビュービデオストリームを記録するステップと、

前記グラフィクスストリームを記録するステップとを備え、

前記グラフィクスデータが描画されるプレーンは、前記メインビューを構成するピクチャデータが描画されるメインビュービデオプレーン及び前記サブビューを構成するピクチャデータが描画されるサブビュービデオプレーンと合成され、

前記メタデータは、前記グラフィクスプレーンに対して水平座標の右方向及び左方向のオフセットを与えて、それぞれ前記メインビュービデオプレーン及び前記サブビュービデオプレーンと合成する、オフセット制御を規定する制御情報であり、

前記制御情報は、前記グラフィクスプレーンのオフセット値を画素数で示す情報を含む

ことを特徴とする記録方法。

[請求項5] (補正後)

メインビュービデオストリームと、サブビュービデオストリームと、グラフィクスストリームとが記録されている記録媒体と前記記録媒体を再生する再生装置とを備えた記録媒体再生システムであって、

前記メインビュービデオストリームは、立体視映像のメインビューを構成するピクチャデータを含み、

前記サブビュービデオストリームは、立体視映像のサブビューを構成するピクチャデータと、メタデータとを含み、

前記グラフィクスストリームは、グラフィクスデータを含み、前記グラフィクスデータが描画されるグラフィクスプレーンは、前記メインビューを構成するピクチャデータが描画されるメインビュービデオプレーン及び前記サブビューを構成するピクチャデータが描画されるサブビュービデオプレーンと合成され、

前記メタデータは、前記グラフィクスプレーンに対して水平座標の右方向及び左方向のオフセットを与えて、それぞれ前記メインビュービデオプレーン及び前記サブビュービデオプレーンと合成する、オフセット制御を規定する制御情報であり、

前記制御情報は、前記グラフィクスプレーンのオフセット値を画素数で示す情報を含み、

前記再生装置は、

前記メインビュービデオストリーム及び前記サブビュービデオストリームをデコードすることにより、メインビューを構成するピクチャデータ及びサブビューを構成するピクチャデータを得るビデオデコーダと、

前記グラフィクスストリームをデコードすることにより、グラフィクスデータを得るグラフィクスデコーダと、

前記メインビューを構成するピクチャデータが描画されるメインビュービデオプレーンと、

前記サブビューを構成するピクチャデータが描画されるサブビュー

ビデオプレーンと、

前記グラフィクスデータが描画されるグラフィクスプレーンと、

前記メインビュービデオプレーン及び前記サブビュービデオプレーンと、前記グラフィクスプレーンとを合成する合成部と、

を備え、

前記合成部は、前記制御情報に基づいて、前記グラフィクスプレーンに対して、水平座標の右方向及び左方向のオフセットを与えて、それぞれ前記メインビュービデオプレーン及び前記サブビュービデオプレーンと合成する

ことを特徴とする記録媒体再生装置。

[請求項6]　(補正後)

メインビュービデオストリームと、サブビュービデオストリームと、グラフィクスストリームとが記録された記録媒体から受信したデータ

に対して、映像信号処理を行う半導体集積回路であって、

前記メインビュービデオストリームは、立体視映像のメインビューを構成するピクチャデータを含み、

前記サブビュービデオストリームは、立体視映像のサブビューを構成するピクチャデータと、メタデータとを含み、

前記グラフィクスストリームは、グラフィクスデータを含み、前記グラフィクスデータが描画されるグラフィクスプレーンは、前記メインビューを構成するピクチャデータが描画されるメインビュービデオプレーン及び前記サブビューを構成するピクチャデータが描画されるサブビュービデオプレーンと重畳され、

前記メタデータは、前記グラフィクスプレーンに対して水平座標の右方向及び左方向のオフセットを与えて、それぞれ前記メインビュービデオプレーン及び前記サブビュービデオプレーンと合成する、オフセット制御を規定する制御情報であり、

前記制御情報は、前記グラフィクスプレーンのオフセット値を画素数で示す情報を含み、

前記メインビュービデオストリームは、メインビュートランスポートストリームとして多重化された後、複数のメインビューデータ群に分割され、

前記サブビュービデオストリームは、サブビュートランスポートストリームとして多重化された後、複数のサブビューデータ群に分割され、

前記メインビューデータ群と前記サブビューデータ群は交互に配置されたデータとして記録されており、

前記グラフィクスストリームは、前記メインビュートランスポートストリーム及び前記サブビュートランスポートストリームのうち何れか一方、もしくは両方に多重化されており、前記メインビューデータ群と前記サブビューデータ群の少なくとも何れかは、前記グラフィクスデータを含み、

前記半導体集積回路は、

前記半導体集積回路の制御を行う主制御部と、

前記記録媒体から、前記メインビューデータ群と前記サブビューデータ群が交互に配置されたデータを受信し、前記半導体集積回路の内部もしくは外部に設けられたメモリに一旦格納した後、前記ピクチャデータと前記グラフィクスデータとに多重分離するストリーム処理部と、

前記ピクチャデータと前記グラフィクスデータをそれぞれデコードする信号処理部と、

デコードされた前記ピクチャデータを出力するAV出力部とを備えており、

前記ストリーム処理部は、受信した前記データを前記メモリに格納する際、格納先を切り替える切替部とを備えており、

前記メモリは、第１の領域と第２の領域と第３の領域と第４の領域と第５の領域とを有しており、

前記主制御部は、前記メインビューデータ群を、前記第１の領域に格納するように前記切替部を制御し、前記サブビューデータ群を、前記第２の領域に格納するように前記切替部を制御し、

前記デコードされたピクチャデータのうち前記メインビューデータ群に属しているデータは、前記第３の領域に格納され、前記第３の領域は、メインビュービデオプレーンに対応しており、

前記デコードされたピクチャデータのうち前記サブビューデータ群に属しているデータは、前記第４の領域に格納され、前記第４の領域は、サブビュービデオプレーンに対応しており、

前記デコードされたグラフィクスデータは、前記第５の領域に格納され、前記第５の領域はグラフィクスプレーンに対応しており、

前記AV出力部は、前記デコードされたピクチャデータと前記デコードされたグラフィクスデータとを重畳する画像重畳部を備えており、

前記画像重畳部は、前記制御情報に基づいて、前記グラフィクスプレーンに対して水平座標の右方向及び左方向のオフセットを与えて、それぞれ前記メインビュービデオプレーン及び前記サブビュービデオプレーンと重畳し、

前記AV出力部は、前記デコードされたグラフィクスデータが重畳された前記デコードされたピクチャデータを出力する。

ことを特徴とする半導体集積回路。

[請求項7]　(削除)

[請求項8]　(削除)

[請求項9]　(削除)

[請求項10]　(削除)

[請求項11]　(削除)

[請求項12]　(削除)

[請求項13] (削除)

[請求項14] (削除)

[請求項15] (削除)

[請求項16] (削除)

[請求項17] (削除)

[請求項18] (削除)

[請求項19] (削除)

[請求項20] (削除)

[請求項21] (削除)

[請求項22] (削除)

[請求項23] (削除)

[請求項24] (削除)

[請求項25] (削除)

UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/708,628	02/19/2010	Wataru IKEDA	2010_0234A	4871

52349 7590 01/20/2011
WENDEROTH, LIND & PONACK L.L.P.
1030 15th Street, N.W.
Suite 400 East
Washington, DC 20005-1503

EXAMINER

ART UNIT	PAPER NUMBER
2484	

NOTIFICATION DATE	DELIVERY MODE
01/20/2011	ELECTRONIC

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

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

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

ddalecki@wenderoth.com
eoa@wenderoth.com

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JAN 19 2011
DIRECTOR OFFICE
TECHNOLOGY CENTER 2400

WENDEROTH, LIND & PONACK L.L.P.
1030 15th Street, N.W.
Suite 400 East
Washington DC 20005-1503

In re Application of	:	
IKEDA, WATARU, et al.	:	DECISION ON REQUEST TO
Application No. 12/708,628	:	PARTICIPATE IN PATENT
Filed: February 19, 2010	:	PROSECUTION HIGHWAY
Attorney Docket No. 2010_0234A	:	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 November 12, 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) and
(8) The 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 Mehrdad Dastouri at 571-272-7418.

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.

/Mehrdad Dastouri/

Mehrdad Dastouri
Quality Assurance Specialist
Technology Center 2400

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4417 LANCASTER PIKE
WILMINGTON, DE 19805

MAILED
JAN 19 2011
OFFICE OF PETITIONS

In re Application of	:	
Koehn et al.	:	
Application No. 12/708,679	:	ON PETITION
Filed: February 19, 2010	:	
Attorney Docket No. FA1790USNA	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed December 9, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to file a reply in a timely manner to the Notice to File Missing Parts of Nonprovisional Application (Notice), mailed March 8, 2010. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on May 9, 2010. A Notice of Abandonment was mailed November 22, 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 declaration and surcharge of $130, (2) the petition fee of $1,620, and (3) a proper statement of unintentional delay.

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

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

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-6059. Telephone inquiries related to OPAP processing should be directed to their hotline at (271) 272-4000

A. Kelley

Alicia Kelley
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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WILMINGTON DE 19805

MAILED

MAR 29 2011

OFFICE OF PETITIONS

In re Application of:	:	
Fabian Koehn et al.	:	
Application No. 12/708,691	:	DECISION ON PETITION
Filing Date: February 19, 2010	:	
Attorney Docket No. FA1783USNA	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed on December 09, 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 mailed March 05, 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) was obtained. Accordingly, the above-identified application became abandoned on May 06, 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 signed oath or declaration, (2) the petition fee of $1620, and (3) a proper statement of unintentional delay. Accordingly, the reply to the Notice to File Missing Parts of Nonprovisional Application of March 05, 2010 is accepted as having been unintentionally delayed.

Telephone inquiries concerning this decision should be directed to Tredelle Jackson at 571-272-2783.

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

Ramesh Krishnamurthy

Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions

PTO/SB/20CA (07-11)
Approved for use through 01/31/2012. OMB 0651-0058
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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

REQUEST FOR PARTICIPATION IN THE PATENT PROSECUTION HIGHWAY (PPH) PROGRAM BETWEEN THE CANADIAN INTELLECTUAL PROPERTY OFFICE (CIPO) AND THE USPTO

Application No.:	12/708,709-Conf. #5066	Filing Date:	February 19, 2010
First Named Inventor:	Marty Stromquist		
Attorney Docket No.:	231123-308976		
Title of the Invention:	Downhole Tool Assembly With Debris Relief, and Method for Using Same		

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 and the corresponding CIPO application(s) have the same priority/filing date. If CIPO is not the office of first filing (OFF), identify the OFF and the OFF application no.

The CIPO application number(s) is/are: 2,693,676

The filing date of the CIPO application(s) is/are: 02/18/2010

I. List of Required Documents:

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

[X] Is attached. **See Attachment A**

b. **A copy of all claims which were determined to be patentable by the CIPO in the above-identified CIPO application(s).**

[X] Is attached. **See Attachment B**

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 CIPO office actions**

[ ] Is attached.

[X] Has already been filed in the above-identified U.S. application on December 12, 2011

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

[ ] Are attached.

[X] Have already been filed in the above-identified U.S. application on December 12, 2011

10086659

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 CANADIAN INTELLECTUAL PROPERTY OFFICE (CIPO) AND THE USPTO
(continued)

Application No.:	12/708,709-Conf. #5066
First Named Inventor:	Marty Stromquist

II. Claims Correspondence Table: SEE ATTACHMENT C

Claims in US Application	Patentable Claims in CIPO Application	Explanation regarding the correspondence

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

Signature Joseph V. Coppola	Date December 12, 2011
Name (Print/Typed) Joseph V. Coppola, Sr.	Registration Number 33,373

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being transmitted via the Office electronic filing system in accordance with 37 CFR § 1.6(a)(4).

Dated: 12/12/11 Signature: Joyce A Krumpe (Joyce A. Krumpe)

10086659

ATTACHMENT A

Office de la propriété intellectuelle du Canada
Un organisme d'Industrie Canada
www.opic.gc.ca

Canadian Intellectual Property Office
An Agency of Industry Canada
www.cipo.gc.ca

ENTERED
July 7/11
By: Janice

June 16, 2011

BURNET, DUCKWORTH & PALMER LLP
1400, 350-7th Avenue S.W.
CALGARY Alberta
T2P 3N9

Application No.	:	**2,693,676**
Owner	:	NCS OILFIELD SERVICES CANADA INC.
Title	:	**DOWNHOLE TOOL ASSEMBLY WITH DEBRIS RELIEF, AND METHOD FOR USING SAME**
Classification	:	E21B 43/114 (2006.01)
Your File No.	:	**67192-9**
Examiner	:	**Christian-Dan Opris**

YOU ARE HEREBY NOTIFIED OF A REQUISITION BY THE EXAMINER IN ACCORDANCE WITH SUBSECTION 30(2) OF THE *PATENT RULES*. CONSISTENT WITH THE OBJECTIVES OF SECTION 28 OF THE *PATENT RULES*, IN ORDER TO AVOID ABANDONMENT UNDER PARAGRAPH 73(1)(*a*) OF THE PATENT ACT A WRITTEN REPLY MUST BE RECEIVED WITHIN **THREE (3)** MONTHS AFTER THE ABOVE DATE.

This application has been examined taking into account the applicant's correspondence received in this office on April 19, 2011.

The number of claims in this application is 41.

The examiner has identified the following defects in the application:

As the application is apparently directed to a plurality of inventions, as detailed below, the examiner has proceeded on the presumption that the applicant will elect the claims of **Group A**. This presumption does not affect the applicant's right to elect, one time, a different invention for prosecution. The scope of the search and examination of the claims was therefore restricted to the subject-matter of the claims of **Group A**.

The application does not comply with subsection 36(1) of the *Patent Act*. The claims are directed to a plurality of alleged inventions as follows:

> **Group A** - Claims 1-17, 20-35, 41 are directed to an assembly comprising a perforating device, a sealing device, a sliding member and a debris passageway;

Group B - Claims 18, 19 are directed to a valve with a forward flow-stop valve and a valve plug slidable within the housing;

Group C - Claims 36, 37 are directed to a casing collar locator; and
Group D - Claims 38-40 are directed to an actuation device comprising a slidable pin.

According to subsection 36(2) of the *Patent Act*, after limiting the claims of the present application to one invention only, the applicant may make any other invention disclosed the subject of a divisional application. The applicant is advised that once an election has been made, further prosecution of the present application will be limited to the invention so elected.

The search of the prior art has revealed the following:

Document Cited:

D1: US 2005/0056429 Du et al. 17 March 2005 (17-03-2005)

Claim 1 does not comply with section 28.3 of the *Patent Act*. This claim is directed to subject-matter that would have been obvious at the claim date to a person skilled in the art or science to which it pertains having regard to D1 in view of common knowledge. D1 discloses an apparatus for use in completing a well comprising resettable sealing device (valve 20) assembled on a tubing string (12), a sliding member (sliding sleeve 22) operatively associated with the sealing device, for use in actuation of the resettable sealing device, a debris relief passageway (through valve 20) operatively associated with the sliding member, and adapted for use in discharge of settled debris. D1 does not disclose a perforation device; instead, the apparatus of D1 is connected to a tubing or casing (par. 36). However, it would be obvious to a person skilled in the art to connect the apparatus disclosed in D1 to a perforating device as defined in claim 1.

In view of the foregoing defects, the applicant is requisitioned, under subsection 30(2) of the *Patent Rules*, to amend the application in order to comply with the *Patent Act* and the *Patent Rules* or to provide arguments as to why the application does comply.

Under section 34 of the *Patent Rules*, any amendment made in response to this requisition must be accompanied by a statement explaining the nature thereof, and how it corrects each of the above identified defects.

Christian-Dan Opris
Patent Examiner
819-934-4264

In the event that attempts to reach the examiner are unsuccessful, including where a message has not been returned by the end of the following business day, the examiner's section head, Yvan Guay, can be reached at 819-997-6578.

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October 19, 2010

BURNET, DUCKWORTH & PALMER LLP
1400, 350-7th Avenue S.W.
CALGARY Alberta
T2P 3N9

Application No.	:	**2,693,676**
Owner	:	NCS OILFIELD SERVICES CANADA INC.
Title	:	**DOWNHOLE TOOL ASSEMBLY WITH DEBRIS RELIEF, AND METHOD FOR USING SAME**
Classification	:	E21B 43/114 (2006.01)
Your File No.	:	**67192-9**
Examiner	:	Christian-Dan Opris

YOU ARE HEREBY NOTIFIED OF A REQUISITION BY THE EXAMINER IN ACCORDANCE WITH SUBSECTION 30(2) OF THE *PATENT RULES*. IN ORDER TO AVOID ABANDONMENT UNDER PARAGRAPH 73(1)(*a*) OF THE *PATENT ACT*, A WRITTEN REPLY MUST BE RECEIVED WITHIN **6** MONTHS AFTER THE ABOVE DATE.

This application has been examined as originally filed.

The number of claims in this application is 36.

The examiner has identified the following defects in the application:

The examiner has identified the following subject-matter:

> **Group A** - Claims 1-17 are directed to an assembly comprising a perforation device, a resettable sealing device, a sliding member and a debris relief passageway;
> **Group B** - Claims 18, 19 are directed to a multi-function valve comprising a housing, a forward flow-stop valve and a valve plug;
> **Group C** - Claims 20-31 are directed to a method for abrasive perforation and treatment comprising deploying a tool assembly with a perforation device and a sealing device, setting the sealing device, jetting abrasive fluid and circulating treatment fluid. There is no mention of a debris relief passageway as in Group A;
> **Group D** - Claim 32 is directed to a mechanical casing collar;
> **Group E** - Claim 34 is directed to an actuation device comprising a slidable pin within an auto J profile with debris ports.

The place of claims 33, 35 and 36 is not clear, since claims 33 and 35 depend on themselves and claim 36 depends on claim 35.

As the application is apparently directed to a plurality of inventions, the search and substantive examination of the claimed subject matter have been deferred pending the applicant's response to the present requisition.

The application does not comply with subsection 36(1) of the *Patent Act*. The claims are directed to a plurality of alleged inventions as indicated above. According to subsection 36(2) of the *Patent Act*, after limiting the claims of the present application to one invention only, the applicant may make any other invention disclosed the subject of a divisional application. The applicant is advised that once an election has been made, further prosecution of the present application will be limited to the invention so elected.

Claims 33, 35 are dependent claims that do not refer to preceding claims and do not comply with section 87 of the *Patent Rules*.

Claim 36 is indefinite and does not comply with subsection 27(4) of the *Patent Act*. The dependency of claim 36 is unclear, since claim 36 depends on claim 35 and claim 35 depends on itself.

In view of the foregoing defects, the applicant is requisitioned, under subsection 30(2) of the *Patent Rules*, to amend the application in order to comply with the *Patent Act* and the *Patent Rules* or to provide arguments as to why the application does comply.

Under section 34 of the *Patent Rules*, any amendment made in response to this requisition must be accompanied by a statement explaining the nature thereof, and how it corrects each of the above identified defects.

Christian-Dan Opris
Patent Examiner
819-934-4264

ENTERED
Oct 25/10
By: Janice

ATTACHMENT B

ALLOWED CANADIAN CLAIMS

What is claimed is:

1. An assembly for deployment within a wellbore, the assembly comprising:

   - a fluid jet perforation device;
   - a resettable sealing device operatively assembled with the fluid jet perforation device for deployment on tubing string;
   - a sliding member operatively associated with the sealing device, for use in actuation of the resettable sealing device;
   - a debris relief passageway operatively associated with the sliding member, and adapted for use in discharge of settled debris about the sliding member.

2. The assembly as in claim 1, wherein the wellbore is a cased wellbore, and wherein the sliding member is a mechanical casing collar locator having outwardly biased locating members slidable against the casing and engageable with a casing collar to verify the downhole location of the tool assembly prior to actuation of the sealing device.

3. The assembly as in claim 2 wherein the debris relief passageway comprises one or more apertures through the locating members adapted to allow passage of fluid and debris through the mechanical casing collar locator, thereby preventing accumulation of settled debris against the locating members.

4. The assembly as in claim 1, wherein the sliding member is an auto-J profile slidable against a pin to actuate the sealing member upon application of mechanical force to the tubing string,

5. The assembly as in claim 4, wherein the debris relief passageway comprises one or more debris discharge ports through the J-profile to permit discharge of debris upon slidable movement of the pin within the J-profile.

6. The assembly as in claim 5, wherein the J-profile is sized at least 1/16 inch greater than the diameter of the pin, to allow debris accumulation and movement within the J-profile without impeding travel of the pin along the J-profile.

7. The assembly as in claim 4, wherein the pin is held to the assembly by a clutch ring, and wherein the clutch ring comprises a debris relief passageway adapted to permit discharge of debris from about the pin while the pin slides within the J-profile.

8. The assembly as in claim 1, wherein the sliding member is an equalization valve actuable to open or close a debris relief flowpath within the sealing device.

9. The assembly as in claim 1, wherein the sliding member is an equalization valve plug depending from the tubing string and slidably disposed within an equalization valve housing continuous with the sealing device.

10. The assembly as in claim 9, wherein the equalization plug is slidably actuated by application of mechanical force to the tubing string to set or unset the sealing device within the wellbore.

11. The assembly as in any one of claims 1 through 10, wherein the fluid jet perforation device is assembled above the sealing device.

12. The assembly as in claim 11, wherein the resettable sealing device comprises a compressible sealing element actuated by the sliding of a pin within an auto J profile.

13. The assembly as in claim 12, wherein the J profile comprises debris ports adapted to discharge debris upon slidable movement of the pin within the J-profile.

14. The assembly as in claim 13, wherein the J-slot is sized at least 1/16 inch greater than the pin, to allow debris accumulation and movement within the J-profile without impeding travel of the pin along the J-profile.

15. The assembly as in claim 14, wherein the pin is held to the assembly by a clutch ring, and wherein the clutch ring comprises debris relief passageways to permit discharge of debris from about the pin while the pin slides within the J-profile.

16. The assembly as in claim 15, further comprising a mechanical casing collar locator having outwardly biased locating members slidable against the casing and engageable with a casing collar to verify the downhole location of the tool assembly prior to actuation of the sealing device.

17. The assembly as in claim 16, further comprising a one or more apertures through the locating members to allow passage of fluid and debris through the mechanical casing collar locator, thereby preventing accumulation of settled debris against the locating members.

18. A method for abrasive perforation and treatment of a formation intersected by a cased wellbore, the method comprising the steps of:

- providing a tool assembly comprising a fluid jet perforation device, a sealing device, and a debris relief passageway operatively associated with the sealing device;

- deploying the tool assembly on tubing string within the wellbore,;

- setting the sealing device against the wellbore;

- while the sealing device is set against the wellbore, jetting abrasive fluid from the perforation device to perforate the wellbore casing;

- while the sealing device remains set against the wellbore, circulating treatment fluid down the wellbore annulus to treat the perforations;

- circulating fluid from the wellbore annulusthrough the debris relief passageway within the tool assembly; and

- unsetting the sealing device from the wellbore.

19. The method as in claim 18, wherein the sealing device comprises a compressible sealing element actuated by application of force to the tubing string.

20. The method as in claim 19, wherein the sealing device is actuated by sliding of a pin within an auto-J profile in response to the application of force to the tubing string.

21. The method as in claim 18, wherein the abrasive fluid comprises sand.

22. The method as in claim 18, wherein the treatment fluid comprises flowable solids.

23. The method as in claim 18, further comprising the step of delivering fluid to the tubing string while treatment is delivered down the wellbore annulus.

24. The method as in one of claims 18 or 23, further comprising the steps of:

- monitoring fluid pressure within the tubing string;

- monitoring the rate and pressure of fluid delivery down the wellbore annulus; and

- estimating the fracture extension pressure during treatment.

25. The method as in claim 18, further comprising the step of reverse circulating fluid from the wellbore annulus to surface through the tubing string.

26. The method as in claim 25, wherein the sealing device remains set against the wellbore during reverse circulation.

27. The method as in claim 25 or 26, wherein the fluid comprises flowable solids, and wherein the flowable solids are circulated to surface through the debris relief passageway.

28. The method as in claim 18, further comprising the step of equalizing pressure above and below the sealing device by applying a force to the tubing string to actuate an equalization valve.

29. The method as in claim 18, further comprising the step of equalizing pressure between the tubing string and wellbore annulus without unseating the sealing device from the wellbore casing.

30. The method as in claim 18, further comprising the step of moving the tool assembly to another wellbore interval and repeating any or all of the above steps.

31. The method as in claim 18, further comprising the step of opening an equalization passage from beneath the sealing device to the wellbore annulus above the sealing device.

32. The method as in any one of claims 18 through 31, further comprising the step of providing a valve assembly between the fluid jet perforation device and resettable sealing device.

33. The method as in claim 32, wherein the valve assembly comprises:

- a valve housing having an internal cavity continuous with the tubing string and with the lower assembly mandrel, the valve housing further comprising at least one cross flow port, to permit fluid cross flow between the internal cavity and the wellbore annulus;

- a forward flow-stop valve operatively assembled between the tubing string and the cross flow port to prevent fluid flow from the tubing string through the valve housing; and,

- a valve plug slidably disposed within the valve housing between a flow position and a sealed position, the valve plug comprising:

    - an internal fluid flowpath continuous with the tubing string and with the cross flow port of the valve housing when the valve plug is in either the sealed or flow position, and,

- a valve stem sealingly engageable within the lower assembly mandrel when the valve plug is in the sealed position to prevent fluid communication between the internal cavity of the valve housing and the lower assembly mandrel.

34. A tool assembly for deployment within a wellbore on tubing string, the assembly comprising:

- a fluid jet perforation device for deployment within the wellbore on tubing string;

- a resettable sealing device assembled below the fluid jet perforation device, the resettable sealing device comprising a sealing member disposed about a lower assembly mandrel;

- a multi-function valve operatively assembled between the fluid jet perforation device and resettable sealing device, the multi-function valve defining a debris relief passageway from the wellbore annulus through the lower assembly mandrel, the multi-function valve comprising:

    - a valve housing having an internal cavity continuous with the tubing string and with the lower assembly mandrel, the valve housing further comprising at least one cross flow port, to permit fluid cross flow between the internal cavity and the wellbore annulus;

    - a forward flow-stop valve operatively assembled between the tubing string and the cross flow port, for preventing fluid flow from the tubing string through the valve housing; and

    - a valve plug slidably disposed within the valve housing between a flow position and a sealed position, the valve plug comprising:

    - an internal fluid flowpath continuous with the tubing string and with the cross flow port of the valve housing when the valve plug is in either the sealed or flow position, and,

- a valve sealably engageable within the lower assembly mandrel when the valve plug is in the sealed position to prevent fluid communication between the internal cavity of the valve housing and the lower assembly mandrel.

ATTACHMENT C

Attachment C – PTO/SB/20CA (07-11), Section II

Applicant has prepared the following remarks in order to fulfill the requirements associated with **Section II** of form **PTO/SB/20CA**. Because the corresponding Canadian case might be interpreted under U.S. law to contain antecendent basis issues, Applicant has herein amended the corresponding U.S. claims placing them in compliance with U.S. claim drafting standards in order to expedite prosecution on the merits of US12/708,709. Due to the numerous claim amendments, Applicant is providing a marked-up version of newly-submitted claims 38-71 at the end of this attachment as APPENDIX A.

II. Claims Correspondence Table:		
Claims in US Application	Patentable Claims in CIPO Application	Explanation regarding the correspondence
38	1	*cured antecedent basis issues.*
39	2	*cured antecedent basis issue.*
40	3	*cured antecedent basis issue.*
41	4	*cured antecedent basis issues; deleted comma at end of claim and added a period.*
42	5	*cured antecedent basis issues.*
43	6	*cured antecedent basis issues.*
44	7	*cured antecedent basis issues.*
45	8	*cured antecedent basis issues.*
46	9	*cured antecedent basis issues.*
47	10	*cured antecedent basis issues.*
48	11	*cured antecedent basis issues.*
49	12	*cured antecedent basis issues.*
50	13	*cured antecedent basis issues.*
51	14	*cured antecedent basis issues.*
52	15	*cured antecedent basis issues.*
53	16	*cured antecedent basis issues.*
54	17	*cured antecedent basis issues.*
55	18	*cured antecedent basis issues.*
56	19	**IDENTICAL**
57	20	**IDENTICAL**
58	21	**IDENTICAL**

59	22	**IDENTICAL**
60	23	*cured antecedent basis issues.*
61	24	*cured antecedent basis issues.*
62	25	*cured antecedent basis issues.*
63	26	*cured antecedent basis issues.*
64	27	*cured antecedent basis issues.*
65	28	**IDENTICAL**
66	29	*cured antecedent basis issues.*
67	30	*cured antecedent basis issues.*
68	31	*cured antecedent basis issues.*
69	32	*cured antecedent basis issues.*
70	33	*cured antecedent basis issues.*
71	34	*cured antecedent basis issues.*

APPENDIX A

38. (New) An assembly for deployment within a wellbore, the assembly comprising:

a fluid jet perforation device;

a resettable sealing device operatively assembled with the fluid jet perforation device for deployment on a tubing string;

a sliding member operatively associated with the resettable sealing device, for use in actuation of the resettable sealing device;

a debris relief passageway operatively associated with the sliding member, and adapted for use in discharge of settled debris about the sliding member.

39. (New) The assembly as in claim 38, wherein the wellbore is

a cased wellbore, and wherein the sliding member is

a mechanical casing collar locator having

outwardly biased locating members slidable against the cased wellbore ~~casing and engageable with a casing collar~~ to verify a ~~the~~ downhole location of the ~~tool~~ assembly prior to actuation of the resettable sealing device.

40. (New) The assembly as in claim 39, wherein the debris relief passageway comprises

one or more apertures through the outwardly biased locating members adapted to allow passage of fluid and debris through the mechanical casing collar locator, thereby preventing accumulation of the settled debris against the outwardly biased locating members.

41. (New) The assembly as in claim 38, wherein the sliding member is

an auto-J profile slidable against

a pin to actuate the resettable sealing device ~~member~~ upon application of mechanical force to the tubing string~~,~~.

42. (New) The assembly as in claim 41, wherein the debris relief passageway comprises

one or more debris discharge ports through the auto J-profile to permit discharge of the debris upon slidable movement of the pin within the auto J-profile.

43. (New) The assembly as in claim 42, wherein the auto J-profile is sized at least 1/16 inch greater than a ~~the~~ diameter of the pin~~,~~ to allow debris accumulation and movement within the auto J-profile without impeding travel of the pin along the auto J-profile.

44. (New) The assembly as in claim 41, wherein the pin is held to the assembly by

a clutch ring, and wherein the clutch ring comprises

a debris relief passageway adapted to permit discharge of the debris from about the pin while the pin slides within the auto J-profile.

45. (New) The assembly as in claim 38, wherein the sliding member is

an equalization valve actuable to open or close

a debris relief flowpath within the resettable sealing device.

46. (New) The assembly as in claim 38, wherein the sliding member is

an equalization valve plug depending from the tubing string and slidably disposed within

an equalization valve housing continuous with the resettable sealing device.

47. (New) The assembly as in claim 46, wherein the equalization plug is slidably actuated by application of mechanical force to the tubing string to set or unset the resettable sealing device within the wellbore.

48. (New) The assembly as in claim 38, wherein the fluid jet perforation device is assembled above the resettable sealing device.

49. (New) The assembly as in claim 48, wherein the resettable sealing device comprises

a compressible sealing element actuated by the sliding of

a pin within

an auto J profile.

50. (New) The assembly as in claim 49, wherein the auto J profile comprises

debris ports adapted to discharge debris upon slidable movement of the pin within the auto J-profile.

51. (New) The assembly as in claim 50, wherein the auto J profile ~~slot~~ is sized at least 1/16 inch greater than the pin~~,~~ to allow debris accumulation and movement within the auto J-profile without impeding travel of the pin along the auto J-profile.

52. (New) The assembly as in claim 51, wherein the pin is held to the assembly by

a clutch ring, and wherein the clutch ring comprises

debris relief passageways to permit discharge of the debris from about the pin while the pin slides within the auto J-profile.

53. (New) The assembly as in claim 52, further comprising

a mechanical casing collar locator having

outwardly biased locating members slidable against the wellbore ~~casing and engageable with a casing collar~~ to verify a ~~the~~ downhole location of the ~~tool~~ assembly prior to actuation of the resettable sealing device.

54. (New) The assembly as in claim 53, further comprising ~~a~~

one or more apertures through the outwardly biased locating members to allow passage of fluid and debris through the mechanical casing collar locator, thereby preventing accumulation of the settled debris against the outwardly biased locating members.

55. (New) A method for abrasive perforation and treatment of a formation intersected by a cased wellbore, the method comprising the steps of:

providing a tool assembly comprising

a fluid jet perforation device,

a sealing device, and

a debris relief passageway operatively associated with the sealing device;

deploying the tool assembly on a tubing string within the cased wellbore~~,~~;

setting the sealing device against the cased wellbore;

while the sealing device is set against the cased wellbore, jetting abrasive fluid from the fluid jet perforation device to perforate the cased wellbore ~~casing~~ for forming one or more perforations;

while the sealing device remains set against the cased wellbore, circulating treatment fluid down ~~the wellbore~~ an annulus formed by the cased wellbore to treat the one or more perforations;

circulating the treatment fluid from the ~~wellbore~~ annulus and through the debris relief passageway within the tool assembly; and

unsetting the sealing device from the cased wellbore.

56. (New) The method as in claim 55, wherein the sealing device comprises
a compressible sealing element actuated by application of force to the tubing string.

57. (New) The method as in claim 56, wherein the sealing device is actuated by sliding of
a pin within
an auto-J profile in response to the application of force to the tubing string.

58. (New) The method as in claim 55, wherein the abrasive fluid comprises sand.

59. (New) The method as in claim 55, wherein the treatment fluid comprises flowable solids.

60. (New) The method as in claim 55, further comprising the step of
delivering abrasive fluid to the tubing string while
delivering the treatment fluid ~~is delivered~~ down the ~~wellbore~~ annulus.

61. (New) The method as in claim 55, further comprising the steps of:
monitoring ~~fluid~~ pressure of the abrasive fluid within the tubing string;
monitoring a ~~the~~ rate and pressure of the treatment fluid delivered ~~fluid delivery~~ down the ~~wellbore~~ annulus; and
estimating a ~~the~~ fracture extension pressure during treatment of the cased wellbore.

62. (New) The method as in claim 55, further comprising the step of
reverse circulating the treatment fluid from the ~~wellbore~~ annulus to surface through the tubing string.

63. (New) The method as in claim 62, wherein the sealing device remains set against the cased wellbore during reverse circulation.

64. (New) The method as in claim 62, wherein the treatment fluid comprises flowable solids, and wherein the flowable solids are circulated to surface through the debris relief passageway.

65. (New) The method as in claim 55, further comprising the step of

equalizing pressure above and below the sealing device by applying a force to the tubing string to actuate an equalization valve.

66. (New) The method as in claim 55, further comprising the step of

equalizing pressure between the tubing string and ~~wellbore~~ the annulus without unseating the sealing device from the cased wellbore ~~casing~~.

67. (New) The method as in claim 55, further comprising the step of

moving the tool assembly to another ~~wellbore~~ interval within the annulus and repeating ~~any or all of the above steps~~one or more of the steps recited in claim 55.

68. (New) The method as in claim 55, further comprising the step of

opening an equalization passage extending through the sealing device to permit fluid communication of a first portion of the annulus ~~from~~ beneath the sealing device to a second portion of the ~~wellbore~~ annulus above the sealing device.

69. (New) The method as in claim 55, further comprising the step of

providing a valve assembly between the fluid jet perforation device and the ~~resettable~~ sealing device.

70. (New) The method as in claim 69, wherein the valve assembly comprises:

a valve housing having

an internal cavity continuous with

the tubing string, and ~~with~~

a ~~the~~ lower assembly mandrel, wherein the valve housing further comprises ~~comprising~~

at least one cross flow port~~,~~ to permit fluid cross flow between the internal cavity and the ~~wellbore~~ annulus;

a forward flow-stop valve operatively assembled between the tubing string and the at least one cross flow port to prevent fluid flow from the tubing string through the valve housing; and~~,~~

a valve plug slidably disposed within the valve housing between a flow position and a sealed position, wherein the valve plug comprises~~comprising~~:

an internal fluid flowpath continuous with

the tubing string, and ~~with~~

the at least one cross flow port of the valve housing when the valve plug is in either the sealed position or the flow position, and~~,~~

a valve stem sealingly engageable within the lower assembly mandrel when the valve plug is in the sealed position to prevent fluid communication between the internal cavity of the valve housing and the lower assembly mandrel.

71. (New) A tool assembly for deployment within a wellbore on a tubing string, the assembly comprising:

a fluid jet perforation device for deployment within the wellbore on the tubing string;

a resettable sealing device assembled below the fluid jet perforation device, wherein the resettable sealing device comprises ~~comprising~~

a sealing member disposed about

a lower assembly mandrel;

a multi-function valve operatively assembled between the fluid jet perforation device and resettable sealing device, the multi-function valve defining

a debris relief passageway from ~~the wellbore~~ an annulus formed by the wellbore through the lower assembly mandrel, the multi-function valve further comprising:

a valve housing having an internal cavity continuous with

the tubing string, and ~~with~~

the lower assembly mandrel, wherein the valve housing further comprises ~~comprising~~

at least one cross flow port~~,~~ to permit fluid cross flow between the internal cavity and the ~~wellbore~~ annulus;

a forward flow-stop valve operatively assembled between the tubing string and the at least one cross flow port~~,~~ for preventing fluid flow from the tubing string through the valve housing; and

a valve plug slidably disposed within the valve housing between a flow position and a sealed position, wherein the valve plug comprises ~~comprising~~:

an internal fluid flowpath continuous with

the tubing string, and ~~with~~

the at least one cross flow port of the valve housing when the valve plug is in either the sealed position or the flow position, and~~,~~

a valve sealably engageable within the lower assembly mandrel when the valve plug is in the sealed position to prevent fluid communication between the internal cavity of the valve housing and the lower assembly mandrel.

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MAILED
FEB 09 2012
OFFICE OF PETITIONS

In re Application of
Richard Ditton et al. :
Application No. 12/708,713 : ON PETITION
Filed: February 19, 2010 :
Attorney Docket Number: GMPSO_FULL :

This is a decision on the petition under 37 CFR 1.182 filed January 26, 2012, to correct the name of an inventor due to error on the part of the applicant.

The petition is **GRANTED**.

Petitioner submits that the application and declaration as originally filed incorrectly identified an inventor as Len Smikun which is an abbreviated name used by the inventor instead of Leonid Smikun which is the inventor's legal name. Petitioner requests a correction of the file record and issuance of a corrected filing receipt. Petitioner submits a statement from the inventor explaining how the error was occasioned and that the error was not with deceptive intent. Additionally, an application data sheet identifying the inventor was submitted on January 26, 2012 with the instant petition.

In view of the instant request, the following inventor name data has been changed to:

Leonid Smikun

Additionally, however, there is no indication that petitioner herein was ever empowered to prosecute the instant application. If petitioner desires to receive future correspondence regarding this application, the appropriate power of attorney documentation must be submitted. A courtesy copy of this decision is being mailed to petitioner. However, all future correspondence will be directed to the address of record until such time as appropriate instructions are received to the contrary.

A corrected filing receipt is included with this decision and this matter is being referred to Technology Center 3717 for further examination in due course.

Telephone inquiries concerning this matter should be directed to the undesigned Petitions Attorney at (571) 272-3212.

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

cc:

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22ND FLOOR
CHICAGO, ILLINOIS 60606

ATTACHMENT: Corrected Filing Receipt

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
12/708,713	02/19/2010	3717	527	GMPSO_FULL	2	2

CONFIRMATION NO. 5074

CORRECTED FILING RECEIPT

82080
Incredible Technologies, Inc.
3333 North Kennlcott Avenue
Arlington Heights, IL 60004

OC000000052468883

Date Mailed: 02/08/2012

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

Applicant(s)

Richard Ditton, Kildeer, IL;
Lawrence Hodgson, Kildeer, IL;
Leif Marwede, Las Vegas, NV;
Leonid Smikun, Glenview, IL;

Assignment For Published Patent Application

Incredible Technologies, Arlington Heights, IL

Power of Attorney: None

Domestic Priority data as claimed by applicant

This appln claims benefit of 61/161,976 03/20/2009

Foreign Applications (You may be eligible to benefit from the **Patent Prosecution Highway** program at the USPTO. Please see http://www.uspto.gov for more information.)

If Required, Foreign Filing License Granted: 03/04/2010

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 12/708,713**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No
**** SMALL ENTITY ****

Title

GAMING MACHINE WITH UNIVERSE OF PRESELECTED OUTCOMES WITH METHOD FOR DETERMINING PRESELECTED OUTCOMES

Preliminary Class

463

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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ALSTON & BIRD LLP
PIONEER HI-BRED INTERNATIONAL, INC.
BANK OF AMERICA PLAZA
101 SOUTH TRYON STREET, SUITE

MAILED
JUL 15 2011
OFFICE OF PETITIONS

In re Application of	:	
COALDRAKE, Peter D. et al.	:	
Application No. 12/708,771	:	DECISION ON PETITION
Filed: February 19, 2010	:	TO WITHDRAW
Attorney Docket No. **2611**	:	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 24, 2011.

The request is **NOT APPROVED** because it is moot.

A review of the file record indicates that the power of attorney to Alston & Bird LLP has been revoked by the assignee of the patent application on July 06, 2011. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the new address or record until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to Michelle R. Eason at 571-272-4231.

Michelle R. Eason
Paralegal Specialist
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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HENNEMAN & ASSOCIATES, PLC
70 N. MAIN ST.
THREE RIVERS MI 49093

MAILED

DEC 19 2011

OFFICE OF PETITIONS

In re Application of	:	
Larry E. YANAROS et al.	:	
Application No. 12/708,908	:	DECISION ON PETITION
Filed: February 19, 2010	:	
Attorney Docket No. 0025-054P1	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed December 06, 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 December 01, 2011, as required by the Notice of Allowance and Fee(s) Due, mailed September 01, 2011. Accordingly, the date of abandonment of this application is December 02 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 $1,740.00 and the publication fee of $300.00, (2) the petition fee of $1,860.00; and (3) a proper statement of unintentional delay. Accordingly, the issue and publication fees are accepted as having been unintentionally delayed.

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

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

/Michelle R. Eason/
Michelle R. Eason
Paralegal Specialist
Office of Petitions

Cc: **RENE PEREYRA**
SHERIDAN ROSS P.C.
1560 BROADWAY
SUITE 1200
DENVER, CO 80202--514

UNITED STATES PATENT AND TRADEMARK OFFICE

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DIW Dec-10

TAROLLI, SUNDHEIM, COVELL & TUMMINO L.L.P.
1300 EAST NINTH STREET, SUITE 1700
CLEVELAND OH 44114

MAILED
DEC 21 2010
OFFICE OF PETITIONS

In re Application of :
Prasad et al. :
Application Number: 12/709010 : ON PETITION
Filing Date: 02/19/2010 :
Attorney Docket Number: CCF- :
018828-US-ORD :

This is a decision in response to the petition under 37 CFR 1.137(b) filed on October 22, 2010, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned on May 11, 2010, for failure to timely submit a reply to the Notice to File Missing Parts of Nonprovisional Application mailed on March 10, 2010, which set a two (2)-month shortened period for reply. No extensions of the time for reply in accordance with 37 CFR 1.136(a) were obtained. The subject petition was precedes the mailing of Notice of Abandonment.

Receipt of the declaration pursuant to 37 CFR 1.63, replacement drawings, and surcharge for its late filing is acknowledged.

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply.[1] The three (3)-month extension request filed on October 22, 2010, was submitted more than five (5) months after the end of the period for reply to the Notice to File Missing Parts of Nonprovisional Application mailed on March 10, 2010, and therefore is unnecessary. The extension of time fee paid on October 22, 2010, will be refunded to counsel.

The application is referred to the Office of Patent Application Processing for further processing.

---

[1] See In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988).

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3231.

D Wood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

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P.O. Box 1450
Alexandria, VA 22313-1450
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ALEXANDER RAFALOVICH
8222 SANTA ROSA CT.
SARASOTA FL 34243

MAILED
OCT 08 2010
OFFICE OF PETITIONS

In re Application of	:	
Axexander P. RAFALOVICH	:	
Application No. 12/709,027	:	DECISION ON PETITION
Filed: February 19, 2010	:	TO MAKE SPECIAL UNDER
Attorney Docket No.	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed September 3, 2010, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

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

The instant petition includes a statement from the applicant. The Office also acknowledges receipt of applicant's driver's license. Accordingly, the above-identified application has been accorded "special" status.

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

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center at (571) 272-3700.

The application is being forwarded to Technology Center Art Unit 3744 for action on the merits commensurate with this decision.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH VA 22040-0747

MAILED
APR 11 2012
OFFICE OF PETITIONS

In re Application of	
Shinichi Murata	: DECISION ON REQUEST TO
Application No.: 12/709,032	: PARTICIPATE IN THE PATENT
Filed: February 19, 2010	: PROSECUTION HIGHWAY
Attorney Docket No.: 1131-0640PUS1	: PROGRAM AND PETITION
For: INTERNAL COMBUSTION ENGINE	: TO MAKE SPECIAL UNDER
WITH VARIABLE VALVE GEAR	: 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 19, 2012, to make the above-identified application special.

The request and petition are **GRANTED**.

DISCUSSION

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

1. The U.S. application is

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

c. a so-called bypass application filed under 35 U.S.C. 111(a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application
   i. validly claims priority to an application filed in the JPO, or
   ii. validly claims priority to a PCT application that contains no priority claims, or
   iii. contains no priority claim;

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

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

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

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

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

David Bucci
Petitions Examiner
Office of Petitions

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: 40945US	Application Number (if known): 12/709,083	Filing date: February 19, 2010

First Named Inventor: Dale L Embry

Title: STEAM ASSISTED OIL RECOVERY AND CARBON DIOXIDE CAPTURE

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

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

1. By filing this petition:

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

2. By filing this petition: applicant is agreeing to make an election without traverse in a telephonic interview and elect an invention that meets the eligibility requirements set forth in the notice titled "Pilot Program for Green Technologies Including Greenhouse Gas Reduction," as modified by the notice titled "Elimination of Classification Requirement in the Green Technology Pilot Program," each of which was published in the Federal Register, if the Office determines that the claims are not obviously directed to a single invention.

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

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

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

6. Other attachments: _____

Signature /Chance E. Hardie/	Date November 11, 2010
Name (Print/Typed) Chance E. Hardie	Registration Number 55,247

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.

Appl. No.:	12/709,083	Confirmation No.: 5881
Applicant:	Dale L Embry	
Filed:	February 19, 2010	
TC/A.U.:	3676	
Examiner:	George A Suchfield	
Docket No.:	40945US	
Customer No.:	28841	
Title:	STEAM ASSISTED OIL RECOVERY AND CARBON DIOXIDE CAPTURE	

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

STATEMENTS OF SPECIAL STATUS

Sir:

In furtherance to the accompanying Petition to Make Special Under the Green Technology Pilot Program, Applicants submit the following in support thereof. The claimed invention in the above-identified application materially enhances the quality of the environment by contributing to the restoration or maintenance of the basic life-sustaining element air and reduction of green house gas carbon dioxide. In particular, the invention relates to steam and electricity generation coupled with a carbon dioxide recovery unit to thereby limit emissions of this green house gas into the air.

Respectfully Submitted,

Date: November 11, 2010

By: /Chance E. Hardie/
Attorney
Registration No. 55,247

CONOCOPHILLIPS COMPANY – I.P. LEGAL
ATTN: Docketing
600 N. Dairy Ashford, MA-1135
Houston, Texas 77079
(281) 293-4126
(281) 293-2127 (Fax)

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.
12/709,083	02/19/2010	Dale L. Embry	40945US	5881

28841 7590 12/01/2010
ConocoPhillips Company - IP Services Group
Attention: DOCKETING
600 N. Dairy Ashford
Bldg. MA-1135
Houston, TX 77079

EXAMINER
SUCHFIELD, GEORGE A

ART UNIT	PAPER NUMBER
3676	

NOTIFICATION DATE	DELIVERY MODE
12/01/2010	ELECTRONIC

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

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

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

Legal-IP@conocophillips.com

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United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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DEC - 1 2010

ConocoPhillips Company - IP Services Group
Attention: DOCKETING
600 N. Dairy Ashford
Bldg. MA-1135
Houston TX 77079

In re Application of	:	
Dale EMBRY et al.	:	DECISION ON PETITION
Application No. 12/709,083	:	TO MAKE SPECIAL UNDER
Filed: February 9, 2010	:	THE GREEN TECHNOLOGY
Attorney Docket No. 40945US	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed November 12, 2010, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **DISMISSED**.

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

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

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

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

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

The petition lacks item(s) 4.

In regard to item 4, petitioner should note that the instant petition includes a statement identifying the basis for the special status 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. Petitioner asserts that the claimed invention "*materially enhances the quality of the environment by contributing to the restoration or maintenance of the basic life-sustaining element air and reduction of green house gas carbon dioxide. In particular, the invention relates to steam and electricity generation coupled with a carbon dioxide recovery unit to thereby limit emissions of this green house gas into the air.*" This statement is merely a speculation on how the instant invention can be used to materially enhance the quality of the environment. Since the claimed production system is used specifically for the SAGD process, it is unclear how much carbon dioxide is captured by the carbon dioxide recovery unit and whether the carbon dioxide capture system can offset other environmental problems associated with the SAGD process.

<u>Non-renewable resource</u> development projects such as recovering oils from certain geologic formations require energy for steam injection and refining. This process generates two to four times the amount of greenhouse gases per barrel of final product as the production of conventional oil. In injecting steam into an injection wellbore, it has been known that the water from the wellbore flows into a potable groundwater aquifer or river system through connected compartments to contaminate water in the surrounding strata. Large amount of water and large water recycling facilities are required to create the steam for the SAGD process. Between 2 to 4.5 volume units of water are used to produce each volume unit of synthetic crude oil (SCO) in an ex-situ mining operation. Despite recycling, almost all of it ends up in tailings ponds. It takes years to reclaim water from the process of recovering tailings so that the recovered water can be recycled into the SAGD process. The availability of more oil for the world made possible by the SAGD process in itself raises global emissions of CO_2. Other environmental problems are land damage, including the substantial degradation in the land's ability to support forestry and farming

Since the SAGD process generates a high level of greenhouse gases, causes land damage, reduces water availability for other uses due to its heavy water demand, and contaminates the underground water sources, the claimed invention used in the SAGD process does not enhance the quality of the environment.

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 3676 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
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NIXON PEABODY, LLP
300 S. Riverside Plaza, 16th Floor
CHICAGO IL 60606-6613

MAILED
SEP 24 2010
OFFICE OF PETITIONS

In re Application of :
Ronald J. Weinstock :
Application No. 12/709,088 : DECISION REFUSING STATUS
Filed: February 19, 2010 : UNDER 37 CFR 1.47(b)
Attorney Docket No. 050738-00002USC1 :

For: METHOD AND APPARATUS FOR RESISTIVITY MEASUREMENT, DETECTION AND TREATMENT IN LIVING TISSUE

This is a decision on the petition under 37 CFR 1.47(b) filed August 13, 2010.

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

Any request for reconsideration under 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. Failure to respond will result in the abandonment of this application. Any response should be titled "Request for Reconsideration of Petition Under 37 CFR 1.47(b).

The above-identified application was filed on February 19, 2010, without an executed oath or declaration or filing fee. Accordingly, a "Notice to File Missing Parts Nonprovisional Application" (the "Notice") was mailed on March 8, 2010, requiring an executed oath or declaration and a surcharge for the late filing of the oath or declaration. The instant petition was filed on August 13, 2010.

The instant petition lacks item (2) as set forth above.

A grantable petition under 37 CFR 1.47(b) requires:

(1) proof that the non-signing inventor(s) cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims, and drawings);

(2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116;

(3) the petition fee

(4) a statement of the last known address of the non-signing inventor,

(5) proof of proprietary interest, and

(6) a showing (statement) that such action is necessary to preserve the rights of the parties or to prevent irreparable damage.

As to item (2), petitioner failed to file a proper oath or declaration with the instant petition as required by 37 CFR 1.47. Section 409.03 (b) of the MPEP states, in pertinent part, that:

> [t]he 37 CFR 1.47(b) applicant must make the oath required by 37 CFR 1.63 and 1.54 or 1.175. Where a corporation is the 37 CFR 1.47(b) applicant, an officer (President, Vice-President, Secretary, Treasurer, or Chief Executive Officer) thereof should normally sign the necessary oath or declaration. A corporation may authorize any person including an attorney or agent authorized to practice before the U.S. Patent and Trademark Office, to sign the application oath or declaration on its behalf. Where an oath or declaration is signed by a registered attorney or agent on behalf of a corporation, either proof of the attorney's or agent's authority in the form of a statement signed by an appropriate corporate officer must be submitted, or the attorney or agent my simply state that he or she is authorized to sign on behalf of the corporation.

A review of the application file did not reveal an executed oath or declaration for the subject application. The 37 CFR 1.47(b) applicant, or assignee, is required to have an authorized representative execute the oath or declaration under 37 CFR 1.63 on behalf of the non-signing inventor. This would include having a blank signature block for the non-signing inventor with a signature block for the signing representative underneath the signature block for the non-signing inventor.

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

Telephone inquiries regarding this decision should be directed to the undersigned (571) 272-3222.

/Kenya A. McLaughlin/

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

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NIXON PEABODY, LLP
300 S. Riverside Plaza, 16th Floor
CHICAGO IL 60606-6613

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OFFICE OF PETITIONS

In re Application of :
Ronald J. Weinstock :
Application No. 12/709,088 : DECISION ACCORDING STATUS
Filed: February 19, 2010 : UNDER 37 CFR 1.47(b)
Attorney Docket No. 050738-00002USC1 :

For: METHOD AND APPARATUS FOR RESISTIVITY MEASUREMENT, DETECTION AND TREATMENT IN LIVING TISSUE

This is in response to the petition under 37 CFR 1.47(a), filed October 6, 2010.

The petition is **GRANTED**.

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.

The above-identified application was filed on February 19, 2010, without an executed oath or declaration or filing fee. Accordingly, a "Notice to File Missing Parts Nonprovisional Application" (the "Notice") was mailed on March 8, 2010, requiring an executed oath or declaration and a surcharge for the late filing of the oath or declaration. A petition under 37 CFR 1.47(a) was filed on August 13, 2010. The petition was dismissed by a decision mailed September 24, 2010.

Petitioner has shown that inventor Weinstock has refused to join the prosecution of the 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 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 will be forwarded to the Office of Patent Application Processing for further processing.

Questions regarding the request to change correspondence address should be directed to the Office of Patent Application Processing. Telephone inquiries concerning *this decision* should be directed to the undersigned at (571) 272-3222.

/Kenya A. McLaughlin/

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Baker Botts L.L.P
910 Louisiana Street, One Shell Plaza
HOUSTON TX 77002

MAILED

DEC 14 2010

OFFICE OF PETITIONS

In re Application of	:	
Shafer, et al.	:	DECISION GRANTING STATUS
Application No. 12/709,095	:	UNDER 37 CFR 1.47(a)
Filed: February 19, 2010	:	
Attorney Docket No. 064296.0146	:	

This is in response to the petition under 37 CFR 1.47(a), filed October 4, 2010.

The petition is GRANTED.

Petitioner has shown that the non-signing inventor has refused to execute the declaration after having been presented with the complete application papers for the above-identified application.

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

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

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

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3205.

/ALESIA M. BROWN/

Alesia M. Brown
Petitions Attorney
Office of Petitions

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UNITED STATES PATENT AND TRADEMARK OFFICE
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ALEXANDRIA, VA 22313-1450
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Dustin McWilliams
39 Half Moon Court
Spring, Texas 77380

MAILED
DEC 14 2010
OFFICE OF PETITIONS

In re Application of
Shafer, et al.
Application No. 12/709,095
Filed: February 19, 2010

Dear Sir:

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 the undersigned at (571) 272-3205. 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).

/ALESIA M. BROWN/

Alesia M. Brown
Petitions Attorney
Office of Petitions

cc: Baker Botts L.L.P
910 Louisiana Street, One Shell Plaza
HOUSTON TX 77002

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MAILED

DEC 27 2010

OFFICE OF PETITIONS

Mr. Alan S. Raynes
Konrad Raynes & Victor, LLP
ATTN: IBM37
315 S. Beverly Drive
Suite 210
Beverly Hills, California 90212

In re Application of	:	
Claudia FELSER	:	DECISION GRANTING PETITION
Application No. 12/709,099	:	UNDER 37 CFR 1.137(b)
Filed: 19 February 2010	:	
Atty. Docket No. DE920020029US2	:	

This is a decision on the petition under 37 CFR 1.137(b), filed 30 November 2010, to revive the above-identified application ("Application").

The petition is **GRANTED**.

The Application became abandoned for failure to reply in a timely manner to Notice to File Corrected Application Papers mailed 5 March 2010 ("Notice"), which set a reply period of two (2) months. No reply was sent, and no extension of time under the provisions of 37 CFR 1.136(a) was obtained. The application thus became abandoned on 6 May 2010, and Notice of Abandonment mailed 18 November 2010.

Applicant's petition satisfies the conditions for revival pursuant to 37 CFR 1.137(b) by including (1) a reply in the form of Replacement Drawings (3 sheets), (2) a petition fee of $1620.00, and (3) a Statement of unintentional delay. The reply to the Notice is accepted as having been unintentionally delayed.

General inquiries relating to this decision should be directed to Robert DeWitty (571-272-6051), or, if unavailable, the undersigned at 571-272-7099.

The application file will be referred to the Office of Patent Application Processing for further processing.

David Bucci
Petitions Examiner
Office of Petitions

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

MAILED

APR 18 2011

OFFICE OF PETITIONS

In re Application of	:	
David Guy, et al.	:	
Application No. 12/709,128	:	ON PETITION
Filed: February 19, 2010	:	
Attorney Docket No. 37650-702.201	:	

This is a decision on the petition under 37 CFR 1.137(b), filed March 10, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Nonprovisional Application (Notice), mailed March 4, 2010. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on May 5, 2010. The Notice of Abandonment was mailed March 2, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of the $65 surcharge; (2) the petition fee of $810; and (3) an adequate statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-2991.

The application file is being referred to the Office of Patent Application Processing for further processing.

/Terri Johnson/
Terri Johnson
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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CHOATE, HALL & STEWART
CITRIX SYSTEMS, INC.
TWO INTERNATIONAL PLACE
BOSTON MA 02110

MAILED

NOV 22 2010

OFFICE OF PETITIONS

In re Application of	:	
JENSEN, Richard et al.	:	
Application No. 12/709,172	:	DECISION ON PETITION
Filed: February 19, 2010	:	TO WITHDRAW
Attorney Docket No. **2006579-2053 (CTX-417)**	:	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, 2010.

The request is **NOT APPROVED**.

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

Accordingly, the request to withdraw from record cannot be approved because the request to change the correspondence address is not that of: (1) the first named inventor; or (2) an assignee of the entire interest under 37 C.F.R 3.71 who has properly intervened.

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-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to Tredelle Jackson at 571-272- 2783.

/Tredelle D. Jackson/
Paralegal Specialist
Office of Petitions

cc: **FOLEY & LARDNER LLP**
111 HUNTINGTON AVENUE
26TH FLOOR
BOSTON, MA 02199-7610

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.
12/709,176	02/19/2010	Sayoko Tanaka	8616P888	6083

8791 7590 11/03/2010
BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP
1279 OAKMEAD PARKWAY
SUNNYVALE, CA 94085-4040

EXAMINER
VU, KIEU D

ART UNIT	PAPER NUMBER
2173	

MAIL DATE	DELIVERY MODE
11/03/2010	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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Blakely, SOkoloff, Taylor, & Zafman
1279 Oakman Parkway
Sunnyvale, CA 94085-4040

In re Application of: TANAKA et al.
Application No. 12/709,176
Attorney Docket #: 8616P888
Filed: February 19, 2010
For: **Display Processing apparatus, display processing method, and computer program product**

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

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed September 23, 2010 to make the above-identified application special.

The petition is **GRANTED.**

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

(1) The U.S. application is
(a) a Paris Convention application which either
(i) validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the **JPO**, or
(ii) validly claims priority to a PCT application that contains no priority claims,

Or

(b) a national stage application under the PCT (an application which entered the national stage in the U.S. from a PCT international application after compliance with 35 U.S.C. 371), which PCT application
(i) validly claims priority to an application filed in the **JPO**, or
(ii) validly claims priority to a PCT application that contains no priority claims, or
(iii) contains no priority claim,

Or

(c) a so-called bypass application filed under 35 U.S.C. 111 (a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application
(i) validly claims priority to an application filed in the **JPO**, or

(ii) validly claims priority to a PCT application that contains no priority claims, or
(iii) contains no priority claim.

Where the **JPO** application that contains the allowable/patentable claims is not the same application for which priority is claimed in the U.S. application, applicant must identify the relationship between the **JPO** application that contains the allowable/patentable claims and the **JPO** priority application claimed in the U.S. application.

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

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

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

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

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

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

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

The petition is **GRANTED.**

The request to participate in the PPH 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

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CHOATE, HALL & STEWART/CITRIX SYSTEMS, INC.
TWO INTERNATIONAL PLACE
BOSTON MA 02110

MAILED

NOV 22 2010

OFFICE OF PETITIONS

In re Application of	:	
Henry COLLINS, et al	:	
Application No. 12/709,179	:	DECISION ON PETITION
Filed: February 19, 2010	:	TO WITHDRAW
Attorney Docket No. 2006579-1749 (CTX-053USCN)	:	FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent under 37 C.F.R. § 1.36(b) filed November 10, 2010.

The request is **NOT APPROVED**.

The Office will no longer approve requests from practitioners to withdraw from applications where the requesting practitioner is acting, or has acted, in a representative capacity pursuant to 37 CFR 1.34. In these situations, the practitioner is responsible for the correspondence the practitioner files in the application while acting in a representative capacity. As such, there is no need for the practitioner to obtain the Office's permission to withdraw from representation. However, practitioners acting in a representative capacity, like practitioners who have a power of attorney in the application, remain responsible for noncompliance with 37 CFR 1.56, as well as 37 CFR 10.18, with respect to documents they file.

A review of the file record indicates that Brenda Herschbach Jarrell does not have power of attorney in this patent application. See 37 C.F.R. § 10.40. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is not applicable.

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

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

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

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MUETING, RAASCH & GEBHARDT, P.A.
P.O. BOX 581336
MINNEAPOLIS, MN 55458-1336

MAILED

DEC 02 2010

OFFICE OF PETITIONS

In re Application of
John A. St. Cyr, et al.
Application No. 12/709,191
Filed: February 19, 2010
Attorney Docket No.: 365.00240101

DECISION ACCORDING STATUS
UNDER 37 CFR 1.47(a)

This is a decision in response to the petition under 37 CFR 1.47(a) filed October 8, 2010.

The petition is DISMISSED.

Rule 47 applicant is given TWO MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(a)," and should only address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventor. **FAILURE TO RESPOND WILL RESULT IN ABANDONMENT OF THE APPLICATION.** Any extensions of time will be governed by 37 CFR 1.136(a).

The above-identified application was filed on February 19, 2010, without an executed oath or declaration. Accordingly, on March 8, 2010, a Notice to File Missing Parts of Nonprovisional Application was mailed, setting a two (2) month period to submit the executed oath or declaration and the $65 surcharge for its late filing. In response, on October 8, 2010, the present petition was filed, including, *inter alia*, an appropriate petition for extension of time.

A grantable petition under 37 CFR 1.47(a) requires: (1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings); (2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116; (3) the petition fee; and (4) a statement of the last known address of the non-signing inventor.

Petitioner has provided (1) evidence that a copy of the application papers was presented to inventor Addis and that the inventor, by is conduct, has refused to join in the application; (2) a declaration, executed by all the other inventors on behalf of themselves and joint inventor Addis and (3) the requisite petition fee; however, petitioner failed to submit a statement of the inventor's last known address as required by item (4). Accordingly, the petition does not comply with 37 CFR 1.47.

Further correspondence with respect to this matter should be delivered through one of the following mediums:

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[1]

Telephone inquiries should be directed to the undersigned at (571) 272-3204.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

[1] www.uspto.gov/ebc/efs help.html (for help using EFS-Web call the Patent Electronic Business Center at (866) 217-9197)

UNITED STATES PATENT AND TRADEMARK OFFICE

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MUETING, RAASCH & GEBHARDT, P.A.
P.O. BOX 581336
MINNEAPOLIS, MN 55458-1336

MAILED
MAR 24 2011
OFFICE OF PETITIONS

In re Application of.
John A. St. Cyr, Raj Khankari and Paul B. Addis
Application No. 12/709,191
Filed: February 19, 2010
Attorney Docket No.: 365.00240101

DECISION ACCORDING STATUS
UNDER 37 CFR 1.47(a)

This is a decision in response to the renewed petition under 37 CFR 1.47(a) filed February 2, 2011.

The petition is **GRANTED**.

Petitioner has shown that joint inventor Paul B. Addis 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 addresses given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

The application file is being forwarded to Technology Center 1623 for appropriate action, including notifying applicant of the new status of this application.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3204.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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MR. PAUL B. ADDIS
2207 POLK BARRON STREET
CUMBERLAND, WI 54829

MAILED
MAR 24 2011
OFFICE OF PETITIONS

In re Application of	:	
John A. St. Cyr, Raj Khankari and Paul B. Addis	:	
Application No.: 12/709,191	:	LETTER
Filed: February 19, 2010	:	
For: COMPOSITIONS AND METHODS FOR	:	
FEEDING POULTRY	:	

Dear Mr. Addis:

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

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

Telephone inquiries regarding this communication should be directed to the undersigned at (571) 272-3204. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application should be directed to the Certification Division at (703) 308-9726 or 1-800-972-6382 (outside the Washington D.C. area).

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

cc: MUETING, RAASCH & GEBHARDT, P.A.
P.O. BOX 581336
MINNEAPOLIS, MN 55458-1336

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MAILED
MAR 24 2011
OFFICE OF PETITIONS

MR. PAUL B. ADDIS
1540 SOUTH RIVER STREET
SPOONER, WI 54801

In re Application of	:	
John A. St. Cyr, Raj Khankari and Paul B. Addis	:	
Application No.: 12/709,191	:	LETTER
Filed: February 19, 2010	:	
For: COMPOSITIONS AND METHODS FOR	:	
FEEDING POULTRY	:	

Dear Mr. Addis:

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

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

Telephone inquiries regarding this communication should be directed to the undersigned at (571) 272-3204. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application should be directed to the Certification Division at (703) 308-9726 or 1-800-972-6382 (outside the Washington D.C. area).

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

cc: MUETING, RAASCH & GEBHARDT, P.A.
P.O. BOX 581336
MINNEAPOLIS, MN 55458-1336

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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
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/709,206	02/19/2010	Yasuaki OOTERA	SUTOSH.544AUS	6151

20995 7590 11/02/2010
KNOBBE MARTENS OLSON & BEAR LLP
2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE, CA 92614

EXAMINER
JOHNSON, CHRISTINA ANN

ART UNIT	PAPER NUMBER
1742	

NOTIFICATION DATE	DELIVERY MODE
11/02/2010	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):

jcartee@kmob.com
efiling@kmob.com
eOAPilot@kmob.com

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P.O. Box 1450
Alexandria, VA 22313-1450
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November 1, 2010 BC

In re application of Yasuaki Ootera et al. Serial No. 12/709,206 Filed: February 19, 2010 For: STAMPER MOLDING DIE AND METHOD FOR MOLDING STAMPER USING THE SAME	: : : : : : :	DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(a)

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

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:	12/709,225	Filing date:	February 19, 2010
First Named Inventor:	NEBBE, Nathan Joseph et al.		
Title of the invention:	PORTABLE STORAGE MEDIUM FOR MEDICAL DIAGNOSIS		

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/US11/25357

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

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 KIPO AND THE USPTO

(continued)

Application No.:	12/709,225
First Named Inventor:	NEBBE, Nathan Joseph 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 September 27, 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 September 27, 2011

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1-20	1-20	identical

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

Signature Michael C. Gilchrist	Date 10-11-2011
Name (Print/Typed) MICHAEL C. GILCHRIST	Registration Number 40,619

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MCKEE, VOORHEES & SEASE, P.L.C.
801 GRAND AVENUE
SUITE 3200
DES MOINES IA 50309-2721

MAILED
JAN 24 2012
OFFICE OF PETITIONS

In re Application of:
Nebbe et al.
Application No. 12/709,225
Filed: February 19, 2010
Attorney Docket No. P09510US00

: 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 October 14, 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 Joan Olszewski at 571-272-7751.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MAILED
APR 15 2011
OFFICE OF PETITIONS

STRADLEY RONON STEVENS & YOUNG, LLP
30 VALLEY STREAM PARKWAY
GREAT VALLEY CORPORATE CENTER
MALVERN, PA 19355-1481

In re Application:	:	
Schneider et al.	:	
Application No. 12/709,302	:	NOTICE
Filed: February 19, 2010	:	
Attorney Docket No. 184569-3500	:	

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28, filed on February 17, 2011.

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

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

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

Inquiries related to this communication should be directed to the undersigned at (571) 272-6059.

A. Kelley

Alicia Kelley
Petitions Examiner
Office of Petitions

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

PTO/SB/420 (05-10)
Approved for use through 05/31/2010. OMB 0651-0062
U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE
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PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Attorney Docket Number: 1630-0779PUS1	Application Number (if known): 12/709,307	Filing date: February 19, 2010
First Named Inventor: Hongcheol LEE		
Title: SOLAR CELL		

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

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

1. By filing this petition:

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

2. By filing this petition: applicant is agreeing to make an election without traverse in a telephonic interview and elect an invention that meets the eligibility requirements set forth in the notice titled "Pilot Program for Green Technologies Including Greenhouse Gas Reduction," as modified by the notice titled "Elimination of Classification Requirement in the Green Technology Pilot Program," each of which was published in the Federal Register, if the Office determines that the claims are not obviously directed to a single invention.

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

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

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

6. Other attachments: Preliminary Amendment

Signature	Date DEC 17 2010
Name (Print/Typed) Esther H. Chong	Registration Number 40,953

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.

4

Docket No.: 1630-0779PUS1
(Patent)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent Application of:	Hongcheol LEE et al.		
Application No.:	12/709,307	Confirmation No.:	6364
Filed:	February 19, 2010	Art Unit:	1725
For: SOLAR CELL		Examiner:	Not Yet Assigned

STATEMENT OF SPECIAL STATUS FOR THE ELIGIBILITY REQUIREMENT UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

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

Sir:

In support of the Petition to Make Special Under the Green Technology Pilot Program, it is respectfully submitted that the basis for the requested special status is that the invention claimed in the above-identified patent application materially contributes to the development of renewable energy sources and/or green house gas emission reduction. Specifically, the claimed invention relates to a solar cell.

Additionally, by filing this petition, the applicant agrees to make an election without traverse in a telephone interview and elect an invention that meets the eligibility requirements set for 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.

It is also submitted that this application meets the eligibility requirements to participate in the Green Technology Pilot Program, as listed in the attached Petition to Make Special Under the Green Technology Pilot Program.

Accordingly, it is respectfully requested that the Petition be granted.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Seth S. Kim, Reg. No. 54,577, at the telephone number of the undersigned below to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Director is hereby authorized in this, concurrent, and future replies to charge any fees required during the pendency of the above-identified application or credit any overpayment to Deposit Account No. 02-2448.

Dated: DEC 17 2010

Respectfully submitted,

By _____

Esther H. Chong
Registration No.: 40953
BIRCH, STEWART, KOLASCH & BIRCH, LLP
8110 Gatehouse Road, Suite 100 East
P.O. Box 747
Falls Church, VA 22040-0747
703-205-8000

Attachment

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.
12/709,307	02/19/2010	Hongcheol LEE	1630-0779PUS1	6364

2292 7590 01/12/2011
BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH, VA 22040-0747

EXAMINER

ART UNIT	PAPER NUMBER
1725	

NOTIFICATION DATE	DELIVERY MODE
01/12/2011	ELECTRONIC

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

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

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

mailroom@bskb.com

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH VA 22040-0747

JAN 12 2011

In re Application of	:	
Lee et al.	:	DECISION ON PETITION
Application No. 12/709,307	:	TO MAKE SPECIAL UNDER
Filed: 2/19/2010	:	THE GREEN TECHNOLOGY
Attorney Docket No. **1630-0779PUS1**	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed 12/17/2010, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **GRANTED**.

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

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

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

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

Telephone inquires concerning this decision should be directed to Tom Dunn at 571-272-1171.

The application is being forwarded to the Technology Center Art Unit 1725 for action on the merits commensurate with this decision.

/Tom Dunn/

Tom Dunn
Quality Assurance Specialist
Technology Center 1700

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

PTO/SB/420 (05-10)
Approved for use through 05/31/2010. OMB 0651-0062
U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE
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PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Attorney Docket Number: 1630-0768PUS1	Application Number (if known): 12/709,313	Filing date: February 19, 2010
First Named Inventor: Hyunjin YANG		
Title: SOLAR CELL		

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

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

1. By filing this petition:

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

2. By filing this petition: applicant is agreeing to make an election without traverse in a telephonic interview and elect an invention that meets the eligibility requirements set forth in the notice titled "Pilot Program for Green Technologies Including Greenhouse Gas Reduction," as modified by the notice titled "Elimination of Classification Requirement in the Green Technology Pilot Program," each of which was published in the Federal Register, if the Office determines that the claims are not obviously directed to a single invention.

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

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

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

6. Other attachments: Preliminary Amendment

Signature Seth S. Kim #54,577	Date DEC 30 2010
Name (Print/Typed) James T. Eller, Jr.	Registration Number 39,538

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

☐ *Total of _____ forms are submitted.

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

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

Docket No.: 1630-0768PUS1
(Patent)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent Application of:	Hyunjin YANG et al.		
Application No.:	12/709,313	Confirmation No.:	6374
Filed:	February 19, 2010	Art Unit:	1725
For: SOLAR CELL		Examiner:	Not Yet Assigned

STATEMENT OF SPECIAL STATUS FOR THE ELIGIBILITY REQUIREMENT UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

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

Sir:

In support of the Petition to Make Special Under the Green Technology Pilot Program, it is respectfully submitted that the basis for the requested special status is that the invention claimed in the above-identified patent application materially contributes to the development of renewable energy sources and/or green house gas emission reduction. Specifically, the claimed invention relates to a solar cell.

Additionally, by filing this petition, the applicant agrees to make an election without traverse in a telephone interview and elect an invention that meets the eligibility requirements set for 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.

It is also submitted that this application meets the eligibility requirements to participate in the Green Technology Pilot Program, as listed in the attached Petition to Make Special Under the Green Technology Pilot Program.

Accordingly, it is respectfully requested that the Petition be granted.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Seth S. Kim, Reg. No. 54,577, at the telephone number of the undersigned below to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Director is hereby authorized in this, concurrent, and future replies to charge any fees required during the pendency of the above-identified application or credit any overpayment to Deposit Account No. 02-2448.

Dated: DEC 30 2010

Respectfully submitted,

By Seth S. Kim #54,577

James T. Eller, Jr.
Registration No.: 39538
BIRCH, STEWART, KOLASCH & BIRCH, LLP
8110 Gatehouse Road, Suite 100 East
P.O. Box 747
Falls Church, VA 22040-0747
703-205-8000

Attachment

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.
12/709,313	02/19/2010	Hyunjin Yang	1630-0768PUS1	6374

2292 7590 01/12/2011
BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH, VA 22040-0747

EXAMINER

ART UNIT	PAPER NUMBER
1725	

NOTIFICATION DATE	DELIVERY MODE
01/12/2011	ELECTRONIC

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

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

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

mailroom@bskb.com

UNITED STATES PATENT AND TRADEMARK OFFICE

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PO BOX 747
FALLS CHURCH VA 22040-0747

JAN 12 2011

In re Application of	:	
Yang et al.	:	DECISION ON PETITION
Application No. 12/709,313	:	TO MAKE SPECIAL UNDER
Filed: 2/19/2010	:	THE GREEN TECHNOLOGY
Attorney Docket No. **1630-0768PUS1**	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed 12/30/2010, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **GRANTED**.

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

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

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

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

Telephone inquires concerning this decision should be directed to Tom Dunn at 571-272-1171.

The application is being forwarded to the Technology Center Art Unit 1725 for action on the merits commensurate with this decision.

/Tom Dunn/

Tom Dunn
Quality Assurance Specialist
Technology Center 1700

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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MAILED SEP 02 2010

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

In re Application of: Brister et al. Application No.: 12/709344 Filed: February 19, 2010 Title: Intragastric Device	:	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 filed on August 18, 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).

Since petitioner is only given one opportunity to perfect the petition, the statement on page 106 of the accelerated examination support document regarding applicant's notation of "----" regarding the showing of 35 USC 112 first paragraph support is given the meaning that no support is present, since any other interpretation would make the identification so deficient that it would materially effect examination of the application with regard to the examiner's evaluation of support in the application because the examiner would not be able to, with reasonable certainty, determine the effective filing date of the claims when reviewing the accelerated examination support document. See MPEP 706.02 VI and Part I item 9(E) of the Guidelines for Applicants under the New Accelerated Examination Procedure at: http://www.uspto.gov/patents/process/file/accelerated/index.jsp

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):

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.

7. 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.

8. 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.

9. 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.

10. 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 Linda Sholl, Special Programs Examiner, at (571) 272-4391

Linda Sholl

Linda Sholl, Special Programs Examiner
Technology Center 3700

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.
12/709,351	02/19/2010	Michinaga Yamagishi	SUTSDC.008C1	6447

7590 10/14/2011
KNOBBE MARTENS OLSON & BEAR LLP
2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE, CA 92614

EXAMINER
HABERMEHL, JAMES LEE

ART UNIT	PAPER NUMBER
2627	

NOTIFICATION DATE	DELIVERY MODE
10/14/2011	ELECTRONIC

DECISION DISMISSING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment will not be recognized

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

The petition is dismissed.

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

1. ☑ The petition was not filed in sufficient time to permit the appropriate officials to recognize the abandonment before an examination has been made of the application. See 37 CFR 1.138(d).
2. ☐ The petition was not signed by a party authorized by 37 CFR 1.33(b)(1), (3) or (4).
3. ☐ The application is not an application filed under 35 U.S.C. 111(a) on or after December 8, 2004.
4. ☐ The petition for express abandonment under 1.138(d) is dismissed because the applicant did not pay any search fee and excess claims fees in the above-identified application.

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

Nimi James

Patent Publication Branch
Office of Data Management

FORM PET651D (Rev. 08/07)

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/709,357	02/19/2010	Akitomo Tanaka	04995/537001	6458

7590 04/03/2012

OSHA LIANG L.L.P.
TWO HOUSTON CENTER
909 FANNIN, SUITE 3500
HOUSTON, TX 77010

EXAMINER
CHOI, JACOB Y

ART UNIT	PAPER NUMBER
2821	

NOTIFICATION DATE	DELIVERY MODE
04/03/2012	ELECTRONIC

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

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

The petition is granted.

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

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

Betty Powell

Patent Publication Branch
Office of Data Management

FORM PET651G (Rev. 08/07)

UNITED STATES PATENT AND TRADEMARK OFFICE

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BIRCH STEWART KOLASCH & BIRCH
P.O. BOX 747
FALLS CHURCH, VA 22040-0747

MAILED
MAY 10 2011
OFFICE OF PETITIONS

In re Application of
Jen-Shyan CHEN, et *al.*
Application No. 12/709,359
Filed: February 19, 2010
Attorney Docket No. **340902-1550**

DECISION ON PETITION TO WITHDRAW FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed March 25, 2011.

The request is **DISMISSED** as moot.

A review of the file record indicates that the power of attorney to **BIRCH STEWART KOLASCH & BIRCH** has been revoked by the assignee of the patent application on April 12, 2011. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

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

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

cc: **THOMAS KAYDEN HORSTEMEYER & RISLEY, LLP**
600 GALLERIA PARKWAY SE, SUITE 1500
ATLANTA, GA 30339-5994

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MAILED

APR 04 2011

OFFICE OF PETITIONS

DOWELL & DOWELL P.C.
103 ORONOCO ST.
SUITE 220
ALEXANDRIA, VA 22314

In re Application of	:	
Nicolas Viau et al	:	
Application No. 12/709,448	:	ON PETITION
Filed: February 19, 2010	:	
Attorney Docket No. 17476CON	:	

This is a decision on the petition under 37 CFR 1.137(b), filed January 11, 2011, to revive the above-identified application.

The petition is **GRANTED.**

The above-identified application became abandoned for failure to reply in a timely manner to the Notice To File Missing Parts of Nonprovisional Application (Notice) mailed March 5, 2010. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extension of time under the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the above-identified application became abandoned on May 6, 2010.

37 CFR 1.137(b)(3) requires a statement that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional." Since the statement appearing in the petition varies from the language required by 37 CFR 1.137(b)(3), the statement is being construed as the required statement. Petitioner must notify the Office if this is **not** a correct reading of the statement appearing in the petition.

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

This matter is being referred to the Office of Patent Application Processing.

Irvin Dingle
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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MENTOR GRAPHICS CORP.
PATENT GROUP
8005 SW BOECKMAN ROAD
WILSONVILLE OR 97070-7777

MAILED

OCT 22 2010

OFFICE OF PETITIONS

In re Application of	:	ON PETITION
Elkader, Shohdy Abd	:	
Application No. 12/709,454	:	
Filed: February 19, 2010	:	
Attorney Docket No. 1054-REG1/TLE	:	

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed October 12, 2010, to revive the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration must be submitted within TWO (2) MONTHS from the mail date of this decision. No further petition fee is required for the request. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

The above-identified application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Nonprovisional Application (Notice), mailed March 8, 2010. No extensions of time under the provisions of 37 CFR 1.136(a) were timely obtained. Accordingly, the above-identified application became abandoned on May 9, 2010.

A grantable petition under 37 CFR 1.137(b) must be accompanied by:
(1) the required reply,[1]
(2) the petition fee,
(3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, and
(4) a terminal disclaimer and fee if the application was filed on or before June 8, 1995 or if the application is a design application.

Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Commissioner may require additional information.[2]

The instant petition lacks item(s) (1). The Office acknowledges receipt of the Oath/Declaration and payment of the basic filing fee, search and examination fees, as well as the late surcharge.

---

[1] 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] See MPEP 711.03(c)(III)(C) and (D).

However, the Notice mailed March 8, 2010 also requires submission of Replacement Drawings in compliance with 37 CFR 1.84 and 37 CFR 1.121(d) and an Abstract to avoid abandonment. Neither the drawings nor the abstract were included with the reply filed concurrently with the instant petition.

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. See In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Accordingly, since the $2350.00 extension of time fee submitted with the petition was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credited to petitioner's deposit account as authorized.

There is no indication that the person signing the instant petition was ever given a power of attorney or authorization of agent to prosecute the above-identified application. If the person signing the instant petition desires to receive future correspondence regarding this application, the appropriate power of attorney or authorization of agent must be submitted. While a courtesy copy of this decision is being mailed to the person signing the instant petition, all future correspondence will be directed solely to the address currently of record until such time as appropriate instructions are received to the contrary.

It is not apparent whether the statement of unintentional delay was signed by a person who would have been in a position of knowing that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. Nevertheless, in accordance with 37 CFR 10.18, the statement is accepted as constituting a certification of unintentional delay. However, in the event that petitioner has no knowledge that the delay was unintentional, petitioner must make such an inquiry to ascertain that, in fact, the delay was unintentional. If petitioner discovers that the delay was intentional, petitioner must notify the Office.

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

By mail: Mail Stop PETITIONS
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By hand: Customer Window located at:

U.S. Patent and Trademark Office
Customer Service Window Randolph Building
401 Dulany Street
Alexandria, VA 22314

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

Any questions concerning this matter may be directed to the undersigned at (571) 272-3206.

Liana Walsh
Petitions Examiner
Office of Petitions

cc: BANNER & WITCOFF, LTD.
1100 13th STREET, N.W., SUITE 1200
WASHINGTON, DC 20005

UNITED STATES PATENT AND TRADEMARK OFFICE

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MENTOR GRAPHICS CORP.
PATENT GROUP
8005 SW BOECKMAN ROAD
WILSONVILLE OR 97070-7777

MAILED

DEC 03 2010

OFFICE OF PETITIONS

In re Application of	:	
Elkader, Shohdy Abd	:	
Application No. 12/709,454	:	ON PETITION
Filed: February 19, 2010	:	
Attorney Docket No. 10541-REG1/TLE	:	

This is a decision on the renewed petition under 37 C.F.R. § 1.137(b), filed November 10, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The petition now satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a complete response to the Notice to File Missing Parts, including the Abstract and Replacement Drawings, (2) the petition fee of $1620.00 (previously submitted), 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 processing. Thereafter, the application will be referred to Technology Center AU 2825 for examination on the merits.

Liana Walsh
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

FRANK G MORKUNAS
P.O. BOX 601662
SAN DIEGO, CA 92160

MAILED
MAR 01 2011
OFFICE OF PETITIONS

In re Application	:	
Bradley A. Eli	:	DECISION ON PETITION
Application No. 12/709,470	:	TO WITHDRAW
Filed: February 20, 2010	:	FROM RECORD
Attorney Docket No. None	:	

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 24, 2011.

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

A review of the file record indicates that Frank G. Morkunas was revoked as of record by the applicant on January 31, 2011. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is not applicable.

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

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

Alicia Kelley
Petitions Examiner
Office of Petitions

cc: ERIC HANSCOM
2141 PALOMAR AIRPORT ROAD, SUITE 320
CARLSBAD, CA 92011

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20110805

DATE : August 9, 2011

TO SPE OF : ART UNIT 2436

SUBJECT : Request for Certificate of Correction on Patent No.: 7787629

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 - PK 3-910
Palm location **7590** - Tel. No. 305-8201

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 appropriate box.

☒ **Approved** **All** changes apply.

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

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

Comments:

SPE: Nasser Moazzami **Art Unit** 2436

OK TO ENTER: /DGC/

08/05/2011

PTO/SB/44 (04-05)
Approved for use through 04/30/2007. OMB 0651-0033
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(Also Form PTO-1050)

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT NO: 7,787,629

DATED: August 31, 2010

INVENTOR(S): Andrey V. BELENKO

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

In claim 2, replace "hash values" with --transformed values--.
In claim 3, replace "hash values" with --transformed values--
In claim 4, replace "hash values" with --transformed values--.
In claim 5, replace "hash values" with --transformed values--.
In claim 8, replace "hash values" with --transformed values--.
In claim 9, replace "hash values" with --transformed values--.
In claim 10, replace "hash values" with --transformed values--.
In claim 11, replace "hash values" with --transformed values--.
In claim 12, replace "hash values" with --transformed values--.

MAILING ADDRESS OF SENDER (Please do not use customer number below):
BARDMESSER LAW GROUP, 1025 Connecticut Ave., N.W., Suite 1000, Washington, DC 20006
Atty. Dkt. No. 2423.0040002

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

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.

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: GWRPID-003	Application Number (if known): 12/709,510	Filing date: February 21, 2010
First Named Inventor: CHRISTENSEN, Peter		
Title: Power Transfer System for a Rechargeable Battery		

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 /Bruce A. Young Reg. No 45656/	Date 3/7/2011
Name (Print/Typed) Bruce A. Young	Registration Number 45656

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

☐ *Total of 1 forms are submitted.

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

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

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

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

(Not to be Submitted to the USPTO)

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

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

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

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

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

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

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

Privacy Act Statement

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

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

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

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.
12/709,510	02/21/2010	Peter Wilmar Christensen	GWRPID-003	6852

93652 7590 03/15/2011
GreenWave Reallty Inc
39 Parker
Suite 100
Irvine, IA 92618

EXAMINER
ASSOUAD, PATRICK J

ART UNIT	PAPER NUMBER
2858	

MAIL DATE	DELIVERY MODE
03/15/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

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GreenWave Reallty Inc
39 Parker
Suite 100
Irvine IA 92618

In re Application of	:	
Peter Wilmar CHRISTENSEN	:	DECISION ON PETITION
Application No. 12/709,510	:	TO MAKE SPECIAL UNDER
Filed: February 21, 2010	:	THE GREEN TECHNOLOGY
Attorney Docket No. GWRPID-003	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed on March 07, 2011, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **DISMISSED**.

If reconsideration of this decision is desired, a petition for reconsideration must be filed within ONE (1) MONTH OR THIRTY (30) DAYS from the mail date of this decision, whichever is longer. No extension of this time limit can be granted under 37 CFR 1.136(a) or (b). The petition for reconsideration should include an exhaustive attempt to provide the lacking item(s) noted below, since, after a decision on the petition for reconsideration, no further reconsideration or review of the matter will be undertaken by the Director.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications and be filed prior to the date of the notice, December 8, 2009.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the

Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The petition lacks item 4.

In regard to item 4, applicant's statement pertaining to how the materiality standard is met does not satisfy the requirements for this pilot. The instant petition includes a statement identifying the basis for the special status as contributing to more efficient utilization and conservation of energy. The materiality standard does not permit an applicant to speculate as to how a hypothetical end-user might specially apply the invention in a manner that could contribute to more efficient utilization and conservation of energy. The claims are not directed to electric or hybrid vehicles. Any argument that the claimed invention can be used with electric and hybrid vehicles is considered speculate as to how a hypothetical end-user might specially apply the claimed invention. Further, it is not readily apparent how the scheduling of charging a battery can contribute to more efficient utilization and conservation of energy.

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 2858 for action in its regular turn.

Lee W. Young
Quality Assurance Specialist
Technology Center 2800

RE: PATENT APPLICATION 12/709,510
Docket No. GRWPID-003

In re application of:	CHRISTENSEN, Peter Wilmar
Serial No.	12/709,510
Confirmation No	6852
Filed:	02/21/2010
Title:	POWER TRANSFER SYSTEM FOR A RECHARGEABLE BATTERY
Group Art Unit:	2858
Examiner:	ASSOUAD, Patrick J
Date:	4/5/2011

To: Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

REQUEST FOR RECONSIDERATION OF

PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

This petition is in response to the Decision on Petition to Make Special Under the Green Technology Pilot Program sent on 3/15/2011 that dismissed the initial petition. Please reconsider the petition to make the above identified application special under the Green Technology Pilot Program. According to the decision letter, the petition was found lacking in its statement of how the materiality standard was met. Please review the explanation below providing more detail on this item.

Two primary points were made in the decision letter. The first point was that "the claims are not directed to electric or hybrid vehicles." The second point was that "it is not readily apparent how the scheduling of charging a

battery can contribute to more efficient utilization and conservation of energy." These two points will be directly addressed below.

Regarding the first point, please refer to independent claim 15 as amended. Claim 15 includes "a connector suitable for connecting to a vehicle to charge a rechargeable battery in the vehicle;" which specifically directs the claimed apparatus to be used with a vehicle with a rechargeable battery which the specification makes clear is an electric or hybrid vehicle. So while the claim may not specifically include the electric or hybrid vehicle as an element of the claim, it is directed to such a vehicle.

Regarding the second point, please refer to dependent claims 2-4, 10, 11, 16 & 17. The instant application describes and claims a mechanism for battery charger to communicate with an energy provider (such as an electric utility) and receive information from the energy provider that is used by the charger to charge the battery at a time that allows the energy provider to be more efficient. Although some described and claimed embodiments are specifically directed to an electric or hybrid vehicle, the apparatus, system and methods claimed are applicable to any battery charger and can improve the energy efficiency of an electric utility when applied in large numbers of chargers, whether those chargers are for an electric vehicle or for some other battery.

It is well known that the demand for electricity from an electric utility may vary widely over time and that the supply of energy from an electric utility may be fixed at a given point of time or only variable by starting up or shutting

down entire power plants. The effect of this is that an electric utility may be supplying a demand very close to its current electrical generation capacity at certain times while at other times may be supplying a demand much less than the current electrical generation capacity. At the times when demand is low compared to the capacity, electricity may be wasted by the electric utility. By providing information about the demand and capacity of the electric utility to the charger, a battery may be charged at a time when the electric utility has excess capacity, allowing electricity that may otherwise be wasted to be used to charge the battery. And by avoiding charging the battery at a time when the demand is near the capacity of the utility, the overall demand can be managed to avoid turning on another electrical generation resource, thereby saving energy.

In the specific embodiments of claims 4, 11 and 17, the charger receives information from the utility specifically related to renewable energy resources. Many renewable energy resources generate power at times that are not under control of the electric utility. For example a solar panel will generate power when the sun shines and will not generate power when the sun is not shining, regardless of the demand for electricity. Likewise, wind power generates power only when the wind is blowing. If the demand for electricity happens to be low at the times that the renewable energy resource is generating the most electricity, the power from the renewable energy resource may be wasted. By providing information to the charger about the availability of renewable energy, the charger can charge the battery at times when the most renewable energy is

available. This provides a place for the renewable energy to be stored, that is in the battery, when it otherwise may have been wasted.

The claimed features of the instant application allow any battery charger to cooperate with the energy provider to manage the electricity demand of the charger and thereby improve the efficiency of the overall supply/demand balance from the energy provider. Due to the capacity of the batteries of an electric vehicle (EV), and the number EVs that are expected to be deployed over the next several years, the impact of chargers for EVs on an electric utility should be greater than chargers for other batteries. And while the energy impact of a single EV on the power grid supply/demand may be negligible, as the number of EVs grow into the millions of units, the impact of the demand of the millions of chargers is projected to have significant impact on the overall demand for electricity. By having the chargers cooperate with the electric utilities, better use of the existing generation resources, especially renewable resources, can be achieved. This will materially contribute to the more efficient utilization and conservation of energy resources by an electric utility.

CONCLUSION

In light of the material contribution of the present application to more efficient utilization and conservation of energy resources by an electric utility, it is requested that reconsideration be given to the above identified application under the Green Technology Pilot Program and that the above identified application be made special and advanced out of turn for examination.

Respectfully submitted,
/Bruce A. Young Reg No 45656/

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USPTO Registration Number 45656
1024 14th Ave SE
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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.
12/709,510	02/21/2010	Peter Wilmar Christensen	GWRPID-003	6852

93652 7590 07/01/2011
GreenWave Reallty Inc
39 Parker
Suite 100
Irvine, IA 92618

EXAMINER
ASSOUAD, PATRICK J

ART UNIT	PAPER NUMBER
2858	

MAIL DATE	DELIVERY MODE
07/01/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

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GreenWave Reallty Inc
39 Parker
Suite 100
Irvine IA 92618

JUL 01 2011

In re Application of	:	
Christensen	:	DECISION ON PETITION
Application No. 12/709,510	:	TO MAKE SPECIAL UNDER
Filed: 2/21/2010	:	THE GREEN TECHNOLOGY
Attorney Docket No. **GWRPID-003**	:	PILOT PROGRAM

This is a decision on the request for reconsideration, filed 4/5/2011, 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 2858 for action on the merits commensurate with this decision.

/Tom Dunn/

Tom Dunn
Quality Assurance Specialist
Technology Center 1700

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	12709510
Filing Date	21-Feb-2010
First Named Inventor	Peter Christensen
Art Unit	2858
Examiner Name	M BAYE DIAO
Attorney Docket Number	GWRPID-003
Title	POWER TRANSFER SYSTEM FOR A RECHARGEABLE BATTERY

An application may be withdrawn from issue for further action upon petition by the applicant. To request that the Office withdraw an application from issue, applicant must file a petition under this section including the fee set forth in § 1.17(h) and a showing of good and sufficient reasons why withdrawal of the application from issue is necessary.

APPLICANT HEREBY PETITIONS TO WITHDRAW THIS APPLICATION FROM ISSUE UNDER 37 CFR 1.313(c).

A grantable petition requires the following items:
(1) Petition fee; and
(2) One of the following reasons:
(a) Unpatentability of one or more claims, which must be accompanied by an unequivocal statement that one or more claims are unpatentable, an amendment to such claim or claims, and an explanation as to how the amendment causes such claim or claims to be patentable;
(b) Consideration of a request for continued examination in compliance with § 1.114 (for a utility or plant application only); or
(c) Express abandonment of the application. Such express abandonment may be in favor of a continuing application, but not a CPA under 37 CFR 1.53(d).

Petition Fee

- ☐ Applicant claims SMALL ENTITY status. See 37 CFR 1.27.
- ☐ Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).
- ☒ Applicant(s) status remains as SMALL ENTITY.
- ☐ Applicant(s) status remains as other than SMALL ENTITY

Reason for withdrawal from issue

○ One or more claims are unpatentable

◉ Consideration of a request for continued examination (RCE) (List of Required Documents and Fees)

○ Applicant hereby expressly abandons the instant application (any attorney/agent signing for this reason must have power of attorney pursuant to 37 CFR 1.32(b)).

RCE request,submission, and fee.

☒ I certify, in accordance with 37 CFR 1.4(d)(4) that : The RCE request ,submission, and fee have already been filed in the above-identified application on 2011.11.02

☐ 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	/Bruce A. Young/
Name	Bruce A. Young
Registration Number	45656

UNITED STATES 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 1,2011

In re Application of :

Peter Christensen

DECISION ON PETITION

UNDER CFR 1.313(c)(2)

Application No : 12709510

Filed : 21-Feb-2010

Attorney Docket No : GWRPID-003

This is an electronic decision on the petition under 37 CFR 1.313(c)(2), filed November 1,2011 , to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED.**

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid in this application cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

This application file is being referred to Technology Center AU 2858 for processing of the request for continuing examination under 37 CFR 1.114 .

Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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PAUL, HASTINGS, JANOFSKY & WALKER LLP
875 15TH STREET, NW
WASHINGTON DC 20005

MAILED

AUG 16 2010

OFFICE OF PETITIONS

In re Application of	:	
HUNDAL, Sukhdeep S. et al.	:	
Application No. 12/709,591	:	DECISION ON PETITION
Filed: February 22, 2010	:	TO WITHDRAW
Attorney Docket No. **VTX0341-US-DIV-I**	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed June 29 2010.

The request is **NOT APPROVED**.

The Office will no longer accept address changes to a new practitioner or law firm filed with a Request, absent the filing of a power of attorney to the new representative. The Office will either change the correspondence address of record to the most current address information provided for the assignee of the entire interest who properly became of record under 37 CFR 3.71 or, if no assignee of the entire interest has properly been made of record under 37 CFR 3.71, the most current address information provided for the first named inventor.

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) of record in the instant application, the Office cannot change the correspondence address to the address on the Request for Withdrawal.

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-4231.

Michelle R. Eason
Paralegal Specialist
Office of Petitions

cc: **VTECH COMMUNICATIONS LIMITED**
23/F TAI PING INDUSTRIAL CENTRE
BLOCK 1, 57 TING KOK ROAD
TAI PO, N.T., HONG KONG

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.:	12/709,598-Conf. #7038	Filing Date:	February 22, 2010
First Named Inventor:	Curt D. Gilmore		
Title of the Invention:	USE OF HIGH FREQUENCY TRANSFORMERS TO CHARGE HEV BATTERIES		

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/US2010/025132

The international date of the corresponding PCT application(s) is/are: February 24, 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. **(ISR and WO/ISA listed as NPL documents on 10/7/2010)**

b. **A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT appliction(s).**

☒ Is attached. **(Copy of patentable PCT Claims 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.**

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.:	12/709,598-Conf. #7038
First Named Inventor:	Curt D. Gilmore

d. **(1) An information disclosure statement listing the documents cited in the international work products (ISR, WO/ISA, WO/IPEA, IPER) of the corresponding PCT application.**

[ ] Is attached.

[x] Has already been filed in the above-identified U.S. application on October 7, 2010

(2) Copies of all documents (except) for U.S. patents or U.S. patent application publications)

[ ] Are attached.

[x] Have already been filed in the above-identified U.S. application on October 7, 2010

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1, 3-5, 7-9, 15-17 & 21-23	1, 3-5, 7-9 & 15-20	US Claims 1, 3-5, 7-9, 15-17 & 21-23 are identical to PCT Claims 1, 3-5, 7-9 & 15-20
2, 6	2, 6	US Claims 2 & 6 differ from PCT Claims 2 & 6 only in the recitation of a "power source" rather than a "battery"
10, 11	10, 11	US Claims 10 & 11 are identical to PCT Claims 10 & 11 except that US Claims 10 & 11 have been amended to correct a typographical error in the word "transistors"
12	12	US Claim 12 differs from PCT Claim 12 only in the recitation of a "switching device" and a "battery" rather than a "DC-to-AC converting circuit" and a "power source"
13, 14	13, 14	US Claims 13 & 14 differ from PCT Claims 13 & 14 only in the recitation of a "chopped DC voltage signal" rather than a "chopping low DC signal"

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature		Date	June 30, 2011
Name (Print/Typed)	Michael D. Zalobsky	Registration Number	45,512

16118020.1

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.
12/709,598	02/22/2010	Gary A. Oliveira	9539-000154/US	7038

27572 7590 07/12/2011
HARNESS, DICKEY & PIERCE, P.L.C.
P.O. BOX 828
BLOOMFIELD HILLS, MI 48303

EXAMINER
ASSOUAD, PATRICK J

ART UNIT	PAPER NUMBER
2858	

MAIL DATE	DELIVERY MODE
07/12/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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HARNESS, DICKEY & PIERCE, P.L.C.
P.O. BOX 828
BLOOMFIELD HILLS MI 48303

In re Application of	
OLIVEIRA et al.	**: DECISION ON REQUEST TO**
Application No.: 12/709,598	**: PARTICIPATE IN THE PATENT**
Filed: 22 February 2010	**: PROSECUTION HIGHWAY**
Attorney Docket No.: 9539-000154/US	**: PROGRAM AND PETITION**
For: USE OF HIGH FREQUENCY	**: TO MAKE SPECIAL UNDER**
TRANSFORMER TO CHARGE HEV	**: 37 CFR 1.102(a)**
BATTERIES	

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 01 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) and (3-8) above are considered to have been met. However, the request to participate in the PPH pilot program and petition fails meet requirement (2).

Regarding the requirement of condition (2), applicant has failed to identify and explain why the claims are not subject to the observation in Box VIII of the ISA/237.

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

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.:	12/709,598
Filing Date:	February 22, 2010
Applicant:	Curt D. Gilmore, et al.
Group Art Unit:	2858
Examiner:	Patrick J. Assouad
Title:	USE OF HIGH FREQUENCY TRANSFORMER TO CHARGE HEV BATTERIES
Attorney Docket:	9539-000154/US

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

REQUEST FOR RECONSIDERATION OF DISMISSAL OF REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102

Sir:

Please consider the remarks that follow.

REMARKS

The Office dismissed the Request To Participate In The PCT-Patent Prosecution Highway and Petition To Make Special Under 37 CFR 1.102 (hereinafter "the Request & Petition") filed in the above-referenced application on July 1, 2011, stating that "Requirements (1) and (3-8) above are considered to have been met" ... but that "the request to participate in the PPH pilot program and petition fails to meet requirement (2)." Regarding requirement (2), the Office stated that "applicant has failed to identify and explain why the claims are not subject to the observation in Box VIII of the ISA/237".

Applicant has amended independent Claim 1 in the manner suggested in the observation. More specifically, Claim 1 has been amended to recite "AC-to-DC converter" rather than "DC-to-AC converter". A similar amendment has been made to Claim 2 so that it is consistent with amended Claim 1.

Applicant submits that Requirements (1-8) for a grantable request to participate in the PCT-PPH pilot program and petition to make special have been met. Accordingly, Applicant respectfully requests reconsideration of the Request and Petition.

If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

/ Michael D. Zalobsky /

Dated: July 25, 2011

By: _____
Michael D. Zalobsky
Registration No.: 45,512

HARNESS, DICKEY & PIERCE, P.L.C.
P.O. Box 828
Bloomfield Hills, Michigan 48303
(248) 641-1600

PER/MDZ

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Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/709,598	02/22/2010	Gary A. Oliveira	9539-000154/US	7038

27572 7590 10/11/2011
HARNESS, DICKEY & PIERCE, P.L.C.
P.O. BOX 828
BLOOMFIELD HILLS, MI 48303

EXAMINER
ASSOUAD, PATRICK J

ART UNIT	PAPER NUMBER
2858	

MAIL DATE	DELIVERY MODE
10/11/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

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HARNESS, DICKEY & PIERCE, P.L.C.
P.O. BOX 828
BLOOMFIELD HILLS MI 48303

In re Application of	**: DECISION ON REQUEST TO**
OLIVEIRA et al.	**: PARTICIPATE IN THE PATENT**
Application No.: 12/709,598	**: PROSECUTION HIGHWAY**
Filed: 22 February 2010	**: PROGRAM AND PETITION**
Attorney Docket No.: 9539-000154/US	**: TO MAKE SPECIAL UNDER**
For: USE OF HIGH FREQUENCY TRANSFORMER TO CHARGE HEV BATTERIES	**: 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 01 July 2011 and renewed 25 July 2011, to make the above-identified application special.

The request and petition are **GRANTED**.

Discussion

A grantable request to participate in the PCT-PPH pilot program and petition to make special require:

(1) The U.S. application must have an eligible relationship to one or more PCT applications where the ISA or IPEA are the JPO, EPO, KIPO, NPI, or USPTO;

(2) At least one claim in the PCT application has novelty, inventive step, and industrial applicability and must be free of any observations in Box VIII in the latest work product in the international stage or applicant must identify and explain why the claim(s) is/are not subject to the observation in Box VIII;

(3) Applicant must submit a copy of the claim(s) from the PCT application(s) that have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate, if the claims are not in the English language;

(4) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the claim(s) that have novelty, inventive step, and industrial applicability in the PCT application(s);

(5) Examination of the U.S. application has not begun;

(6) Applicant must submit a copy of the latest international work product from the PCT application indicating that the claim(s) have novelty, inventive step, and industrial applicability

along with an English translation thereof and a statement that the English translation is accurate if the latest international work product is not in the English language;

(7) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

The request to participate in the PCT-PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Colleen Dunn at 571-272-1170.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc.index.html.

This application will be forwarded to the examiner for action on the merits commensurate with this decision once this application's formality reviews have been completed.

/Colleen Dunn/

Colleen Dunn
Quality Assurance Specialist
Technology Center 2800

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Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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PAUL, HASTINGS, JANOFSKY & WALKER LLP
875 15TH STREET, NW
WASHINGTON DC 20005

MAILED

AUG 16 2010

OFFICE OF PETITIONS

In re Application of	:	
HUNDAL, Sukhdeep S. et al.	:	
Application No. 12/709,604	:	DECISION ON PETITION
Filed: February 22, 2010	:	TO WITHDRAW
Attorney Docket No. **VTX0341-US-DIV-II**	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed June 29 2010.

The request is **NOT APPROVED**.

The Office will no longer accept address changes to a new practitioner or law firm filed with a Request, absent the filing of a power of attorney to the new representative. The Office will either change the correspondence address of record to the most current address information provided for the assignee of the entire interest who properly became of record under 37 CFR 3.71 or, if no assignee of the entire interest has properly been made of record under 37 CFR 3.71, the most current address information provided for the first named inventor.

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) of record in the instant application, the Office cannot change the correspondence address to the address on the Request for Withdrawal.

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-4231.

Michelle R. Eason
Paralegal Specialist
Office of Petitions

cc: **VTECH COMMUNICATIONS LIMITED**
23/F TAI PING INDUSTRIAL CENTRE
BLOCK 1, 57 TING KOK ROAD
TAI PO, N.T., HONG KONG

UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/709,611	02/22/2010	Hiroyuki MIURA	2221.1296	7070

7590 05/05/2011

STAAS & HALSEY LLP
SUITE 700
1201 NEW YORK AVENUE, N.W.
WASHINGTON, DC 20005

EXAMINER

ART UNIT	PAPER NUMBER
2192	

MAIL DATE	DELIVERY MODE
05/05/2011	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.

Mimi Farmer

Patent Publication Branch
Office of Data Management

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

HOLTZ, HOLTZ, GOODMAN &
CHICK PC
220 Fifth Avenue
16TH Floor
NEW YORK NY 10001-7708

MAILED
JAN 17 2012
OFFICE OF PETITIONS

In re Application of
TESHIMA et al.
Application No.: 12/709,639
Filed: February 22, 2010
Attorney Docket No.: 10043/LH
For: IMAGE CAPTURING APPARATUS, ANGLE-OF-VIEW ADJUSTING METHOD AND RECORDING MEDIUM

: 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 5, 2011, to make the above-identified application special.

The request and petition are **GRANTED**.

Discussion

A grantable request to participate in the PPH pilot program and petition to make special require:

1. The U.S. application is

    a. a Paris Convention application which either
        i. validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the JPO, or
        ii. validly claims priority to a PCT application that contains no priority claims, or
    b. a national stage application under the PCT (an application which entered the national stage in the U.S. from a PCT international application after compliance with 35 U.S.C. 371), which PCT application
        i. validly claims priority to an application filed in the JPO, or
        ii. validly claims priority to a PCT application that contains no priority claims, or
        iii. contains no priority claim, or

   c. a so-called bypass application filed under 35 U.S.C. 111(a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application
      i. validly claims priority to an application filed in the JPO, or
      ii. validly claims priority to a PCT application that contains no priority claims, or
      iii. contains no priority claim;
2. Applicant must submit a copy of:
   a. The allowable/patentable claim(s) from the JPO application(s);
   b. An English translation of the allowable/patentable claim(s) and
   c. A statement that the English translation is accurate;
3. Applicant must:
   a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s) and
   b. Submit a claims correspondence table in English;
4. Examination of the U.S. application has <u>not</u> begun;
5. Applicant must submit:
   a. Documentation of prior office action:
      i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claim(s) or
      ii. if the allowable/patentable claims(s) are from a "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
      iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form;
   b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above
   c. A statement that the English translation is accurate;
6. Applicant must submit:
   a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application)
   b. Copies of the documents except U.S. patents or U.S. patent application publications (unless already submitted in this application);

The request to participate in the PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Inquiries concerning this decision should be directed to 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

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United States Patent and Trademark Office
P.O. Box 1450
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APR 05 2011

OFFICE OF PETITIONS

DRINKER BIDDLE & REATH
ATTN: INTELLECTUAL PROPERTY GROUP
ONE LOGAN SQUARE, SUITE 2000
PHILADELPHIA PA 19103-6996

In re Application of Robb Fujioka Application No. 12/709,710 Filed: February 22, 2010 Attorney Docket No. 203103-0006-08-US (448785	: : : : :	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 23, 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: **FUTU INC.**
909 N. SEPULVEDA BLVD.
SUITE 540
EL SEGUNDO, CA 90245

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

DRINKER BIDDLE & REATH
ATTN: INTELLECTUAL PROPERTY GROUP
ONE LOGAN SQUARE, SUITE 2000
PHILADELPHIA PA 19103-6996

MAILED

APR 22 2011

OFFICE OF PETITIONS

In re Application of	:	
FUJIOKA, Robb	:	
Application No. 12/709,710	:	DECISION ON PETITION
Filed: February 22, 2010	:	TO WITHDRAW
Attorney Docket No. 203103-0006-08-US (448785	:	FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed April 14, 2011.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office requires the practitioner(s) requesting withdrawal to certify that he, she, or they have: (1) given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any responses that may be due and the time frame within which the client must respond, pursuant 37 CFR 10.40(c).

The request was signed by Edward Behm on behalf of all attorneys of record who are associated with customer No. 23973. All attorneys/agents associated with the Customer Number 23973 have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to the inventor Robb Fujioka at the address indicated below.

Telephone inquiries concerning this decision should be directed to Tredelle Jackson at 571-272-2783.

/Tredelle D. Jackson/
Paralegal Specialist
Office of Petitions

cc: **ROBB FUJIOKA**
1701 N. MEADOWS AVENUE
MANHATTAN BEACH CA 90266

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Date Mailed : 01/03/11

Patent No. : 8061949 B2
Inventor : **Kurita , et al.**
Patent Issued : **November 22, 2011**
Docket No. : **010952.D1/DISPLAY/SOLAR-C**

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.

Inspection of the file of the application for the patent reveals that in columns 5 and 7, lines 42, 3 and 4 is printed in accordance with the record (no fee or authorization to charge fee).
"Therefore, no correction(s) is in order here under United States Codes (U.S.C.) 254 and the Code of Federal Regulation (C.F.R.) 1322."

In view of the foregoing, your request in this matter is hereby denied.

Lamonte M. Newsome
For Mary Diggs, Supervisor
Decisions & Certificates
Of Correction Branch
(571) 272-3421 or (703)756-1580

PATTERSON & SHERIDAN, LLP - - APPM/TX
3040 POST OAK BOULEVARD, SUITE 1500
HOUSTON TX 77056

Lmn

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.
12/709,714	02/22/2010	Tsuyoshi Hamamatsu	1018-0016	7268

93263 7590 10/01/2010
Tomoko Nakajima
Cermak Nakajima LLP
127 S. Peyton Street
Suite 210
Alexandria, VA 22314

EXAMINER

ART UNIT	PAPER NUMBER
2161	

NOTIFICATION DATE	DELIVERY MODE
10/01/2010	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

tnakajima@cermaknakajima.com
IP@cermaknakajima.com

UNITED STATES PATENT AND TRADEMARK OFFICE

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Tomoko Nakajima
Cermak Nakajima LLP
127 S. Peyton Street
Suite 210
Alexandria VA 22314

In re Application of: HAMAMATSU et al.
Application No. 12/709,714
Attorney Docket #: 1018-0016
Filed: February 22, 2010
For: DATA CONVERSION METHOD PROCESSING FOR CONVERSION OF DATABASE, APPARATUS, PROGRAM AND STORAGE MEDIA OF THE SAME

DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed July 21, 2010 to make the above-identified application special.

The petition is **GRANTED.**

A grantable request to participate in the PPH program and petition to make special require:

(1) The U.S. application is
(a) a Paris Convention application which either
(i) validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the JPO, or
(ii) validly claims priority to a PCT application that contains no priority claims,

Or

(b) a national stage application under the PCT (an application which entered the national stage in the U.S. from a PCT international application after compliance with 35 U.S.C. 371), which PCT application
(i) validly claims priority to an application filed in the JPO, or
(ii) validly claims priority to a PCT application that contains no priority claims, or
(iii) contains no priority claim,

Or

(c) a so-called bypass application filed under 35 U.S.C. 111 (a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application

(i) validly claims priority to an application filed in the JPO, or
(ii) validly claims priority to a PCT application that contains no priority claims, or
(iii) contains no priority claim.

Where the JPO application that contains the allowable/patentable claims is not the same application for which priority is claimed in the U.S. application, applicant must identify the relationship between the JPO application that contains the allowable/patentable claims and the JPO priority application claimed in the U.S. application.

(2) Applicant must submit a copy of:
a. The allowable/patentable claim(s) from the JPO application(s) or if a copy of the allowable/patentable claims is available via the Dossier Access System (DAS) applicant may request the USPTO obtain a copy from the DAS, however if the USPTO is unable to obtain a copy from the DAS the applicant will be required to submit a copy;
b. An English translation of the allowable/patentable claim(s) and
c. A statement that the English translation is accurate;

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);

(7) ~~The required petition fee under 37 CFR 1.17(h).~~

The petition is **GRANTED.**

The request to participate in the PPH pilot program and petition are found to comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Mano Padmanabhan at 571-272-4210.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc/index.html.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

/Mano Padmanabhan/

Mano Padmanabhan
Quality Assurance Specialist, Technology Center 2100, Workgroup 2180
571-272-4210

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

AIR PRODUCTS AND CHEMICALS, INC
PATENT DEPARTMENT
7201 HAMILTON BOULEVARD
ALLENTOWN, PA 18195-1501

MAILED

OCT 06 2011

OFFICE OF PETITIONS

In re Application of	:	
Xianming Jimmy Li, et al.	:	
Application No. 12/709,745	:	DECISION GRANTING PETITION
Filed: February 22, 2010	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 07397 USA	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed October 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 September 14, 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 concerning this decision should be directed to undersigned at (571) 272-1642. All other inquiries concerning the examination or status of this application should be directed to the Technology Center.

This application is being referred to Technology Center AU 1734 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.*

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : June 7, 2011

TO SPE OF : ART UNIT 2422

SUBJECT : Request for Certificate of Correction for Appl. No.: 12/709,747 Patent No.: 7924347

CofC mailroom date: 06-03-11

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (CofC)
Randolph Square – 9D10-A
Palm Location 7580

Note: should the patent be reprinted?

RoChaun Johnson-Hardwick

Certificates of Correction Branch

571 272-0470

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:
Note your decision on the appropriate box.

- ☒ **Approved** — **All** changes apply.
- ☐ **Approved in Part** — Specify below which changes **do not** apply.
- ☐ **Denied** — State the reasons for denial below.

Comments:

/Brian T. Pendleton/ 2425
SPE **Art Unit**

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 02-18-12

TO SPE OF : ART UNIT 2837

SUBJECT : Request for Certificate of Correction for Appl. No.: 12/709772 Patent No.: 8044553

CofC mailroom date: 11-01-11

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

Note: _____

Angela Green 571.272.9005
CofC Branch 703-756-1814

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:
Note your decision on the appropriate box.

- ☒ **Approved** — **All** changes apply.
- ☐ **Approved in Part** — Specify below which changes **do not** apply.
- ☐ **Denied** — State the reasons for denial below.

Comments: _____

SPE /Walter Benson/ **Art Unit** 2837

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:	12/709,780	Filing date:	22 February 2010
First Named Inventor:	Ilya AGUROK		
Title of the Invention:	Passive electro-optical tracker		

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/US 2010/024877

The international filing date of the corresponding PCT application(s) is/are: 22 February 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.

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.:	12/709,780
First Named Inventor:	Ilya AGUROK

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 10 January 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 10 January 2011

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1-20	1-20	Claims are identical.

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature /Henry N. Blanco White/	Date 10 March 2011
Name (Print/Typed) Henry N. Blanco White	Registration Number 47,350

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.
12/709,780	02/22/2010	Ilya Agurok	47654-0035-00-US (448114)	7411

23973 7590 04/06/2011
DRINKER BIDDLE & REATH
ATTN: INTELLECTUAL PROPERTY GROUP
ONE LOGAN SQUARE, SUITE 2000
PHILADELPHIA, PA 19103-6996

EXAMINER
BELLA, MATTHEW C

ART UNIT	PAPER NUMBER
2624	

NOTIFICATION DATE	DELIVERY MODE
04/06/2011	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):

DBRIPDocket@dbr.com
penelope.mongelluzzo@dbr.com

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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Alexandria, VA 22313-1450
www.uspto.gov

DRINKER BIDDLE & REATH
ATTN: INTELLECTUAL PROPERTY GROUP
ONE LOGAN SQUARE, SUITE 2000
PHILADELPHIA PA 19103-6996

In re Application of	:	
AGUROK, ILYA, et al.	:	DECISION ON REQUEST TO
Application No. 12/709,780	:	PARTICIPATE IN PATENT
Filed: February 22, 2010	:	PROSECUTION HIGHWAY
Attorney Docket No. **47654-0035-00-US (448114)**	:	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 March 10, 2011 to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PCT-PPH pilot program and petition to make special require:

(1) The U.S. application be (a) a national stage entry of the corresponding PCT application, or (b) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (c) a national stage application that claims domestic/foreign priority to the corresponding PCT application, (d) a national application which forms the basis for the priority claim in the corresponding PCT application, or (e) a continuation application of the U.S. application which satisfies one of the above (a) to (d) scenarios.
(2) A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the corresponding PCT application(s) which indicates at least one claim in the PCT application has novelty, inventive step, and industrial applicability.
(3) A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the corresponding PCT application(s).
(4) English translations of the documents in (2) and (3) (if the documents are not in the English language).
(5) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the claims which were indicated as having novelty, inventive step, and industrial applicability in the corresponding PCT application(s).
(6) Examination of the U.S. application has not begun; and

(7) An information disclosure statement listing the documents cited in the international work products (ISR, WO/ISA. WO/IPEA, IPER) of the corresponding PCT application(s).

The request to participate in the PCT-PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Ken Wieder at 571-272-2986.

All other inquiries concerning the examination or status of the application should be directed to Patent Application Information Retrieval (PAIR) system.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

/Kenneth A. Wieder/

Kenneth A. Wieder
Quality Assurance Specialist
Technology Center 2600
Communications

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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DAON, INCORPORATED
ATTN: KEVIN MCDERMOTT
11955 FREEDOM DRIVE, SUITE 16000
RESTON, VA 20190

MAILED

NOV 03 2010

OFFICE OF PETITIONS

In re Application of :
Conor Robert White, et al. :
Application No.: 12/709,809 : ON PETITION
Filed: February 22, 2010 :
Attorney Docket No.: 2009_04C :

This is a decision on the petition, filed November 2, 2010, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on October 19, 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 2438 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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DRINKER BIDDLE & REATH
ATTN: INTELLECTUAL PROPERTY GROUP
ONE LOGAN SQUARE
SUITE 2000
PHILADELPHIA, PA 19103-6996

MAILED

MAR 28 2011

OFFICE OF PETITIONS

In re Application of
Robb Fujioka
Application No. 12/709,839
Filed: February 22, 2010
Attorney Docket No. 203103-0013-00-US
(448886)

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed February 22, 2011.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others.

The request was signed by Edward F. Behm on behalf of all attorneys of record who are associated with customer No. 23973. All attorneys/agents associated with the Customer Number 23973 have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

The request to change the correspondence of record is not acceptable as the requested correspondence address is not that of: (1) the first named signing inventor; or (2) an intervening assignee of the entire interest under 37 C.F.R 3.71. All future communications from the Office will be directed to the first named signing inventor at the first copied address below until otherwise properly notified by the applicant.

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).

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: ROBB FUJIOKA
1701 N. MEADOWS AVENUE
MANHATTAN BEACH, CA 90266

cc: FUHU, INC.
909 N. SEPULVEDA BOULDEVARD
SUITE 540
EL SEGUNDO, CA 90245

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/709,839	02/22/2010	Robb Fujioka	203103-0013-00-US (448886

CONFIRMATION NO. 7526

POWER OF ATTORNEY NOTICE

23973
DRINKER BIDDLE & REATH
ATTN: INTELLECTUAL PROPERTY GROUP
ONE LOGAN SQUARE, SUITE 2000
PHILADELPHIA, PA 19103-6996

OC000000046792710

Date Mailed: 03/28/2011

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 02/22/2011.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/amwise/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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SEP 13 2010

OFFICE OF PETITIONS

KELLY LOWRY & KELLEY, LLP
6320 CANOGA AVENUE, SUITE 1650
WOODLAND HILLS CA 91367

In re Application of
Ronald W. PERO, et *al.*
Application No. 12/709,890
Filed: February 22, 2010
Attorney Docket No. **ANTIAG-52796**

DECISION ON PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(c)(1)

This is a decision on the petition under 37 CFR 1.102(c)(1), filed August 11, 2010 to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes the certification by registered attorney Scott W. Kelley registration number 30762, attesting to the age of inventor Ronald W. Pero. 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 571-272-1600.

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 1616 for action on the merits commensurate with this decision.

/Monica A. Graves/
Petitions Examiner, Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450

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JAN 18 2012

OFFICE OF PETITIONS

BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH VA 22040-0747

In re Application of	: DECISION ON REQUEST TO
Shinichi MURATA	: PARTICIPATE IN PPH PROGRAM
Application No. 12/709,938	: AND PETITION TO MAKE SPECIAL
Filed: February 22, 2010	: UNDER 37 CFR 1.102(a)
Atty. Docket No.: 1131-0641PUS1	:

For: INTERNAL COMBUSTION ENGINE WITH VARIABLE VALVE GEAR

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed December 8, 2011 to make the above-identified application special.

The petition is **DISMISSED**.

A grantable request to participate in the PPH (patent prosecution highway) program and petition to make special require:

(1) the U.S. application is a Paris Convention application which either validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the JPO (Japanese Patent Office) or claims priority to a PCT application that contains no priority claims. Alternatively, it can be a national stage application under the PCT which validly claims priority to an application filed in the JPO or claims priority to a PCT application that contains no priority claims. It can also be a "bypass application" filed under 35 U.S.C. 111(a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application validly claims priority to an application filed in the JPO or claims priority to a PCT application that contains no priority claims, or contains no priority claim;

(2) applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation is accurate;

(3) all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);

(4) examination of the U.S. application has not begun;

(5) applicant must submit a copy of all the office actions from each of the JPO application(s) containing the allowability/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate; and

(6) applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO office action along with copies of documents except U.S. patents or U.S. patent application publications.

Requirements (1), (4), and (6) above are considered to have been met. However, the request to participate in the PPH program and petition fail to meet requirements (2), (3), and (5).

Regarding the requirement of condition (2), applicant has failed to submit a copy of the allowable/patentable claims from the JPO application. Whereas applicant asserts that the amended claims correspond to the claims in the JPO application, there is no indication from the JPO that any one claim in the JPO application is allowable.

Regarding the requirement of condition (3), it cannot be determined if requirement (3) has been met since the office action from the JPO does not indicate that there are any allowable claims in the JPO application.

Regarding the requirement of condition (5), requirement (5) has not been met since the office action from the JPO does not indicate that there are any allowable claims in the JPO application.

Applicant is given **ONE** opportunity with a time period of **ONE MONTH** or **THIRTY DAYS**, whichever is longer, from the mailing date of this decision to correct the deficiencies. **NO EXTENSION OF TIME UNDER 37 CFR 1.136 IS PERMITTED**. If the deficiencies are not corrected within the time period given, the application will await action in its regular turn.

Response must be filed via the Electronic Filing System (EFS) using the document description: Petition to make special under Patent Pros. Hwy. Any preliminary amendments and IDS submitted with the PPH documents must be separately indexed as a preliminary amendment and IDS, respectively.

Telephone inquiries concerning this decision should be directed to Robert DeWitty, Petition Attorney, Office of Petitions at 571-272-8427.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc/index.html.

David Bucci
Petitions Examiner
Office of Petitions

O.I.P.E. IAP5
AUG 0 8 2011
PATENT & TRADEMARK OFFICE

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: RMG-101	Application Number (if known): 12/709,967	Filing date: February 22, 2010
First Named Inventor: GATT, Raymond M.		
Title: MELTABLE FUEL GAS GENERATION APPARATUS AND METHODS		

APPLICANT HEREBY REQUESTS TO PARTICIPATE IN THE GREEN TECHNOLOGY PILOT PROGRAM FOR THE ABOVE-IDENTIFIED APPLICATION. See Instruction Sheet on page 2.

This petition must be timely filed electronically using the USPTO electronic filing system, EFS-Web.

1. By filing this petition:

   Applicant is requesting early publication: Applicant hereby requests early publication under 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d) accompanies this request. 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: Preliminary Amendment to correct a typographical error in Claim 1.

Signature	Date August 5, 2011
Name (Print/Typed) Kurt L. Ehresman	Registration Number 50,758

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 one 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.

08/09/2011 MBLANCO 00000067 12709967
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OPAP IAP5 AUG 0 8 2011 PATENT & TRADEMARK OFFICE

Attorney Docket No.: RMG-101

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

OPAP IAP5 AUG 0 8 2011 PATENT & TRADEMARK OFFICE

STATEMENT OF SPECIAL STATUS

Application No.	12/709,967
Filing Date	February 22, 2010
First Named Inventor	Raymond M. GATT
TITLE	MELTABLE FUEL GAS GENERATION APPARATUS AND METHODS
Confirmation No.	7786
Group Art Unit	3749
Examiner Name	(Unknown)

The invention claimed in the present application materially enhances the quality of the environment through more efficient utilization and conservation of energy resources. The present invention provides apparatus and methods for generating a safe, environmentally friendly gas state fuel from meltable solid fuels such as wax, including paraffin wax, palm wax, soy wax, animal fats, and other solid meltable naturally occurring compositions.

The claimed invention includes apparatus and methods for generating a gas vapor state of a meltable fuel. The invention includes a device comprising a gas generator assembly configured and disposed to receive a meltable fuel and to convert at least a portion of the meltable fuel to a gas vapor state. The claimed apparatus replaces any number of combustion apparatus such as fixed or portable stoves, heaters, furnaces, sterno burners, Bunsen burners, etc. - all of which currently use toxic, non-renewable, explosive and spillable traditional fuels such as natural gas, alcohol, kerosene, gasoline, propane, for example. Every known traditional liquid and/or gas fuel poses significant environmental hazards that are inherent in their extraction, production, transport, storage, and use. For example, every traditional liquid and gas fuel contains environmentally hazardous chemicals such as volatile organic compounds (VOCs) that (together with the fuel) can spill, leak, and/or boil off into the atmosphere, resulting in a deterioration of air quality, particularly for the workers and consumers using the fuels, who may inadvertently inhale the organic solvent vapors. Volatile traditional fuels also pose a fire and explosion hazard. Additionally, liquid fuels find their way into wastewater discharge, and gas fuels leak resulting in air and other environmental contamination. Moreover, known organic and artificial additives

used in traditional liquid fuels such as naptha, sulfur, and others are known to cause problems with human growth, including birth defects. Applicant's claimed use of meltable fuels (such as waxes and animal fats), which meltable fuels are by nature solid state at naturally occurring temperatures, and inert in terms of toxicity to the environment and organism water-soluble binder, on the other hand, provide an incredible safety advantage to the workers and consumers, as well as to the environment. These fuels become flammable only upon conversion to a gas state, on-demand and as-needed, by Applicant's inventive apparatus and methods.

By way of example, Applicant's inventions utilize paraffin wax, which is a naturally occurring wax that is widely recognized as safe for even the most vulnerable users (consider the widespread human use of candles and crayons), non-toxic, water repelling (will not mix with groundwater or any water source), buoyant, and self-containing when melted and returned to temperatures below 150 degrees F. Candles have been a safe, plentiful source of heat and light for thousands of years. Applicant's invention recognizes that fact, and simply elevates the performance of such a meltable fuel to the equivalent of kerosene for combustion – with none of the safety hazards of kerosene. Applicant's invention allows a user to safely carry wax sticks (such as colorless crayons) as a combustion fuel, with no containers or other special handling. The wax remains solid and intact below 150 degrees F, making it solid in any condition the person could encounter. A traditional liquid fuel would expand or boil at such temperatures, posing an explosion hazard and/or leak hazard. Wax is also unaffected by cold, remaining pliable and intact even below 0 degrees F. In comparison, gas canisters lose pressure at low temperatures. Applicant's inventions avoid all these problems inherent in traditional combustion fuels.

Applicant's apparatus and methods are the truly new, truly viable alternative energy source invention in decades. Other so-called alternative energies such as solar and wind require use of environmentally toxic materials for production and operation, such as lithium and nickel hydrides for storing electricity generated. And they stop working when the sun sets or the wind stops. Applicant's apparatus and methods rely only upon the supply of waxes for combustion,

and they can burn to make fire, heat, and light night and day, in any climate worldwide. And even in this age of technology, gas fuel for combustion will always be needed. Ours makes the gas safer, more efficiently, and with less pollution than any other fuel known to man. Fire boils water for steam generators, water heaters, and hot baths. Fire provides light and warmth. Fire drives internal combustion engines – and yes our device (as a kerosene-equivalent vapor generator) can drive an internal combustion engine or gas turbine engine. But until now, every traditional liquid or gas fuel used to create fire has presented inherent environmental dangers, in terms of toxicity, pollution, uncontrolled explosions, and fires.

Applicant has invented the first technology to produce a clean, white-blue, large volume hot (over 1350 degree F) flame that is as clean as natural gas – with none of the environmental hazards. No storage tanks above or under ground, no bladders, no spill zones, no specialized tankers, and no hoses – just blocks of any wax from any natural or artificial source. Carve off some wax, and load it into our claimed device, and it will produce a clean, controllable blue jet of combustible wax gas on demand, with no particulates or other environmentally unfriendly pollutants of any other combustion device.

Applicant has built and perfected humanitarian and stoves using our claimed invention, and they are available for inspection and demonstration. An example stove is on Applicant's website at www.gattgen.com and videos are also on YouTube under any search for "wax gas stove." In any case, the Examiner is invited to contact the undersigned by telephone if a telephone interview and/or demonstration would advance prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application, or credit any overpayment, to Deposit Account No.50-3841. If proper payment is not enclosed herewith, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 50-3841.

Respectfully submitted,

By:_____

Kurt L. Ehresman
Attorney for Applicant(s)
Reg. No. 50,758

Date: August 5, 2011
1466 Spring Hill Drive
Hummelstown PA 17036
Telephone: (717) 440-0715
Email: kehresman@gattgen.com

UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/709,967	02/22/2010	Raymond M. Gatt	RMG - 101	7786

7590 08/26/2011
Raymond M. GATT
1466 Spring Hill Drive
Hummelstown, PA 17036

EXAMINER
NECKEL, ALEXA DOROSHENK

ART UNIT	PAPER NUMBER
1723	

MAIL DATE	DELIVERY MODE
08/26/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

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8/26/11

Raymond M. GATT
1466 Spring Hill Drive
Hummelstown PA 17036

In re Application of	:	
Gatt	:	DECISION ON PETITION
Application No. 12/709,967	:	TO MAKE SPECIAL UNDER
Filed: 2/22/2010	:	THE GREEN TECHNOLOGY
Attorney Docket No. **RMG - 101**	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed 8/8/2011, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **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 1723 for action on the merits commensurate with this decision.

/Tom Dunn/

Tom Dunn
Quality Assurance Specialist
Technology Center 1700

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Alexandria, VA 22313-1450
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STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.
1100 NEW YORK AVENUE, N.W.
WASHINGTON DC 20005

MAILED

JAN 21 2011

OFFICE OF PETITIONS

In re Application of	:	
Thomas J. Kolze	:	
Application No. 12/710,017	:	DECISION GRANTING PETITION
Filed: February 22, 2010	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 2875.0900003	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed, January 19, 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 December 22, 2010 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries should be directed to Terri Johnson at (571) 272-2991.

This application is being referred to Technology Center AU 2474 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

/Terri Johnson/
Terri Johnson
Petitions Examiner
Office of Petitions

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[1] *The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.*

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RADER, FISHMAN & GRAUER, PLLC
39533 WOODWARD AVENUE
SUITE 140
BLOOMFIELD HILLS, MI 48304-0610

MAILED

SEP 09 2010

OFFICE OF PETITIONS

In re Application of	:	
Kevin E Alstrin et. al.	:	DECISION REFUSING STATUS
Application No. 12/710,039	:	UNDER 37 CFR 1.47(a)
Filed: February 22, 2010	:	
Attorney Docket No. 65857-0183	:	

This is in response to the renewed petition under 37 CFR 1.47(a), filed September 1, 2010.

The petition is **GRANTED**.

Petitioner has shown that the non-signing inventor refuses to join in the filing of the above-identified application.

The application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

As provided in 37 CFR 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

This application is being referred to the Office of Patent Application Processing for pre-examination processing.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3226.

Andrea Smith
Petitions Examiner
Office of Petitions

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Commissioner for Patents
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Alexandria, VA 22313-1450
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MAILED

SEP 09 2010

OFFICE OF PETITIONS

Bert Robb
3590 133rd Avenue
Clear Lake, MN 55319

In re Application of
Kevin E. Alstrin, et. al.
Application No. 12/710,039
Filed: February 22, 2010
For: DEVICE AND METHOD FOR CONTROLLING A FLUID ACTUATOR

Dear Mr. Robb:

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 the undersigned at (571) 272-3226. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to the Certification Division at (571) 272-3150 or 1 (800) 972-6382 (outside the Washington, DC area).

Andrea Smith
Petitions Examiner
Office of Petitions

cc: Rader, Fishman & Grauer PLLC
39533 Woodward Avenue
Suite 140
Bloomfield Hills, MI 48304-0610

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BAKER & DANIELS LLP
300 NORTH MERIDIAN STREET
SUITE 2700
INDIANAPOLIS IN 46204

MAILED
MAY 09 2011
OFFICE OF PETITIONS

In re Application of	:	
Michael Covington	:	
Application No. 12/710,040	:	DECISION ON PETITION
Filed: February 22, 2010	:	TO WITHDRAW
Attorney Docket No. BRAV-P0001-01	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed March 23, 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 Robert D. Null, on behalf of all attorneys/agents associated with customer number 27268. All attorneys/agents associated with customer number 27268 have been withdrawn.

The correspondence address has been changed and is copied below.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at 571-272-4618.

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: Michael Covington
Bravura Consulting
201 North Illinois Street,
16th Street, South Tower
Indianapolis, IN 46204

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/710,040	02/22/2010	Michael Covington	BRAV-P0001-01

CONFIRMATION NO. 7921

POWER OF ATTORNEY NOTICE

OC000000047553970

27268
BAKER & DANIELS LLP
300 NORTH MERIDIAN STREET
SUITE 2700
INDIANAPOLIS, IN 46204

Date Mailed: 05/06/2011

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 03/23/2011.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/kainabinet/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

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Paper No.

Rankin, Hill & Clark LLP
23755 Lorain Road, Suite 200
North Olmsted OH 44070

MAILED

AUG 04 2010

OFFICE OF PETITIONS

In re Application of :
Burns et al. : ON PETITION
Application No. 12/710,044 :
Deposited: February 22, 2010 :
Atty Docket No. HRA-16849.004 :

This is in response to the "RESPONSE TO NOTICE OF INCOMPLETE NONPROVISIONAL APPLICATION AND PRELIMINARY AMENDMENT AND PETITION UNDER 37 CFR 1.182 AND/OR 37 CFR 1.57(a)(3)" filed April 30, 2010. This petition is being treated pursuant to 37 CFR 1.53(e)(2)[1].

To the extent the instant petition requests a filing date of February 22, 2010 with no drawings present in the application, the petition is **GRANTED**.

Application papers in the above-identified application were deposited on February 22, 2010. However, on March 5, 2010, the Office of Patent Application Processing mailed applicants a "Notice of Incomplete Nonprovisional Application," notifying applicants that the application papers had not been accorded a filing date because the application was deposited without drawings.

In response, applicants timely filed this petition. Applicants state that the subject application included a priority claim under 37 CFR 1.78 of a prior filed application (U.S. Appl. Ser. No. 11/836,923) that was present on the filing date of the

[1] Any request for review of a notification pursuant to paragraph (e)(1) of this section, or a notification that the original application papers lack a portion of the specification or drawing(s), must be by way of a petition pursuant to this paragraph accompanied by the fee set forth in § 1.17(f). In the absence of a timely (§ 1.181(f)) petition pursuant to this paragraph, the filing date of an application in which the applicant was notified of a filing error pursuant to paragraph (e)(1) of this section will be the date the filing error is corrected.

subject application. Applicants also note that the subject application also includes an incorporation by reference statement incorporating application No. 11/836,923. Applicants state that the drawings attached on petition are the same drawings as in the '923 application.

The petition includes the omitted drawings and a separate amendment submitting the omitted drawings.

Applicants' arguments and evidence have been considered. A review of the application as filed reveals that it includes a priority claim under 37 CFR 1.78 to nonprovisional application No. 11/836,923. In addition, the nonprovisional application is incorporated by reference in its entirety. In addition, the petition includes an amendment as required by 37 CFR 1.57(a). The drawings are in compliance with 37 CFR 1.57(a) and 1.121.

Nonetheless, it is controlling that a review of the application confirms that as filed the application contained at least one method claim. MPEP 601.01(f) provides that:

> It has been USPTO practice to treat an application that contains at least one process or method claim as an application for which a drawing is not necessary for an understanding of the invention under 35 U.S.C. 113 (first sentence).

Thus, pursuant to § 601.01(f), a drawing is not considered essential for a filing date. Thus, the application is entitled to a filing date without drawings present in the application.

Accordingly, the Office should have mailed a Notice of Omitted Items and not a Notice of Incomplete Nonprovisional Application. As stated in MPEP 601.01(g), if an application is entitled to a filing date, the mailing of a Notice of Omitted Items will permit *inter alia*:

> If an application was filed on or after September 21, 2004, and contains 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 that was present on the filing date of the application, and the omitted portion of the drawing(s) was inadvertently omitted from the application and is completely contained in the

prior-filed application, applicant may submit an amendment to include the inadvertently omitted portion of the drawing(s) pursuant to 37 CFR 1.57(a). The amendment should be submitted in response to the Office action and must comply with 37 CFR 1.57(a) and 37 CFR 1.121. See MPEP § 201.17.

No petition is required. The amendment to include the inadvertently omitted drawings will be considered by the examiner.

To the extent the instant petition requests a filing date of February 22, 2010 with no drawings present in the application, the petition is granted.

Given the basis for granting this petition, the petition fee is subject to refund. Accordingly, although authorized, no petition fee is being charged to petitioner's Deposit Account.

The Office of Patent Application Processing (OPAP) has been advised of this decision. Pursuant to this decision, the application has been referred to the Office of Patent Application Processing for:

- **correction of the filing date to February 22, 2010**;
- **for indication in Office records, as appropriate, that "0" sheets of drawings were present on filing**; and
- **for issuance of a filing receipt.**

Entry of the amendment filed April 30, 2010 will be determined by the examiner. In this regard, it is noted that the requirements of 37 CFR 1.57(a) have been met. In addition, the disclosure of the prior-filed application was explicitly incorporated by reference on filing of the application. See 37 CFR 1.182. An amendment to enter drawings properly incorporated by reference pursuant to 37 CFR 1.57(a) or 37 CFR 1.182 does not raise a new matter issue with respect to those drawings.

Telephone inquiries concerning this matter may be directed to Senior Petitions Attorney, Nancy Johnson at (571) 272-3219.

Chris Bottorff
Supervisor
Office of Petitions

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GERON CORPORATION
ATTN. DAVID J. EARP
230 CONSTITUTION DRIVE
MENLO PARK CA 94025

MAILED
JUN 30 2011
OFFICE OF PETITIONS

In re Application of	:	
Ramkumar MANDALAM et al.	:	
Application No. 12/710,078	:	DECISION ON PETITION
Filed: February 22, 2010	:	UNDER 37 CFR 1.78(a)(3)
Attorney Docket No. 091/038C	:	

This is a decision on the petition under 37 CFR 1.78(a)(3), filed March 18, 2011, to accept an unintentionally delayed claim under 35 U.S.C. § 120 for the benefit of priority to the prior-filed nonprovisional applications set forth in the amendment filed with the petition.

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) 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 rule at 37 CFR § 1.78(a)(3) requires 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. Since the statement appearing in the petition varies from the required language, the statement is being construed as the statement required by 37 CFR §1.78(a)(3). If this is not a correct reading of the statement appearing in the petition, petitioner should promptly notify the Office.

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 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 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.

Any inquiries concerning this decision may be directed to Michelle R. Eason at (571) 272-4231. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

This application is being forwarded to Technology Center Art Unit 1632 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.

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
12/710,078	02/22/2010	1632	1310	091/038C	10	4

CONFIRMATION NO. 7988

CORRECTED FILING RECEIPT

22869
GERON CORPORATION
Attn. David J. Earp
230 CONSTITUTION DRIVE
MENLO PARK, CA 94025

OC000000048518296

Date Mailed: 06/30/2011

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)

Ramkumar Mandalam, Union City, CA;
Chunhui Xu, Cupertino, CA;
Joseph D. Gold, San Francisco, CA;
Melissa K. Carpenter, Castro Valley, CA;

Assignment For Published Patent Application

Geron Corporation

Power of Attorney: The patent practitioners associated with Customer Number 022869

Domestic Priority data as claimed by applicant

This application is a CON of 12/170,219 07/09/2008
which is a CIP of 10/948,956 09/24/2004 PAT 7,413,904
which is a CIP of 09/849,022 05/04/2001 ABN
which claims benefit of 60/175,581 01/11/2000
and claims benefit of 60/213,740 06/22/2000
and claims benefit of 60/213,739 06/22/2000
and claims benefit of 60/216,387 07/07/2000
and claims benefit of 60/220,064 07/21/2000
and said 10/948,956 09/24/2004
is a CIP of 10/235,094 09/04/2002 PAT 7,410,798
which is a CIP of 09/530,346 08/29/2000 PAT 6,800,480
which is a 371 of PCT/US98/22619 10/23/1998

Foreign Applications (You may be eligible to benefit from the **Patent Prosecution Highway** program at the USPTO. Please see http://www.uspto.gov for more information.)

If Required, Foreign Filing License Granted: 03/08/2010

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 12/710,078**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No
Title

Culture System for Rapid Expansion of Human Embryonic Stem Cells

Preliminary Class

435

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at http://www.uspto.gov/web/offices/pac/doc/general/index.html.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, http://www.stopfakes.gov. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign AssetsControl, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

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TECHNOLOGY, PATENTS AND LICENSING, INC.
2003 South EASTON ROAD
SUITE 208
DOYLESTOWN PA 18901

MAILED

MAR 10 2011

OFFICE OF PETITIONS

In re Application of	:	
Richard Konig et al.	:	
Application No. 12/710,086	:	DECISION ON PETITION
Filed: February 22, 2010	:	
Attorney Docket No. HMM-002-2	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed January 5, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Notice to File Corrected Application Papers (Notice), mailed November 17, 2010. The Notice set a period for reply of one (1) months from the mail date of the Notice. Accordingly, the application became abandoned on December 18, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form Application Data Sheet (ADS), (2) the petition fee of $810, and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to JoAnne Burke at (571)272-4584.

This application is being referred to the Office of Data Management for normal course of business.

JoAnne Burke
Petitions Examiner
Office of Petitions

PTO/SB/20JP (05-10)
Approved for use through 01/31/2012. OMB 0651-0058
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR PARTICIPATION IN THE PATENT PROSECUTION HIGHWAY (PPH) PROGRAM BETWEEN THE JAPAN PATENT OFFICE (JPO) AND THE USPTO

Application No.:	12/710,114	Filing Date:	February 22, 2010
First Named Inventor:	Masayuki NASHIKI et al.		
Attorney Docket No.:	144491		
Title of the Invention:	FIVE-PHASE MOTOR WITH IMPROVED STATOR STRUCTURE		

THIS REQUEST FOR PARTICIPATION IN THE PPH PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT HTTP://WWW.USPTO.GOV/EBC/EFS_HELP.HTML.

APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PATENT PROSECUTION HIGHWAY (PPH) PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PPH PROGRAM.

The above-identified application (1) validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more corresponding JPO application(s) or to a PCT application that does not contain any priority claim, or (2) is a national stage entry of a PCT application that does not contain any priority claim.

The JPO/PCT application number(s) is/are: 2009-37374

The filing date of the JPO/ PCT application(s) is/are: February 20, 2009

I. **List of Required Documents:**

a. **A copy of the latest JPO office actions (other than "Decision to Grant a Patent"*) in the above-identified JPO application(s)**

☐ Is attached.

☒ Is not attached because a copy has already been filed in the above-identified U.S. application in an Information Disclosure Statement filed February 11, 2011.

*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 JPO in the above-identified JPO application(s)**

☒ Is attached.

c. **English translations of the documents in a. and b. above along with a statement that the English translations are accurate are attached (if the documents are not in the English language). An accuracy statement for the English translation of the documents in a. above is not required if the English translation is a machine translation provided by the JPO.**

d. **(1) An information disclosure statement listing the documents cited in the JPO office actions**

☐ Is attached.

☒ Has already been filed in the above-identified U.S. application on February 11, 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 February 11, 2011.

This collection of information is required by 35 U.S.C. 119, 37 CFR 1.55, and 37 CFR 1.102(d). The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden should be sent to the Chief Information Officer, U.S. Patent and Trademark

Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.

REQUEST FOR PARTICIPATION IN THE PATENT PROSECUTION HIGHWAY (PPH) PROGRAM BETWEEN THE JAPAN PATENT OFFICE (JPO) AND THE USPTO

(continued)

Application No.:	12/710,114
First Named Inventor:	Masayuki NASHIKI et al.

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in JPO Application	Explanation regarding the correspondence
Claim 20	Claim 1	U.S. Claim 20 substantially corresponds to JP Claim 1.
Claim 21	Claim 2	U.S. Claim 21 substantially corresponds to JP Claim 2.
Claim 22	Claim 3	U.S. Claim 22 substantially corresponds to JP Claim 3.
Claim 23	Claim 4	U.S. Claim 23 substantially corresponds to JP Claim 4.

III. All the claims in the US application sufficiently correspond to the patentable/allowable claims in the JPO application.

Signature W. Scott Strickland	Date December 6, 2011
Name (Print/Typed) James A. Oliff	Registration Number 27,075
Name (Print/Typed) W. Scott Strickland	Registration Number 63,299

OLIFF & BERRIDGE, PLC
P.O. Box 320850
Alexandria, Virginia 22320-4850
Telephone: (703) 836-6400

DEPOSIT ACCOUNT USE AUTHORIZATION
Please grant any extension necessary for entry of this filing; Charge any fee due to our Deposit Account No. 15-0461

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

I. List of Required Documents

a. A copy of all JPO office actions (other than "Decision to Grant a Patent") in the JPO application(s)

- Is not attached because the December 2, 2010 Notification of Reasons for Rejection (in Japanese) was previously submitted in an Information Disclosure Statement filed February 11, 2011.

I. List of Required Documents

b. A copy of all claims which were determined to be patentable by the JPO in the JPO application(s)

- All claims which were determined to be patentable by the JPO (in Japanese)

U3-09181-7A

126936-US

(19)日本国特許庁(JP)　(12)特　許　公　報(B2)　(11)特許番号 Patent No.
特許第4715934号
(P4715934)

(45)発行日　平成23年7月6日(2011.7.6)　(24)登録日　平成23年4月8日(2011.4.8)

(51)Int.Cl.		F I		
H02K 21/16	(2006.01)	H02K	21/16	M
H02K 3/18	(2006.01)	H02K	3/18	Z
H02K 3/28	(2006.01)	H02K	3/28	Z
H02K 1/14	(2006.01)	H02K	1/14	Z
H02K 1/16	(2006.01)	H02K	1/16	A

請求項の数 4　(全 26 頁)　最終頁に続く

Appln. No.
(21)出願番号　特願2009-37374(P2009-37374)
(22)出願日　平成21年2月20日(2009.2.20)
(65)公開番号　特開2010-193674(P2010-193674A)
(43)公開日　平成22年9月2日(2010.9.2)
審査請求日　平成22年6月21日(2010.6.21)

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最終頁に続く

(54)【発明の名称】５相モータ

(57)【特許請求の範囲】Claims

【請求項１】　Claim 1

Ａ相、Ｂ相、Ｃ相、Ｄ相、Ｅ相の５相モータにおいて、
ロータの極数が４の整数倍で、
ステータの円周方向の電気角３６０°の間に５個のスロットを配置し、
５組の巻線を円周方向に２スロットピッチ離れた２つのスロット間に相互に配置し、
スロットＳ１ースロットＳ１２がその数の順に円周方向に配置されるスロットであって、
ａ相巻線をＡ相のスロットＳ１に巻回し、ａ相巻線のロータ軸方向端で外径側を通し、２個離れたＣ相のスロットＳ３へ巻回し、
ｃ相巻線をＣ相のスロットＳ３に巻回し、ｃ相巻線のロータ軸方向端で外径側を通し、２個離れたＥ相のスロットＳ５へ巻回し、
ｅ相巻線をＥ相のスロットＳ５に巻回し、ｅ相巻線のロータ軸方向端で外径側を通し、２個離れたＢ相のスロットＳ７へ巻回し、
ｂ相巻線をＢ相のスロットＳ７に巻回し、ｂ相巻線のロータ軸方向端で外径側を通し、２個離れたＤ相のスロットＳ９へ巻回し、
ｄ相巻線をＤ相のスロットＳ９に巻回し、ｄ相巻線のロータ軸方向端で外径側を通し、２個離れたＡ相のスロットＳ１１へ巻回し、
以下同様に、ロータ軸方向端で外径側を通す巻線を巻回し、
他方、ｂ相巻線をＢ相のスロットＳ２に巻回し、ｂ相巻線をＣ相のスロットＳ３のロー

タ軸方向端を覆うように、ｂ相巻線のコイルエンド部の長さが短くなるように２個離れたＤ相のスロットＳ４へ巻回し、

ｄ相巻線をＤ相のスロットＳ４に巻回し、ｄ相巻線をＥ相のスロットＳ５のロータ軸方向端を覆うように、ｄ相巻線のコイルエンド部の長さが短くなるように２個離れたＡ相のスロットＳ６へ巻回し、

ａ相巻線をＡ相のスロットＳ６に巻回し、ａ相巻線をＢ相のスロットＳ７のロータ軸方向端を覆うように、ａ相巻線のコイルエンド部の長さが短くなるように２個離れたＣ相のスロットＳ８へ巻回し、

ｃ相巻線をＣ相のスロットＳ８に巻回し、ｃ相巻線をＤ相のスロットＳ９のロータ軸方向端を覆うように、ｃ相巻線のコイルエンド部の長さが短くなるように２個離れたＥ相のスロットＳ１０へ巻回し、

ｅ相巻線をＥ相のスロットＳ１０に巻回し、ｅ相巻線をＡ相のスロットＳ１１のロータ軸方向端を覆うように、ｅ相巻線のコイルエンド部の長さが短くなるように２個離れたＢ相のスロットＳ１２へ巻回し、

以下同様に、ロータ軸方向端で各巻線のコイルエンド部長さが短くなるように各巻線を巻回する

ことを特徴とする５相モータ。

但し、ロータの極数が４の場合は、スロットＳ１１はスロットＳ１であり、スロットＳ１２はスロットＳ２である。

【請求項２】 Claim 2

ステータコアの軸方向端の近傍において、スロットの形状がバックヨーク側へ広げた形状であり、

ステータコアの軸方向端の近傍において、スロットの形状が軸方向から円周方向へ曲がった形状であり、

それぞれのスロットに巻回される巻線とステータコアとの物理的な干渉を低減し、

スロット内の絶縁材料ＺＺ１とスロット内の軸方向端の近傍の絶縁材料ＺＺ２とをスロット形状を広げた部分で重ねている

ことを特徴とする請求項１に記載の５相モータ。

【請求項３】 Claim 3

ステータのコイルエンド部の外周側あるいは内周側にステータコアのバックヨーク部を配置し、

前記コイルエンド部と当該コイルエンド部外周に付加したバックヨーク部との間に熱伝導特性に優れた物質を充填する

ことを特徴とする請求項２に記載の５相モータ。

【請求項４】 Claim 4

３相インバータの出力する３相電流Ｉｕを通電する巻線群Ｒｕと、

３相インバータの出力する３相電流Ｉｖを通電する巻線群Ｒｖと、

３相インバータの出力する３相電流Ｉｗを通電する巻線群Ｒｗとを備え、

５相の各相巻線を前記巻線群Ｒｕ、Ｒｖ、Ｒｗの一部を組み合わせて構成する

ことを特徴とする請求項１に記載の５相モータ。

I. List of Required Documents

c. English translations of the documents in a. and b. along with a statement that the English translations are accurate

- Notification of Reasons for Rejection (English translation) is not attached because it was previously submitted in an Information Disclosure Statement filed February 11, 2011.
- All claims which were determined to be patentable by the JPO (English translation)
- Statement that the English Translation of the Notification of Reasons for Rejection is accurate
- Statement that the English Translation of the claims which were determined to be patentable by the JPO is accurate

1. (Allowed claim 1 in JPO) A five-phase motor including A, B, C, D, and E phases, in which the number of poles of a rotor is an integer multiple of four, five slots are arranged within circumferential 360 electrical degrees of a stator, five pair of windings are arranged such that each of the windings is wound in two slots, the two slots being separated by two-slot pitches, and slots S1 to S12 are circumferentially arranged in order of the slots S1 to S12, the five-phase motor is characterized in that:

an a-phase winding is wound in the slot S1 as an A-phase slot and in the slot S3 as a C-phase slot separated by two slots while passing through an outer diameter side at one end of a rotor axial direction of the a-phase winding;

a c-phase winding is wound in the C-phase slot S3 and in the slot S5 as an E-phase slot separated by two slots while passing through an outer diameter side at one end of the rotor axial direction of the c-phase winding;

an e-phase winding is wound in the E-phase slot S5 and in the

slot S7 as a B-phase slot separated by two slots while passing through an outer diameter side at one end of the rotor axial direction of the e-phase winding;

a b-phase winding is wound in the B-phase slot S7 and in the slot S9 as a D-phase slot separated by two slots while passing through an outer diameter side at one end of the rotor axial direction of the b-phase winding;

a d-phase winding is wound in the D-phase slot S9 and in the slot S11 as an A-phase slot separated by two slots while passing through an outer diameter side at one end of the rotor axial direction of the d-phase winding;

a winding is wound while passing through an outer diameter side at one end of the rotor axial direction in the same manner;

a b-phase winding is wound in the slot S2 as a B-phase slot and in the slot S4 as a D-phase slot separated by two slots while covering one end of the C-phase slot S3 in the rotor axial direction so that a coil end portion of the b-phase winding is reduced in length;

a d-phase winding is wound in the D-phase slot S4 and in the slot S6 as an A-phase slot separated by two slots while covering one end of the E-phase slot S5 in the rotor axial direction so that a coil end portion of the d-phase winding is reduced in length;

an a-phase winding is wound in the A-phase slot S6 and in the slot S8 as a C-phase slot separated by two slots while covering one end of the B-phase slot S7 in the rotor axial direction so that a coil end portion of the a-phase winding is reduced in length;

a c-phase winding is wound in the C-phase slot S8 and in the slot

S10 as an E-phase slot separated by two slots while covering one end of the D-phase slot S9 in the rotor axial direction so that a coil end portion of the c-phase winding is reduced in length;

an e-phase winding is wound in the E-phase slot S10 and in the slot S12 as a B-phase slot separated by two slots while covering one end of the A-phase slot S11 in the rotor axial direction so that a coil end portion of the e-phase winding is reduced in length;

a winding is wound so that a coil end portion of the winding is reduced in length in the rotor axial direction; and

the slot S11 is the slot S1 and the slot S12 is the slot S2 when the number of the poles is four.

2. (Allowed claim 2 in JPO) The five-phase motor according to claim 1, wherein each of the slots gradually expands toward a back yoke at a portion close to one axial end of a stator core while being bent toward a periphery so that a physical interference between each winding wound in a corresponding slot and the stator core, and an insulating member ZZ1 in a slot and an insulating member ZZ2 close to an axial end of the corresponding slot are overlapped at an expanding portion of the corresponding slot.

3. (Allowed claim 3 in JPO) The five-phase motor according to claim 2, wherein a back yoke portion of the stator core is arranged at an outer periphery or inner periphery of a coil end of the stator, and a thermally conductive member is filled between the coil end and a back yoke portion added at the outer periphery of the coil end.

4. (Allowed claim 44 in JPO) The five-phase motor according to claim 1, further comprising:

a group Ru of windings through which a three-phase current Iu outputted from a three-phase inverter flows;

a group Rv of windings through which a three-phase current Iv outputted from the three-phase inverter flows; and

a group Rw of windings through which a three-phase current Iw outputted from the three-phase inverter flows,

wherein each phase winding of the five phase is combined with a part of the winding groups Ru, Rv, and Rw.

03-C8181-7A

STATEMENT THAT THE ENGLISH LANGUAGE TRANSLATION OF ALLOWED CLAIMS OF THE JAPANESE PATENT APPLICATIONS IS ACCURATE

I, Koichi Tanaka, hereby declare and state that I am knowledgeable about both the Japanese and English languages. I hereby certify that the attached English-language translation is a complete and accurate translation of the allowed claims of the JPO Application attached with this Request for Participation in the Patent Prosecution Highway Pilot Program.

November 24, 2011
Date

Signature

Koichi Tanaka
Typed Name

US-09101-PA

STATEMENT THAT THE ENGLISH LANGUAGE TRANSLATION OF JAPANESE PATENT OFFICE ACTION IS ACCURATE

I, Rie Togano, hereby declare and state that I am knowledgeable about both the Japanese and English languages. I hereby certify that the attached English-language translation is a complete and accurate translation of the Japanese Office Action attached with this Request for Participation in the Patent Prosecution Highway Pilot Program.

November 24, 2011
Date

Rie Togano
Signature

Rie Togano
Typed Name

I. List of Required Documents

d. Information Disclosure Statement listing the documents cited in the JPO office actions

- The references cited in the Notification of Reasons for Rejection were submitted in an Information Disclosure Statement filed on February 11, 2011.

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
P.O. Box 1450

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FEB 13 2012
OFFICE OF PETITIONS

OLIFF & BERRIDGE, PLC
P.O. BOX 320850
ALEXANDRIA VA 22320-4850

In re Application of : DECISION ON REQUEST TO
Masayuki NASHIKI et al. : PARTICIPATE IN PPH PROGRAM
Application No. 12/710,114 : AND PETITION TO MAKE SPECIAL
Filed: February 22, 2010 : UNDER 37 CFR 1.102(a)
Atty. Docket No.: 144491 :
For: FIVE-PHASE MOTOR WITH IMPROVED STATOR STRUCTURE

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 6, 2011 to make the above-identified application special.

The petition is **GRANTED**.

A grantable request to participate in the PPH (patent prosecution highway) program and petition to make special require:

(1) the U.S. application is a Paris Convention application which either validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the JPO (Japanese Patent Office) or claims priority to a PCT application that contains no priority claims. Alternatively, it can be a national stage application under the PCT which validly claims priority to an application filed in the JPO or claims priority to a PCT application that contains no priority claims. It can also be a "bypass application" filed under 35 U.S.C. 111(a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application validly claims priority to an application filed in the JPO or claims priority to a PCT application that contains no priority claims, or contains no priority claim;

(2) applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation is accurate;

(3) all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);

(4) examination of the U.S. application has not begun;

(5) applicant must submit a copy of all the office actions from each of the JPO application(s) containing the allowability/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate; and

(6) applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO office action along with copies of documents except U.S. patents or U.S. patent application publications.

The request to participate in the PPH program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Robert DeWitty, Petition Attorney, Office of Petitions at 571-272-8427.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc/index.html.

This application will be forwarded to Technology Center Art Unit 2834 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
www.uspto.gov

BOND SCHOENECK & KING, PLLC
ONE LINCOLN CENTER
SYRACUSE, NY 13202

MAILED
MAR 02 2012
OFFICE OF PETITIONS

In re Application of :
Renbin Peng, et al. :
Application No.: 12/710,143 : ON PETITION
Filed: February 22, 2010 :
Attorney Docket No.: 156P069B :

This is a decision on the petition, filed March 1, 2012, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on January 19, 2012, cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries relating to this decision should be directed to the undersigned at (571) 272-3204.

The application is being referred to Technology Center AU 2857 for further processing of the request for continued examination under 37 CFR 1.114.

/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

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MAILED
JUN 20 2011
OFFICE OF PETITIONS

LEMAIRE PATENT LAW FIRM, P.L.L.C.
P.O. BOX 1818
BURNSVILLE, MN 55337

In re Application of	:	
Mary K. Brenner, et al.	:	
Application No. 12/710,156	:	DECISION GRANTING PETITION
Filed: February 22, 2010	:	UNDER 37 CFR 1.313(c)(3)
Attorney Docket No. 5165.002US1	:	

This is a decision on the petition, filed June 17, 2011, under 37 CFR 1.313(c)(3) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is GRANTED.

Petitioner requests that the above-identified application be withdrawn from issue for express abandonment. *See* 37 CFR 1.313(c)(3).

The application is hereby withdrawn from issue, and the abandonment is hereby recognized.

Telephone inquiries should be directed to undersigned at (571) 272-1642.

/AMW/
April M. Wise
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

September 22, 2011

JONES DAY
222 EAST 41ST ST
NEW YORK NY 10017

In re Application of	:	
C. Simone Fishburn et al.	:	**DECISION ON PETITION**
Application No. 12710167	:	
Filed: 2/22/2010	:	***ACCEPTANCE OF COLOR***
Attorney Docket No. 12745-019-999	:	***DRAWINGS***

This is a decision on the Petition to Accept Color Drawings under 37 C.F.R 1.84 (a) (2), received in the United States Patent and Trademark Office (USPTO) April 23, 2010.

The petition is **GRANTED**.

A grantable petition under 37 C.F.R. 1.84(a) (2) must be accompanied by the following.

1. The fee set forth under 37 C.F.R. 1.17(h),
2. Three (3) sets of the color drawings in question, or (1) set if filed via EFS, and
3. The specification contains appropriate language referring to the color drawings as the first paragraph in that portion of the specification relating to the brief description of the drawings.

The petition was accompanied by all of the required fees and drawings. The specification contains the appropriate language. Therefore, the petition is GRANTED.

Telephone inquires relating to this decision may be directed to the undersigned in the Office of Data Management at 571-272-4200.

/Don Fairchild/
Office of Data Management
Publications Branch

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

HOLLAND & HART, LLP
P.O BOX 8749
DENVER, CO 80201

MAILED
MAR 05 2012
OFFICE OF PETITIONS

In re Application of
Gregory Richard Ladd, et al.
Application No. 12/710,175
Filed: February 22, 2010
Attorney Docket No. P001 (75417.0001)

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the renewed Request to Withdraw as attorney or agent under 37 C.F.R. § 1.36(b) filed February 15, 2012.

The request is **NOT APPROVED**.

The Office will no longer approve requests from practitioners to withdraw from application where the requesting practitioners is acting, or has acted, in a representative capacity pursuant to 37 CFR 1.34. In these situations, the practitioner is responsible for the correspondence the practitioner files in the application while acting in a representative capacity. As such, there is no need for the practitioner to obtain the Office's permission to withdraw from representation. However, practitioners acting in a representative capacity, like practitioners who have power of attorney in the application, remain responsible for noncompliance with 37 CFR 1.56, as well as 37 CFR 10.18, with respect to the documents they file.

A review of the file record indicates that Holland & Hart, LLP does not have power of attorney in this patent application. See 37 C.F.R. § 10.40. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is not applicable.

Petitioner should also note that the Office will no longer accept address changes to a new practitioner of a law firm file with a Request to Withdraw, absent the filing of a power of attorney to the new representative. The Office will either change the correspondence address of record to the most current address information provided for the assignee of the entire interest who properly became of record under 37 CFR 3.71 or, the most current address information provided for the first named inventor.

Accordingly, the request to withdraw from record does not include an acceptable current correspondence address for future communications from the Office.

All future communications from the Office will continue to be directed to the below-listed address until otherwise properly notified by the applicant.

Telephone inquires concerning this decision should be directed to undersigned at 571-272-1642. All other inquiries concerning the examination or status of this application should be directed to the Technology Center.

/AMW/
April M. Wise
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/710,187	02/22/2010	Akifumi YAMAGUCHI	SUTOSH.540AUS	8208

20995 7590 08/20/2010
KNOBBE MARTENS OLSON & BEAR LLP
2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE, CA 92614

EXAMINER
HOFFBERG, ROBERT JOSEPH

ART UNIT	PAPER NUMBER
2835	

NOTIFICATION DATE	DELIVERY MODE
08/20/2010	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

jcartee@kmob.com
efiling@kmob.com
eOAPilot@kmob.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

KNOBBE MARTENS OLSON & BEAR LLP
2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE CA 92614

In re Application of	**: DECISION ON REQUEST TO**
YAMAGUCHI et al.	**: PARTICIPATE IN THE PATENT**
Application No.: 12/710,187	**: PROSECUTION HIGHWAY**
Filed: 22 February 2010	**: PROGRAM AND PETITION**
Attorney Docket No.: SUTOSH.540AUS	**: TO MAKE SPECIAL UNDER**
For: ELECTRONIC 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 10 August 2010, to make the above-identified application special.

The request and petition are **GRANTED**.

Discussion

A grantable request to participate in the PPH pilot program and petition to make special require:

1. The U.S. application is

    a. a Paris Convention application which either
        i. validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the JPO, or
        ii. validly claims priority to a PCT application that contains no priority claims, or
    b. a national stage application under the PCT (an application which entered the national stage in the U.S. from a PCT international application after compliance with 35 U.S.C. 371), which PCT application
        i. validly claims priority to an application filed in the JPO, or
        ii. validly claims priority to a PCT application that contains no priority claims, or
        iii. contains no priority claim, or
    c. a so-called bypass application filed under 35 U.S.C. 111(a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application
        i. validly claims priority to an application filed in the JPO, or
        ii. validly claims priority to a PCT application that contains no priority claims, or

iii. contains no priority claim;

2. Applicant must submit a copy of:
   a. The allowable/patentable claim(s) from the JPO application(s);
   b. An English translation of the allowable/patentable claim(s) and
   c. A statement that the English translation is accurate;
3. Applicant must:
   a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s) and
   b. Submit a claims correspondence table in English;
4. Examination of the U.S. application has not begun;
5. Applicant must submit:
   a. Documentation of prior office action:
      i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claim(s) or
      ii. if the allowable/patentable claims(s) are from a "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
      iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form;
   b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above
   c. A statement that the English translation is accurate;
6. Applicant must submit:
   a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application)
   b. Copies of the documents except U.S. patents or U.S. patent application publications (unless already submitted in this application);

The request to participate in the PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Inquiries concerning this decision should be directed to Lee W. Young at 571-272-4549.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc.index.html.

This application will be forwarded to the examiner for action on the merits commensurate with this decision.

Lee W. Young
TQAS
Technology Center 2800

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: LS00012PCT/US/CIP	Application Number (if known): 12/710,237	Filing date: February 22, 2010

First Named Inventor: SCHIRMER, Andreas

Title: METHODS AND COMPOSITIONS FOR PRODUCING HYDROCARBONS

APPLICANT HEREBY REQUESTS TO PARTICIPATE IN THE GREEN TECHNOLOGY PILOT PROGRAM FOR THE ABOVE-IDENTIFIED APPLICATION. **See Instruction Sheet on page 2.**

This petition must be timely filed electronically using the USPTO electronic filing system, EFS-Web.

1. By filing this petition:

   Applicant is requesting early publication: Applicant hereby requests early publication under 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d) accompanies this request.

2. By filing this petition: applicant is agreeing to make an election without traverse in a telephonic interview and elect an invention that meets the eligibility requirements for the Green Technology Pilot Program, if the Office determines that the claims are not obviously directed to a single invention. See Instruction Sheet.

3. This request is accompanied by statements of special status for the eligibility requirement.

4. The application contains no more than three (3) independent claims and twenty (20) total claims.

5. The application does not contain any multiple dependent claims.

6. Other attachments: Statements of Special Status for the Eligibility Requirements and Preliminary Amendment

Signature Linda R. Judge	Date September 22, 2011
Name (Print/Typed) Linda R. Judge	Registration Number 42702

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.

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/710,237	02/22/2010	Andreas Schirmer	LS00012 PCT/US/CIP	8292

80782 7590 11/04/2011
LS9, Inc.
600 Gateway Boulevard
South San Francisco, CA 94080

EXAMINER
MCAVOY, ELLEN M

ART UNIT	PAPER NUMBER
1771	

NOTIFICATION DATE	DELIVERY MODE
11/04/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

chgpatent@leydig.com
ljudge@ls9.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

LS9, Inc.
600 Gateway Boulevard
South San Francisco CA 94080

11/4/11

In re Application of	:	
Schirmer et al.	:	DECISION ON PETITION
Application No. 12/710,237	:	TO MAKE SPECIAL UNDER
Filed: 2/22/2010	:	THE GREEN TECHNOLOGY
Attorney Docket No. **LS00012 PCT/US/CIP**	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed 9/22/2011, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The instant petition complies with items 1 – 8 above. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquires concerning this decision should be directed to Tom Dunn at 571-272-1171.

The application is being forwarded to the Technology Center Art Unit 1771 for action on the merits commensurate with this decision.

/Tom Dunn/

Tom Dunn
Quality Assurance Specialist
Technology Center 1700

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: LS00020PCT/US/CIP	Application Number (if known): 12/710,238	Filing date: February 22, 2010

First Named Inventor: SCHIRMER, Andreas

Title: METHODS AND COMPOSITIONS FOR PRODUCING HYDROCARBONS

APPLICANT HEREBY REQUESTS TO PARTICIPATE IN THE GREEN TECHNOLOGY PILOT PROGRAM FOR THE ABOVE-IDENTIFIED APPLICATION. See Instruction Sheet on page 2.

This petition must be timely filed electronically using the USPTO electronic filing system, EFS-Web.

1. By filing this petition:

   Applicant is requesting early publication: Applicant hereby requests early publication under 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d) accompanies this request.

2. By filing this petition: applicant is agreeing to make an election without traverse in a telephonic interview and elect an invention that meets the eligibility requirements for the Green Technology Pilot Program, if the Office determines that the claims are not obviously directed to a single invention. See Instruction Sheet.

3. This request is accompanied by statements of special status for the eligibility requirement.

4. The application contains no more than three (3) independent claims and twenty (20) total claims.

5. The application does not contain any multiple dependent claims.

6. Other attachments: Statement of Special Status for the Eligibility Requirements and Preliminary Amendment

Signature	Date September 21, 2011
Name (Print/Typed) Linda R. Judge	Registration Number 42702

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

Applicants:	SCHIRMER, Andreas et al.	)	Confirmation No.:	8297
Serial No.:	12/710,238	)	Art Unit:	1652
Filed:	February 22, 2010	)	Examiner:	ROBINSON, Hope A.
Title:	METHODS AND COMPOSITIONS FOR PRODUCING HYDROCARBONS	)		

STATEMENTS OF SPECIAL STATUS FOR THE ELIGIBILITY REQUIREMENTS

Via EFS-Web
Commissioner for Patent
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

A Petition to Make Special Under the Green Technology Pilot Program (PTO/SB/420) and a preliminary amendment, subject to the grant of the aforementioned petition, are filed concurrently herewith. Applicants respectfully submit that the claimed invention materially contributes to the development of renewable energy and/or to the reduction of greenhouse gas emission by providing, in at least one embodiment, a genetically engineered microorganism that can be used to produce fatty acids and derivatives thereof, which are components of a renewable energy resource, such as a biofuel composition. The genetically engineered microorganism is transformed with one or more exogenous nucleic acid sequences and/or comprises one or more modified endogenous genes. Thus, the claimed invention should be classified under USPC 435/252.3-252.35, 254.11-254.9, 257.2, 325-408, or 410-431. As such, the instant application is eligible to participate in the Green Technology Pilot Program.

It is believed that, other than the publication fee pursuant to 37 CFR 1.18(d), no other fee is due in connection with the present filing. However, the Commissioner is authorized to charge our Deposit Account No. 50-4661 should the Office determine otherwise.

Applicants respectfully request the grant of the Petition filed herewith and a favorable and prompt decision regarding the present application. The Examiner is invited to telephone the undersigned at (650)-243-5457 if a phone conference may help advance prosecution.

Respectfully submitted,

Linda R. Judge
Reg. No. 42,702
Attorney for Applicants.

Dated: September 21, 2011

LS9, Inc.
600 Gateway Boulevard
South San Francisco, CA 94080
Tel: (650)-243-5457
Email: ljudge@ls9.com

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.
12/710,238	02/22/2010	ANDREAS SCHIRMER	2001235.00144US4	8297

23483 7590 09/28/2011
WILMERHALE/BOSTON
60 STATE STREET
BOSTON, MA 02109

EXAMINER
ROBINSON, HOPE A

ART UNIT	PAPER NUMBER
1652	

NOTIFICATION DATE	DELIVERY MODE
09/28/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

teresa.carvalho@wilmerhale.com
whipusptopairs@wilmerhale.com

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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Alexandria, VA 22313-1450
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SEP 2 8 2011

WILMERHALE/BOSTON
60 STATE STREET
BOSTON MA 02109

In re Application of	:	
SCHIRMER, Andreas *et al.*	:	DECISION ON PETITION
Application No.12/710238	:	TO MAKE SPECIAL UNDER
Filed: February 22, 2010	:	THE GREEN TECHNOLOGY
Attorney Docket No. 2001235.00144US4	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed September 21. 2011, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The instant petition complies with items 1 – 8 above. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquires concerning this decision should be directed to Manjunath Rao at 571-272-0939.

The application is being forwarded to the Technology Center Art Unit 1652 for action on the merits commensurate with this decision.

/Manjunath Rao/

Manjunath Rao
Supervisory Patent Examiner &
POC for TC 1600 Green Tech Petitions
Technology Center 1600

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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CRAIN CATON & JAMES
FIVE HOUSTON CENTER
1401 MCKINNEY, 17TH FLOOR
HOUSTON, TX 77010

MAILED
NOV 17 2010
OFFICE OF PETITIONS

In re Application of	:	
Marko Maucec et al	:	DECISION REFUSING STATUS
Application No. 12/710,253	:	UNDER 37 CFR 1.47(a)
Filed: February 22, 2010	:	
Attorney Docket No. 33849-313	:	

This is in response to the petition under 37 CFR 1.47(a), filed May 10, 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 inventor. Applicant lacks item (2) set forth above.

As to item (2), the declaration is defective since it is not in compliance with 37 CFR 1.63 and 1.64 and, as such, is not acceptable. The declaration does not set forth the nonsigning inventor's Luming Liang citizenship.

Petitioner's attention is directed to 35 USC 115 which states:

> The applicant shall make oath that he believes himself to be the original and first inventor of the process, machine, manufacture, or composition of matter, or improvement thereof, for which he solicits a patent; and shall state of what country he is a citizen.

Petitioner's attention is also directed to 37 CFR 1.76 which provides that the residence and mailing address of the inventors may be included on an Application Data Sheet, but that the citizenship is governed by 37 CFR 1.63(a)(3).

In view of the above, petitioner must submit an oath or declaration bearing the citizenship of the nonsigning inventor Luming Liang and signed by signing inventors Marko Maucec and Jeffrey M. Yarus, which by signing, will attest that this information is true to the best of their knowledge.

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 Irvin Dingle at (571) 272-3210.

David Bucci
Petition 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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CRAIN CATON & JAMES
FIVE HOUSTON CENTER
1401 MCKINNEY, 17TH FLOOR
HOUSTON, TX 77010

MAILED
MAY 19 2011
OFFICE OF PETITIONS

In re Application of	:	
Marko Maucec et al	:	DECISION GRANTING STATUS
Application No. 12/710,253	:	UNDER 37 CFR 1.47(a)
Filed: February 22, 2010	:	
Attorney Docket No. 33849-313	:	

This is a decision on the petition filed, March 15, 2011, requesting reconsideration of a decision mailed November 16, 2010, which refused to accord 37 CFR 1.47(a) status to the above-identified application.

The petition is **GRANTED.**

Petitioner has shown that the non-signing inventor, Luming Liang, 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.

It is noted that the oath or declaration submitted is not complete. However, where neither the original oath or declaration nor the substitute oath or declaration is complete in itself, but each oath or declaration names all of the inventors and the two taken together give all the required data, no further oath or declaration is needed. See MPEP 602.02.

This matter is being referred to the Office of Patent Application Processing.

Telephone inquiries regarding this decision should be directed to Irvin Dingle at (571) 272-3210.

David Bucci
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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LUMING LIANG
909 13TH STREET
GOLDEN, CO 80401

MAILED
MAY 19 2011
OFFICE OF PETITIONS

In re Application of
Marko Maucec; Jeffrey M. Yarus; Luming Liang
Application No. 12/710,253
Filed: February 22, 2010
For: SYSTEMS AND METHODS FOR MODELING 3D GEOLOGICAL STRUCTURES

Dear Mr. Liang:

You are named as a joint inventor in the above identified United States patent application, filed under the provisions of 35 U.S.C. 116 (United States Code), and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join in the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Telephone inquiries regarding this communication should be directed to the Irvin Dingle at (571) 272-3210. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at (571) 272-3150 or 1 (800) 972-6382 (outside the Washington D.C. area).

David Bucci
Petitions Examiner
Office of Petitions

cc: Crain, Caton & James
Five Houston Center
1401 McKinney, 17th Floor
Houston, TX 77010

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MAILED
OCT 2 1 2010
OFFICE OF PETITIONS

DICKINSON WRIGHT, PLLC
1875 Eye Street, NW
Suite 1200
WASHINGTON, DC 20006

In re Application of	:	
Juntan Zhang, et. al.	:	DECISION REFUSING STATUS
Application No. 12/710,276	:	UNDER 37 CFR 1.47(a)
Filed: February 22, 2010	:	
Attorney Docket No. 39062-00063	:	

This is in response to the petition under 37 CFR 1.47(a), filed May 5, 2010.

The petition is **dismissed**.

Rule 47 applicant is given **TWO MONTHS** from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition under 37 CFR 1.47(a)," and should only address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventor. **FAILURE TO RESPOND WILL RESULT IN ABANDONMENT OF THE APPLICATION.** Any extensions of time will be governed by 37 CFR 1.136(a).

A grantable petition under 37 CFR 1.47(a) requires: (1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings); (2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116; (3) the petition fee; and (4) a statement of the last known address of the non-signing inventor. Applicant lacks item (1) set forth above.

As to item (1), the applicable statute (35 U.S.C. § 116) requires that a "diligent effort" have been expended in attempting to find or reach the non-signing 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 Zhiyong Wu and Peng Gao, such that the declaration can be accepted under 37 CFR 1.47(a). Where inability to find or locate a named inventor(s) is alleged, a statement of facts

should be submitted that fully describes the exact facts which are relied on to establish that a *diligent effort* was made to locate the inventor.

The Declaration of Ms. Mei Levin states, "After several deadlines passed, copies of 1) the application, 2) declaration, and 3) assignment were sent by registered mail on February 20, 2010 to the inventors at their last know address (se Exhibits A and B, letter and post office receipt- including English translation-forwarding documents)".

Even though documents were mailed to inventors Zhiyong Wu and Peng Gao at their last known place of employment, the record fails to show that application papers were ever mailed to their last known home address. Petitioner is reminded that MPEP § 409.03(d)(II) states: 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 inventors, or, if the nonsigning inventors is represented by counsel, to the address of the nonsigning inventor's attorney. The fact that an application may contain proprietary information does not relieve the 37 CFR 1.47 applicant of the responsibility to present the application papers to the inventors if the inventors are willing to receive the papers in order to sign the oath or declaration. It is noted that the inventors may obtain a complete copy of the application, unless the inventors have assigned his or her interest in the application, and the assignee has requested that the inventors not be permitted access. See MPEP § 106. It is reasonable to require that the inventors be presented with the application papers before a petition under 37 CFR 1.47 is granted since such a procedure ensures that the inventors are apprised of the application to which the oath or declaration is directed. In re Gray, 115 USPQ 80 (Comm'r Pat. 1956).

In view of the above, Rule 47 applicant must present inventors Zhiyong Wu and Peng Gao with the application papers for the above application or provide the Office with evidence that the application papers were presented to each of them in which they refused; and therefore, failed to sign the declaration for the above application[1].

Additionally, petitioner has not demonstrated that all efforts were expended in trying to locate non-signing inventors Zhiyong Wu and Peng Gao.

Petitioner should, at the very least, conduct a search of the regional or national registry(s). The results of such search should be made in any future petition for reconsideration. *See* MPEP 409.03(d). Additionally, petitioner should state whether he/someone at the last known place of employment has access to the nonsigning inventors' 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?

[1] It is noted that the Declaration of Ms. Levin mentions that the application, declaration and assignment were mailed by registered mail to the nonsigning inventors on February 20, 2010. However, the evidence presented, referring to the letters mailed February 20, 2010, only discusses the Declaration and Assignment. Therefore, it is unclear whether the actual application papers (specification, claims and drawings) were ever mailed to the nonsigning inventors.

What does inspection of the phone directories for those address locations reveal? Further, the petition fails to indicate that correspondence was ever mailed unsuccessfully to the last known address. Therefore, at the very least, petitioner should mail correspondence to inventors Zhiyong Wu and Peng Gao's last known home 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 their 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.

Further, a review of the record discloses that even though petitioner presented the Office with a copy of an email from Ming Yang, which states "it is not possible for anybody on our side to sign any documents related to this matter", that statement did not come directly from inventors Zhiyong Wu and Peng Gao. Therefore, that does not constitute a refusal on the part of inventors Zhiyong Wu and Peng Gao.

Where there is an express or oral refusal, that fact, along with the time and place of the refusal, must be stated in an affidavit or declaration by the party to whom the refusal was made. Where there is a written refusal, a copy of the document(s) evidencing that refusal must be made part of the affidavit or declaration.

When it is concluded by the rule 47 applicant that an omitted inventor's conduct constitutes a refusal, all facts upon which that conclusion is based should be stated in an affidavit or declaration. If there is documentary evidence to support facts alleged in the affidavit or declaration, such evidence must be submitted.

Whenever an omitted inventor gives a reason for refusing to sign the application oath or declaration, that reason should be stated in the affidavit or declaration.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop PETITIONS
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By hand: Customer Service Window
Mail Stop Petitions
Randolph Building
40I Dulany Street
Alexandria, VA 22314

By fax: (571) 273-8300
ATTN: Office of Petitions

Telephone inquiries should be directed to the undersigned at (571) 272-3226.

Andrea Smith
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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DICKINSON WRIGHT, PLLC
1875 Eye Street, NW
Suite 1200
WASHINGTON, DC 20006

MAILED
MAR 24 2011
OFFICE OF PETITIONS

In re Application of	:	
Juntan Zhang, et. al.	:	DECISION REFUSING STATUS
Application No. 12/710,276	:	UNDER 37 CFR 1.47(a)
Filed: February 22, 2010	:	
Attorney Docket No. 39062-00063	:	

This is in response to the renewed petition under 37 CFR 1.47(a), filed January 21, 2011.

The petition is **GRANTED**.

Petitioner has shown that the non-signing inventors Zhiyong Wu and Peng Gao refuse to join in the filing of the above-identified application.

The application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

As provided in 37 CFR 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3226.

Andrea Smith
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Peng Gao
Academy of Broadcasting Science, SARFT
No. 2 Fuxingmenwai Ave.
Beijing **China**

MAILED

MAR 24 2011

OFFICE OF PETITIONS

In re Application of
Juntan Zhang, et. al.
Application No. 12/710,276
Filed: February 22, 2010
For: INTERLEAVING SCHEME FOR AN LDPC CODED 32 APSK SYSTEM

Dear Mr. Gao:

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 the undersigned at (571) 272-3226. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to the Certification Division at (571) 272-3150 or 1 (800) 972-6382 (outside the Washington, DC area).

Andrea Smith
Petitions Examiner
Office of Petitions

cc: DICKINSON WRIGHT, PLLC
1875 Eye Street, NW
Suite 1200
WASHINGTON, DC 20006

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Zhiyong Wu
Academy of Broadcasting Science, SARFT
No. 2 Fuxingmenwai Ave.
Beijing **China**

MAILED

MAR 24 2011

OFFICE OF PETITIONS

In re Application of
Juntan Zhang, et. al.
Application No. 12/710,276
Filed: February 22, 2010
For: INTERLEAVING SCHEME FOR AN LDPC CODED 32 APSK SYSTEM

Dear Mr. Wu:

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 the undersigned at (571) 272-3226. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to the Certification Division at (571) 272-3150 or 1 (800) 972-6382 (outside the Washington, DC area).

Andrea Smith
Petitions Examiner
Office of Petitions

cc: DICKINSON WRIGHT, PLLC
1875 Eye Street, NW
Suite 1200
WASHINGTON, DC 20006

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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DYNANICS, INC.
493NIXON ROAD
CHESWICK, PA 15024

MAILED
SEP 12 2011
OFFICE OF PETITIONS

In re Application of	:	
Bruce S. Cloutier, et al.	:	
Application No. 12/710,315	:	DECISION GRANTING PETITION
Filed: February 22, 2010	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. D/023B	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed September 12, 2011, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is not signed by an attorney of record. Nevertheless, in accordance with 37 CFR 1.34, the signature of Mr. Michael T. Wallace 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. Wallace 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.

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 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.

[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 2876 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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Law Offices of Wayne Jones
2225 East Bayshore Road
Suite 250
Palo Alto CA 94303

MAILED
JAN 18 2011
OFFICE OF PETITIONS

In re Application of	:	
John D. Ralston et al.	:	
Application No. 12/710,357	:	DECISION ON PETITION
Filed: February 22, 2010	:	
Attorney Docket No. DROPP 012A	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed December 23, 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 of File Corrected Application Papers, mailed May 20, 2010. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on July 21, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of substitute specification, (2) the petition fee of $1,620, (3) a proper statement of unintentional delay. Accordingly the substitute specification is accepted as being unintentionally delayed.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at (571) 272-4618.

This application is being referred to the Office of Patent Application Processing for appropriate action in the normal course of business on the reply received December 23, 2010.

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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May 11, 2011

GREER, BURNS & CRAIN
300 S WACKER DR
25TH FLOOR
CHICAGO IL 60606

In re Application of	:	
Garry Chinn, et al	:	**DECISION ON PETITION**
Application No. 12710433	:	
Filed: 02/23/2010	:	***ACCEPTANCE OF COLOR***
Attorney Docket No. **4227.77213DIV**	:	***DRAWINGS***

This is a decision on the Petition to Accept Color Drawings under 37 C.F.R 1.84 (a) (2), received in the United States Patent and Trademark Office (USPTO) February 23, 2010.

The petition is **GRANTED**.

A grantable petition under 37 C.F.R. 1.84(a) (2) must be accompanied by the following.

1. The fee set forth under 37 C.F.R. 1.17(h),
2. Three (3) sets of the color drawings in question, or (1) set if filed via EFS, and
3. The specification contains appropriate language referring to the color drawings as the first paragraph in that portion of the specification relating to the brief description of the drawings.

The petition was accompanied by all of the required fees and drawings. The specification contains the appropriate language. Therefore, the petition is GRANTED.

Telephone inquires relating to this decision may be directed to the undersigned in the Office of Data Management at 571-272-4200.

/Laura Feldman/
Quality Control Specialist
Office of Data Management
Publications Branch

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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.
12/710,433	02/23/2010	Garry Chinn	4227.77213DIV	8719

7590 05/12/2011
GREER, BURNS & CRAIN
300 S WACKER DR
25TH FLOOR
CHICAGO, IL 60606

EXAMINER
BAKER, DAVID S

ART UNIT	PAPER NUMBER
2884	

MAIL DATE	DELIVERY MODE
05/12/2011	PAPER

ACKNOWLEDGEMENT OF REQUEST

Notice of Allowance/Allowability Mailed

The request to print a color drawing reference as the first paragraph in the portion of the specification containing a brief description of the drawings as required by 37 CFR 1.84 and MPEP § 608.02 has been received by the United States Patent and Trademark Office and will be entered into the specification.

571-272-4200 or 1-888-786-0101
Application Assistance Unit
Office of Data Management

FORM PTOM327-5 (Rev. 02/08)

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UNITED STATES DEPARTMENT OF COMMERCE
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BIB DATA SHEET

CONFIRMATION NO. 8770

SERIAL NUMBER	FILING or 371(c) DATE	CLASS	GROUP ART UNIT	ATTORNEY DOCKET NO.
12/710,458	02/23/2010 **RULE**	257	2892	2000.179300/DE1247

APPLICANTS

Frank Feustel, Dresden, GERMANY;
Kai Frohberg, Niederau, GERMANY;
Thomas Werner, Moritzburg, GERMANY;

**** CONTINUING DATA ****************************** None, SZ

**** FOREIGN APPLICATIONS ****************************** OK, SZ

GERMANY 10 2009 010 885.8 02/27/2009

**** IF REQUIRED, FOREIGN FILING LICENSE GRANTED ****

03/01/2010

Foreign Priority claimed	35 USC 119(a-d) conditions met	Verified and Acknowledged	STATE OR COUNTRY	SHEETS DRAWINGS	TOTAL CLAIMS	INDEPENDENT CLAIMS
☑ Yes ☐ No	☑ Yes ☐ No	/SHENG ZHU/ Examiner's Signature ☐ Met after Allowance Initials	GERMANY	5	25	3

ADDRESS

Advanced Micro Devices, Inc.
c/o Williams, Morgan & Amerson, P.C.
10333 Richmond, Suite 1100
Houston, TX 77042
UNITED STATES

TITLE

METALLIZATION SYSTEM OF A SEMICONDUCTOR DEVICE INCLUDING METAL PILLARS HAVING A REDUCED DIAMETER AT THE BOTTOM

FILING FEE RECEIVED		
1350	FEES: Authority has been given in Paper No._____ to charge/credit DEPOSIT ACCOUNT No._____ for following:	☐ All Fees ☐ 1.16 Fees (Filing) ☐ 1.17 Fees (Processing Ext. of time) ☐ 1.18 Fees (Issue) ☐ Other _____ ☐ Credit

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721 ROUTE 202-206
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BRIDGEWATER NJ 08807-5933

MAILED
OCT 06 2010
OFFICE OF PETITIONS

In re Application of :
Ralph et al. :
Application No. 12/710,541 : ON PETITION
Filed: February 23, 2010
Attorney Docket No. 104084-014 Cont. :
:

This is a decision on the petition under 37 CFR 1.102(c)(1), filed July 23, 2010, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a statement (PTO/SB/130 form) by the applicant's attorney that applicant is 65 years of age. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-7751. All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

This matter is being referred to the Technology Center Art Unit 3733 for action on the merits commensurate with this decision.

Joan Olszewski
Petitions Examiner
Office of Petitions

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DEC 0 9 2010

OFFICE OF PETITIONS

FROMMER LAWRENCE & HAUG
745 FIFTH AVENUE – 10TH FL.
NEW YORK NY 10151

In re Application of	:	
John Robert Tagg et al	:	DECISION REFUSING STATUS
Application No. 12/710,542	:	UNDER 37 CFR 1.47(a)
Filed: February 23, 2010	:	
Attorney Docket No. 512585-2006.2.US	:	

This is in response to the petition under 37 CFR 1.47(b), filed August 5, 2010, which is properly being treated as a petition under 37 CFR 1.47(a).

The petition is dismissed.

Rule 47 applicant is given TWO MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(a)," and should only address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventor. **FAILURE TO RESPOND WILL RESULT IN ABANDONMENT OF THE APPLICATION.** Any extensions of time will be governed by 37 CFR 1.136(a).

A grantable petition under 37 CFR 1.47(a) requires: (1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings); (2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116; (3) the petition fee; and (4) a statement of the last known address of the non-signing inventor. Applicant lacks items (1) and (2), set forth above.

As to item (1), rule 47 applicant must demonstrate with documented evidence that an inventor refuses to join in the application after having been presented with the application papers (specification, claims, drawings and oath or declaration). There is no indication herein that joint inventor Mohammed Abdullah Alqumber was presented with a copy of the complete application papers for this application. From the evidence of record, it only appears that the joint inventor was presented with a copy of the application papers for application no. **11/887,693**. If the joint inventor was not presented with a copy of the application papers for this application, then the joint inventor could not attest that he/she have "reviewed and understand the application papers"

and could not execute the declaration he/she were requested to sign. Did the joint inventor receive a copy of the application papers? The fact that an application may contain proprietary information does not relieve the rule 47 applicant of the responsibility to present the application papers to the joint inventors if the inventors are willing to receive the papers in order to sign the oath or declaration. Unless petitioner can show that a copy of the application papers was presented to the joint inventor , then petitioner will have to mail a copy of the complete application papers (specification, claims and drawings) to the last known address of the joint inventor , return receipt requested. A cover letter of instructions should accompany the mailing of the application papers setting 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. **The proof of the pertinent events should be made by a statement of someone with firsthand knowledge of the events and should include documentary evidence, such as certified mail return receipt, cover letter of instructions, telegram, etc.** *See* MPEP 409.03(d).

Where there is an express or oral refusal, that fact, along with the time and place of the refusal, must be stated in an affidavit or declaration **by the party to whom the refusal was made.** Where there is a written refusal, a copy of the document(s) evidencing that refusal must be made part of the affidavit or declaration.

When it is concluded by the rule 47 applicant that an omitted inventor's conduct constitutes a refusal, all facts upon which that conclusion is based should be stated in an affidavit or declaration. If there is documentary evidence to support facts alleged in the affidavit or declaration, such evidence must be submitted.

Whenever an omitted inventor gives a reason for refusing to sign the application oath or declaration, that reason should be stated in the affidavit or declaration.

Additionally, the declaration submitted in support of petition by Christopher Chilcott reference application no. 11/887,693.

As to item (2), The declaration (under 37 CFR 1.63) included with the petition is not acceptable as the assignee is signing on behalf of the non-signing inventor.

Further correspondence with respect to this matter should be delivered through one of the following mediums:

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) 272-3208.

/KOC/
Karen Creasy
Petitions Examiner
Office of Petitions

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FROMMER LAWRENCE & HAUG
745 FIFTH AVENUE – 10TH FL.
NEW YORK NY 10151

MAILED
APR 12 2011
OFFICE OF PETITIONS

In re Application of	:	
John Robert Tagg et al	:	DECISION NOTING JOINDER OF
Application No. 12/710,542	:	INVENTOR AND PETITION
Filed: February 23, 2010	:	UNDER 37 CFR 1.47(a)
Attorney Docket No. 512585-2006.2.US	:	

Papers filed on March 9, 2011 in response to a "Decision Refusing Status Under 37 CFR 1.47(a)," mailed December 9, 2010, included a Declaration signed by a previously non-signing inventor, Mohammed Abdullah Ali Alqumber, in compliance with 37 CFR 1.63.

The petition is **DISMISSED AS MOOT**.

In view of the joinder of the inventor, further consideration under § 1.47(a) is not necessary. This application does not have any Rule 1.47 status and no such status should appear on the record for this file. This application need not be returned to this Office for any further consideration under 37 CFR 1.47(a).

This application is being referred to the Office of Patent Application Processing for pre-examination processing.

Telephone inquiries should be directed to the undersigned at (571) 272-3208.

/KOC/
Karen Creasy
Petitions Examiner
Office of Petitions

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HOLTZ, HOLTZ, GOODMAN & CHICK, PC
220 FIFTH AVENUE
16TH FLOOR
NEW YORK, NY 10001-7708

MAILED
MAR 09 2012
OFFICE OF PETITIONS

In re Application of
Takashi Minemura et al.
Application No.: 12/710,574
Filed: February 23, 2010
Attorney Docket No.: 10101/LH
For: Complex Antenna and Communication Device

: DECISION ON REQUEST TO
: PARTICIPATE IN THE PATENT
: PROSECUTION HIGHWAY
: PROGRAM AND PETITION
: TO MAKE SPECIAL UNDER
: 37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed February 29, 2012, to make the above-identified application special.

The request and petition are **GRANTED**.

DISCUSSION

A grantable request to participate in the PPH pilot program and petition to make special require:

1. The U.S. application is

    a. a Paris Convention application which either
        i. validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the JPO, or
        ii. validly claims priority to a PCT application that contains no priority claims, or

    b. a national stage application under the PCT (an application which entered the national stage in the U.S. from a PCT international application after compliance with 35 U.S.C. 371), which PCT application
        i. validly claims priority to an application filed in the JPO, or
        ii. validly claims priority to a PCT application that contains no priority claims, or
        iii. contains no priority claim, or

c. a so-called bypass application filed under 35 U.S.C. 111(a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application
   i. validly claims priority to an application filed in the JPO, or
   ii. validly claims priority to a PCT application that contains no priority claims, or
   iii. contains no priority claim;

2. Applicant must:
   a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s) and
   b. Submit a claims correspondence table in English;
3. Examination of the U.S. application has not begun;
4. Applicant must submit:
   a. Documentation of prior office action:
      i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claim(s) or
      ii. if the allowable/patentable claims(s) are from a "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
      iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form;
   b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above
5. Applicant must submit:
   a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application)
   b. Copies of the documents except U.S. patents or U.S. patent application publications (unless already submitted in this application);

The request to participate in the PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at (571) 272-4618.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc.index.html.

This application will be forwarded to the examiner for action on the merits commensurate with this decision.

David Bucci
Petitions Examiner
Office of Petitions

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BRIDGEWATER NJ 08807-5933

MAILED
OCT 06 2010
OFFICE OF PETITIONS

In re Application of	:	
Ralph et al.	:	
Application No. 12/710,614	:	ON PETITION
Filed: February 23, 2010		
Attorney Docket No. 104084 014 Div	:	
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed July 23, 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 **DISMISSED AS MOOT**.

A petition to make the above-identified application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age was previously granted on April 21, 2010 (copy enclosed). Petitioner has submitted a duplicate of the petition filed February 23, 2010.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-7751. All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

Joan Olszewski
Petitions Examiner
Office of Petitions

Enclosure: copy of April 21, 2010 petition decision

UNITED STATES PATENT AND TRADEMARK OFFICE

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BRIDGEWATER NJ 08807-5933

MAILED

APR 2 1 2010

OFFICE OF PETITIONS

In re Application of	:	
Ralph et al.	:	
Application No. 12/710,614	:	ON PETITION
Filed : February 23, 2010	:	
Attorney Docket No. 104084-014 Div.	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed February 23, 2010, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required.

The instant petition includes a statement (PTO/SB/130 form) by the applicant's attorney that applicant is 65 years of age. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-7751. All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

This matter is being referred to the Technology Center Art Unit 3733 for action on the merits commensurate with this decision.

Joan Olszewski

Joan Olszewski
Petitions Examiner
Office of Petitions

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Nixon Peabody, LLP
401 Ninth Street, NW
Suite 900
Washington, DC 20004

MAILED

NOV 05 2010

OFFICE OF PETITIONS

In re Application of	:	
James Park et al.	:	
Application No. 12/710,703	:	DECISION ON PETITION
Filed: February 23, 2010	:	TO WITHDRAW
Attorney Docket No. 002566-028100	:	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 7, 2010.

The request is **moot because a revocation of power of attorney has been filed**.

A review of the file record indicates that the power of attorney to Jeffrey L. Costellia and all attorneys/agents of record has been revoked by the assignee of the patent application on September 09, 2010. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to Kimberly Inabinet at 571-272-4618.

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: Reed Smith, LLP
P.O. Box 488
Pittsburgh, PA 15230

UNITED STATES PATENT AND TRADEMARK OFFICE

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LABORATORY CORPORATION OF AMERICA HOLDINGS
C/O KILPATRICK TOWNSEND & STOCKTON LLP
1001 WEST FOURTH STREET
WINSTON-SALEM NC 27101

MAILED

AUG 08 2011

OFFICE OF PETITIONS

In re Application of	:	
Anthony P. Shuber	:	
Application No. 12/710,798	:	ON PETITION
Filed: February 23, 2010	:	
Attorney Docket No. 2009098-0016	:	

This is in response to petition to revive an unintentionally abandoned application under 37 CFR 1.137(b), filed July 20, 2011.

The petition under 37 CFR 1.137(b) is **GRANTED**.

The above-identified application became abandoned for failure to timely file a proper response to the final Office action, mailed December 8, 2010, which set a shortened statutory period for reply of three months. Applicant filed an Amendment on March 8, 2011. However, the Examiner mailed an Advisory Action on March 21, 2011, stating that the Amendment would not be entered because it failed to place the application in condition for allowance. No further reply with an extension of time having been received, the application became abandoned on March 9, 2011. The Office mailed a Notice of Abandonment on June 24, 2011.

With the instant petition, petitioner paid the petition fee, made the proper statement of unintentional delay, and submitted the required reply in the form of an Request for Continued Examination (RCE).

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.

The application is being forwarded to Group Art Unit 1637 for consideration of the RCE, filed July 20, 2011.

Telephone inquiries concerning this decision may be directed to the undersigned at 571-272-3207.

Cliff Congo
Petitions Attorney
Office of Petitions

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APR 28 2011
OFFICE OF PETITIONS

TOM TILDEN
C/O WEST CORPORATION
11808 MIRACLE HILLS DR.
MAIL STOP: W11-LEGAL
OMAHA NE 68154

In re Application of:	:	
James L. Kennedy et al.	:	
Application No. 12/710,878	:	DECISION ON PETITION
Filing Date: February 23, 2010	:	
Attorney Docket No. TFC 2-012	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed on March 17, 2011, 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 mailed March 08, 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) was obtained. Accordingly, the above-identified application became abandoned on May 09, 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, replacement abstract and signed 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 March 08, 2010 is accepted as having been unintentionally delayed.

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due

date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

Telephone inquiries concerning this decision should be directed to 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

UNITED STATES PATENT AND TRADEMARK OFFICE

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TEXAS INSTRUMENTS INCORPORATED
P O BOX 655474, M/S 3999
DALLAS TX 75265

MAILED

APR 11 2011

OFFICE OF PETITIONS

In re Application of :
Fayad et al. :
Application No. 12/710,889 : DECISION ON PETITION
Filed: February 23, 2010 :
Attorney Docket No. TI-62564.2 :

This is a decision on the petition filed under 37 CFR 1.137(b) in the above-identified application filed on February 28, 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 May 20, 2010. The non-final Office Action set a three (3) month shortened statutory period for reply. Accordingly, this application became abandoned on August 21, 2010. A Notice of Abandonment was mailed on December 6, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment (2) the petition fee of $1620.00, and (3) a statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3215.

This application is being referred to Technology Center AU 2819 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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TEXAS INSTRUMENTS INCORPORATED
P O BOX 655474, M/S 3999
DALLAS TX 75265

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SEP 27 2011
OFFICE OF PETITIONS

In re Application of	:	
Ayman A. Fayed, et al.	:	
Application No. 12/710,928	:	DECISION ON PETITION
Filed: February 23, 2010	:	
Attorney Docket No. TI-62564.3	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed August 31, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed July 23, 2010, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on October 24, 2011. The Notice of Abandonment was mailed February 8, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment, (2) the petition fee of $1,620, and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to Terri Johnson at (571) 272-2991.

This application is being referred to Technology Center AU 2819 for appropriate action by the Examiner in the normal course of business on the reply received.

/Terri Johnson/
Terri Johnson
Petitions Examiner
Office of Petitions

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/711,027	02/23/2010	Hiroshi SUZUKI	SUTSDC.009C1	9878

7590 10/18/2011
KNOBBE MARTENS OLSON & BEAR LLP
2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE, CA 92614

EXAMINER
RENNER, CRAIG A

ART UNIT	PAPER NUMBER
2627	

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

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

TEXAS INSTRUMENTS INCORPORATED
P O BOX 655474, M/S 3999
DALLAS TX 75265

MAILED
SEP 30 2011
OFFICE OF PETITIONS

In re Application of

Fayad, et al. :

Application No. 12/711,035

: DECISION ON PETITION

Filed: February 23, 2010

:

Attorney Docket No. **TI-62564.4**

This is a decision on the petition under 37 CFR 1.137(b), filed September 26, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The above-cited application became abandoned for failure to reply in a timely manner to the non-final Office action mailed August 5, 2010, which set a shortened statutory period for reply of three (3) months from its mailing date. No extension of time pursuant to 37 CFR 1.136(a) was obtained within the allowable period. Accordingly, the application became abandoned on November 6, 2010. A Notice of Abandonment was mailed February 14, 2011.

The amendment filed September 26, 2011, is noted.

The application is being forwarded to Technology Center 2800, GAU 2819 for further processing.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3222.

/Kenya A. McLaughlin/

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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GULF COAST INTELLECTUAL PROPERTY
GROUP, LLC
5450 BRUCE B. DOWNS
SUITE 355
WESLEY CHAPEL, FL 33543

MAILED
NOV 03 2010
OFFICE OF PETITIONS

In re Application of	:	
William Shen, et al.	:	
Application No. 12/711,096	:	DECISION REFUSING STATUS
Filed: February 23, 2010	:	UNDER 37 CFR 1.47(a)
Attorney Docket No.: MS001US	:	

This is a decision on the "PETITION FOR FILING UNDER 37 CFR 1.47 WHEN AN INVENTOR REFUSES TO SIGN OR CANNOT BE REACHED" filed September 9, 2010, which is appropriately being treated under the provisions of 37 CFR 1.47(a).

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 Ms. Jessica W. Smith appearing on the correspondence shall constitute a representation to the United States Patent and Trademark Office that she is authorized to represent the particular party in whose behalf she acts.

The petition is **DISMISSED**.

Rule 47 applicant is given **TWO MONTHS** from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 C.F.R. §1.47(a)," and should only address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventors. Failure to respond will result in abandonment of the application. Any extensions of time will be governed by 37 C.F.R. § 1.136(a).

The above-identified application was filed on February 23, 2010, without an executed oath or declaration. Accordingly, on March 9, 2010, applicants were mailed a "Notice to File Missing Parts of Nonprovisional Application," requiring submission of an executed oath or declaration and payment of the surcharge for late filing under § 1.16(e). This Notice set a two-month period for reply, with extensions of time obtainable under § 1.136(a).

In response, rule 47 applicants timely filed the instant petition, including payment of the petition fee, late surcharge and 4-months extension of time fee and a declaration executed by all the available joint inventors on behalf of themselves and non-signing inventors Nolen and Arellano. On petition, applicants assert that status under § 1.47(a) is proper because the non-signing inventors have failed to respond or execute the declaration with respect to the present application.

A grantable petition under 37 C.F.R. § 1.47(a) requires: (1) proof that the non-signing inventor cannot be reached or found, after diligent effort, or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings); (2) an acceptable oath or declaration in compliance with 35 U.S.C. §§115 and 116; (3) the petition fee; and (4) a statement of the last known address of the non-signing inventor. The instant petition does not satisfy requirements (1), (2) and (4).

As to item (1), rule 47 applicants have not submitted adequate proof that inventors Nolen and Arellano have refuse to join in the application. Refusal by the inventors cannot be inferred as the evidence submitted indicates that the application papers were not delivered to the non-signing inventors at their last known address, but rather sent via e-mail on July 18, 2010 and September 7, 2010. Rule 47 applicants must demonstrate with documented evidence that the inventors refuse to join in the application after having been presented with the application papers (specification, claims, drawings and oath or declaration). Also, the transmission of documents via Email, while a common practice, can be problematic. Transmission and receipt of documents-whether in image, word-processing, spreadsheet or other form-can be effected by differences in software generation between the sender and recipient(s), and other interferences include but are not limited to sender's and recipient's Internet service provider's (ISP) and/or office/personal security firewall systems.

Thus, in the absence of an express statement from the non-signing inventors that they have received, opened and read a document, unlike a printed page in the language of the recipient there is as of this writing no basis <u>to presume</u> that an Emailed document was in a form that can be read <u>and</u> comprehended.

Therefore, at the very least, petitioner should mail correspondence to the last known address of joint inventors, 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 that 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. Details of the efforts made to locate the non-signing inventor should be set forth in an affidavit or declaration of facts by a person having first-hand knowledge of the details.

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.

If repeated attempts to contact the non-signing inventors are unsuccessful, petitioners will have demonstrated that the inventors cannot be reached, despite diligent efforts, or have refused to sign the declaration.

As to item (2), rule 47 applicants have not provided an acceptable declaration in compliance with 35 U.S.C. §§ 115 and 116. Pursuant to 35 U.S.C. 115 and 37 CFR § 1.63(a) and § 1.63(c)(1), an acceptable oath or declaration filed under § 1.51(b)(2) as a part of a nonprovisional application must identify all the inventors by name, citizenship and, unless such information is supplied on an application data sheet (ADS) in accordance with § 1.76, must also identify the mailing address, and the residence of each inventor, if an inventor lives at a location which is different from where the inventor customarily receives mail. The declaration filed on September 9, 2010 does not reflect the citizenship of each joint inventor and an address where each of the inventors would typically receive their mail.

As to item (4), rule 47 applicants must provide a statement of the last known address of the non-signing inventors.

Further correspondence with respect to this matter should be delivered through one of the following mediums:

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[1]

Any questions concerning this matter may be directed to the undersigned at (571) 272-3204.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

[1] www.uspto.gov/ebc/efs help.html (for help using EFS-Web call the Patent Electronic Business Center at (866) 217-9197)

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

GULF COAST INTELLECTUAL PROPERTY GROUP, LLC
5450 BRUCE B. DOWNS
SUITE 355
WESLEY CHAPEL, FL 33543

MAILED
MAY 12 2011
OFFICE OF PETITIONS

In re Application of William Shen, et al. Application No. 12/711,096 Filed: February 23, 2010 Attorney Docket No.: MS001US	: : : : :	DECISION ACCORDING STATUS UNDER 37 CFR 1.47(a)

This is a decision in response to the renewed petition under 37 CFR 1.47(a) filed April 4, 2011.

The petition is **GRANTED**.

Petitioner has shown that the non-signing inventors, Billy Nolen and Lee Arellano, have refused to join in the filing of the above-identified application.

The application and papers have been reviewed and found to be in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

As provided in 37 CFR 1.47(c), this Office will forward notice of this application's filing to the non-signing inventors at the addresses given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

The application is being referred to the Office of Patent Application Processing (OPAP) for further processing.

Telephone inquires related to this decision should be directed to the undersigned at (571) 272-3204. Telephone inquiries related to processing at OPAP should be directed to their hotline at (571) 272-4000.

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MR. BILLY NOLEN
210 SANTA FE TRAIL, APT. 1040
IRVING, TX 75063

MAILED
MAY 12 2011
OFFICE OF PETITIONS

In re Application of	:	
William Shen, et al.	:	
Application No. 12/711,096	:	LETTER
Filed: February 23, 2010	:	
For: SYSTEM AND METHOD FOR DISPLAYING A	:	
DENSITY OF OBJECTS IN A SOCIAL NETWORK	:	
APPLICATION	:	

Dear Mr. Nolen:

You are named as a joint inventor in the above-identified United States patent application filed under the provisions of 35 U.S.C. 116 (United States Code) and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Telephone inquiries regarding this communication should be directed to the undersigned at (571) 272-3204. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application should be directed to the Certification Division at (703) 308-9726 or 1-800-972-6382 (outside the Washington D.C. area).

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

cc: GULF COAST INTELLECTUAL PROPERTY GROUP, LLC
5450 BRUCE B. DOWNS
SUITE 355
WESLEY CHAPEL, FL 33543

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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MR. LEE ARELLANO
4815 WESTGROVE DR., APT. 1610
ADDISON, TX 75001

MAILED
MAY 12 2011
OFFICE OF PETITIONS

In re Application of :
William Shen, et al. :
Application No. 12/711,096 : LETTER
Filed: February 23, 2010 :
For: SYSTEM AND METHOD FOR DISPLAYING A :
DENSITY OF OBJECTS IN A SOCIAL NETWORK :
APPLICATION :

Dear Mr. Arellano:

You are named as a joint inventor in the above-identified United States patent application filed under the provisions of 35 U.S.C. 116 (United States Code) and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Telephone inquiries regarding this communication should be directed to the undersigned at (571) 272-3204. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application should be directed to the Certification Division at (703) 308-9726 or 1-800-972-6382 (outside the Washington D.C. area).

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

cc: GULF COAST INTELLECTUAL PROPERTY GROUP, LLC
5450 BRUCE B. DOWNS
SUITE 355
WESLEY CHAPEL, FL 33543

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www.uspto.gov

MAILED

NOV 05 2010

OFFICE OF PETITIONS

Luce, Forward, Hamilton & Scripps, LLP
2050 Main Street, Suite 600
Irvine, CA 92614

In re Application of	:	
John Fulkerson et al.	:	
Application No. 12/711,100	:	DECISION ON PETITION
Filed: February 23, 2010	:	TO WITHDRAW
Attorney Docket No. 37953-18000	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed September 10, 2010.

The request is **moot because a revocation of power of attorney has been filed**.

A review of the file record indicates that the power of attorney to Peter J. Gluck and all attorneys/agents of record has been revoked by the assignee of the patent application on September 20, 2010. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to Kimberly Inabinet at 571-272-4618.

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: Knobbe Martens Olson & Bear, LLP
2040 Main Street
Fourteenth Floor
Irvine, CA 92614

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

TIEFF I.P. LAW P.C.
763 S. WARNOCK STREET
PHILADELPHIA, PA 19147

MAILED

JAN 19 2011

OFFICE OF PETITIONS

In re Application of	:	
Makowski et al.	:	
Application No. 12/711,102	:	ON PETITION
Filed: February 23, 2010	:	
Attorney Docket No. DENI-0001	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed December 14, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Notice to File Corrected Application Papers (Notice), mailed March 15, 2010. The Notice set a period for reply of two (2) months from the mail date of the Notice. Accordingly, the application became abandoned on May 16, 2010. A Notice of Abandonment was mailed November 29, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of replacement drawings, (2) the petition fee of $810, and (3) a proper statement of unintentional delay.

This application file is being referred to the Office of Patent Application Processing (OPAP) for further pre-examination processing.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-6059. Telephone inquiries related to OPAP processing should be directed to their hotline at (271) 272-4000.

A. Kelley

Alicia Kelley
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	12711137
Filing Date	23-Feb-2010
First Named Inventor	Scott NORTMAN
Art Unit	3774
Examiner Name	ALVIN STEWART
Attorney Docket Number	051892-0362
Title	PROSTHETIC DEVICE, METHOD OF PLANNING BONE REMOVAL FOR IMPLANTATION OF PROSTHETIC DEVICE, AND ROBOTIC SYSTEM

◉ Please withdraw me as attorney or agent for the above identified patent application and the practitioners of record associated with Customer Number: 22428

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	MAKO SURGICAL CORP.
Address	2555 DAVIE ROAD
City	FT. LAUDERDALE
State	FL
Postal Code	33317
Country	US

I am authorized to sign on behalf of myself and all withdrawing practitioners.	
Signature	/Rawlins, Andrew/
Name	Rawlins, Andrew
Registration Number	34702

UNITED STATES 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 30, 2011

In re Application of :

Scott NORTMAN

Application No : 12711137

Filed : 23-Feb-2010

Attorney Docket No : 051892-0362

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 30, 2011

The request is **APPROVED.**

The request was signed by Rawlins, Andrew (registration no. 34702) on behalf of all attorneys/agents associated with Customer Number 22428 . All attorneys/agents associated with Cusotmer Number 22428 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	MAKO SURGICAL CORP.
Name2	
Address 1	2555 DAVIE ROAD
Address 2	
City	FT. LAUDERDALE
State	FL
Postal Code	33317
Country	US

As a reminder, requester is required to inform the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71 of the electronically processed petition.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

Office of Petitions

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BRACEWELL & GIULIANI LLP
P.O. BOX 61389
HOUSTON, TX 77208-1389

MAILED
DEC 02 2010
OFFICE OF PETITIONS

In re Application of	:	
Nicholas McMahon Turner et al	:	DECISION REFUSING STATUS
Application No. 12/711,161	:	UNDER 37 CFR 1.47(a)
Filed: February 23, 2010	:	
Attorney Docket No. 048717.000005	:	

This is in response to the petition under 37 CFR 1.47(a), filed May 10, 2010.

The petition is **dismissed.**

Rule 47 applicant is given TWO MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(a)," and should only address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventor. **FAILURE TO RESPOND WILL RESULT IN ABANDONMENT OF THE APPLICATION.** Any extensions of time will be governed by 37 CFR 1.136(a).

A grantable petition under 37 CFR 1.47(a) requires: (1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings); (2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116; (3) the petition fee; and (4) a statement of the last known address of the non-signing inventor. Applicant lacks item (1) set forth above.

As to item (1), there is no evidence that the non-signing inventors Nicholas McMahon Turner and Simon John Patrick O'Riordan were presented with the application papers. The evidence of record only indicates that the non-signing inventors were presented with the declaration and assignment documents. While petitioner alleges Turner and O'Riordan refused to join in the present application a declaration signed by both Turner and O'Riordan was received in application Serial No. 10/918,712 on March 21, 2005. Therefore, petitioner must establish that Turner and O'Riordan refuse to join in the instant application.

As authorized, the $200 petition fee is being charged to petitioner's Deposit Account No. 50-0259.

Further correspondence with respect to this matter should be addressed as follows:

By mail:	Mail Stop PETITIONS Commissioner for Patents Post Office Box 1450 Alexandria, VA 22313-1450
By hand:	Customer Service Window Mail Stop Petitions Randolph Building 401 Dulany Street Alexandria, VA 22314
By fax:	(571) 273-8300 ATTN: Office of Petitions

Telephone inquiries should be directed to Irvin Dingle at (571) 272-3210.

David Bucci
Petition Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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MAILED
JUN 28 2011
OFFICE OF PETITIONS

BRACEWELL & GIULIANI LLP
P.O. BOX 61389
HOUSTON, TX 77208-1389

In re Application of	:	
Nicholas McMahon Turner et al	:	DECISION ACCORDING STATUS
Application No.: 12/711,161	:	UNDER 37 C.F.R. § 1.47(a)
Filed: February 23, 2010	:	
Attorney Docket No.: 048717.000005	:	

This is a decision on the petition filed, April 1, 2011, requesting reconsideration of a decision mailed December 12, 2010, which refused to accord 37 CFR 1.47(a) status to the above-identified application.

This application is a continuation of prior application No. 10/918,712, filed August 13, 2004. In accordance with 37 CFR 1.63(d), petitioner has submitted a copy of the executed oath or declaration filed in the prior application. Further, a copy of the decision mailed on June 15, 2011, granting a petition to accord § 1.47 status to the prior application has been made of record in this application. (In the future, petitioner should submit a copy of such decision when submitting a § 1.47 declaration from a prior application pursuant to 37 CFR 1.63(d).)

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 non-signing inventors at the addresses given in the declaration. Notice of the filing of this application will not be published in the Official Gazette as notice regarding the filing of the prior application was given to the non-signing inventors.

This application is being referred to Technology Center AU 3735 for prosecution in due course.

Telephone inquiries regarding this decision should be directed to Irvin Dingle at (571) 272-3210.

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. Box 1450
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MAILED
JUN 28 2011
OFFICE OF PETITIONS

Nicholas McMahon Turner
The Hermitage
Walton Road
York, Y032 9TL
England

In re Application of
Nicholas McMahon Turner; Peter Alfred Payne; G. Alban Davis;
Julie A. Davies; and Simon John Patrick O'Riordan
Application No. 12/711,161
Filed: February 23, 2010
For: Medical Devices

Dear Mr. Turner:

You are named as a joint inventor in the above identified United States patent application, filed under the provisions of 35 U.S.C. 116 (United States Code), and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join in the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Telephone inquiries regarding this communication should be directed to the Irvin Dingle at (571) 272-3210. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at (571) 272-3150 or 1 (800) 972-6382 (outside the Washington D.C. area).

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

cc: Bracewell & Patterson
P.O. Box 61389
Houston, TX 77208-1389

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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MAILED
JUN 28 2011
OFFICE OF PETITIONS

Simon John Patrick O'Riordan
5 Scargill Grange
Leeds
Yorkshire, LS9 7ES
England

In re Application of
Nicholas McMahon Turner; Peter Alfred Payne; G. Alban Davis;
Julie A. Davies; and Simon John Patrick O'Riordan
Application No. 12/711,161
Filed: February 23, 2010
For: Medical Devices

Dear Mr. O'Riordan:

You are named as a joint inventor in the above identified United States patent application, filed under the provisions of 35 U.S.C. 116 (United States Code), and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join in the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Telephone inquiries regarding this communication should be directed to the Irvin Dingle at (571) 272-3210. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at (571) 272-3150 or 1 (800) 972-6382 (outside the Washington D.C. area).

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

cc: Bracewell & Patterson
P.O. Box 61389
Houston, TX 77208-1389

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

KENYON & KENYON LLP
ONE BROADWAY
NEW YORK NY 10004

MAILED

MAY 09 2011

OFFICE OF PETITIONS

In re Application of	:	
KAUFMAN, Jason	:	
Application No. 12/711,189	:	DECISION ON PETITION
Filed: February 23, 2010	:	TO WITHDRAW
Attorney Docket No. **13196/3A**	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent under 37 C.F.R. § 1.36(b) or 37 C.F.R. § 10.40 filed April 12, 2011.

The request is **NOT APPROVED**.

A review of the file record indicates that Michelle Carniaux does not have power of attorney in this patent application nor is there any statement or evidence of record of employment in or otherwise being engaged in the proceedings in this patent application. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is not applicable.

All future communications from the Office will continue to be directed to the below-listed address until otherwise properly notified by the applicant.

Telephone inquires concerning this decision should be directed to the undersigned at 571-272-4231.

Michelle R. Eason
Paralegal Specialist
Office of Petitions

cc: **JASON KAUFMAN**
340 E. 23RD STREET, APT. 4L
NEW YORK, NY 10010

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NOV 09 2010
OFFICE OF PETITIONS

HAVERSTOCK & OWENS LLP
162 N WOLFE ROAD
SUNNYVALE CA 94086

In re Application of
William Alfred DOZIER JR., et al
Application No. 12/711,194
Filed: February 23.2010
Attorney Docket No. AUB-10500

DECISION ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed October 7, 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 April 2, 2010. The Notice set a period for reply of **two (2) months** from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on June 3, 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 signed declaration and the required fee; (2) the petition fee of $810; and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-6735.

All other inquires should be directed to the Office of Data Management at (571) 272-4200.

This application is being referred to the Office of Data Management for further pre-examination processing.

/DCG/
Diane C. Goodwyn
Petitions Examiner
Office of Petitions

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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KNOBBE MARTENS OLSON & BEAR LLP
2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE CA 92614

MAILED SEP 02 2010

In re Application of: Lashinski et al. Application No.: 12/711195 Filed: February 23, 2010 Title: Minimally Invasive Breast Lift Method with a Superior Tissue Support and an Inferior Anchor	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 filed on August 9, 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):
   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.

7. 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.

8. 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.

9. 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.

10. 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 Linda Sholl, Special Programs Examiner, at (571) 272-4391

Linda Sholl

Linda Sholl, Special Programs Examiner
Technology Center 3700

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NOV 09 2010

OFFICE OF PETITIONS

HAVERSTOCK & OWENS LLP
162 N WOLFE ROAD
SUNNYVALE CA 94086

In re Application of
William Alfred DOZIER JR., et al
Application No. 12/711,204
Filed: February 23.2010
Attorney Docket No. AUB-10400

DECISION ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed October 7, 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 March 8, 2010. The Notice set a period for reply of **two (2) months** from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on May 9, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a signed declaration and the required fee; (2) the petition fee of $810; and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-6735.

All other inquires should be directed to the Office of Data Management at (571) 272-4200.

This application is being referred to the Office of Data Management for further pre-examination processing.

/DCG/
Diane C. Goodwyn
Petitions Examiner
Office of Petitions

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HAVERSTOCK & OWENS LLP
162 N WOLFE ROAD
SUNNYVALE CA 94086

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NOV 01 2010

OFFICE OF PETITIONS

In re Application of	:	
William Alfred Dozier, Jr., et al.	:	
Application No. 12/711,219	:	DECISION ON PETITION
Filed: February 23, 2010	:	
Attorney Docket No. AUB-10300	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed October 7, 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 March 9, 2010. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on May 10, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of replacement drawings, signed oath/declaration and $65 surcharge, (2) the petition fee of $810, and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to Terri Johnson at (571) 272-2991.

This application is being referred to the Office of Patent Application for appropriate action on the reply received.

/Terri Johnson/
Terri Johnson
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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JAMES O"SULLIVAN
12th Floor, Ruttonjee House
11 Duddell Street
Hong Kong HK HONG KONG

MAILED
JAN 12 2012
OFFICE OF PETITIONS

In re Application of	:	
Ming-Hwei Perng	:	
Application No. 12/711230	:	
Filing or 371(c) Date: 02/23/2010	:	ON PETITION
Pat. Num.: 8077827	:	
Issue Date: 12/13/2011	:	
Attorney Docket Number: TWT01348/US	:	

This is a notice regarding request for acceptance of a fee deficiency submission under 37 CFR 1.28. On September 1, 1998, the Court of Appeals for the Federal Circuit held that 37 CFR 1.28(c) is the sole provision governing the time for correction of the erroneous payment of the issue fee as a small entity. **See DH Technology v. Synergystex International, Inc. 154 F.3d 1333, 47 USPQ2d 1865 (Fed. Cir. Sept. 1, 1998).**

The Office no longer investigates or rejects original or reissue applications under 37 CFR 1.56. **1098 Off. Gaz. Pat. Office 502 (January 3, 1989).** Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby **ACCEPTED**.

This application is no longer entitled to small entity status. Accordingly, all future fees paid in this application must be paid at the large entity rate.

Telephone inquiries concerning this matter should be directed to the undersigned at (571) 272-3232.

/DLW/

Derek L. Woods
Attorney
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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Decision Date : February 17, 2012

In re Application of :

Yoshinobu ASAMI

DECISION ON PETITION

UNDER CFR 1.313(c)(2)

Application No : 12711333

Filed : 24-Feb-2010

Attorney Docket No : 0756-8782

This is an electronic decision on the petition under 37 CFR 1.313(c)(2), filed February 17, 2012, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED.**

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid 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 2827 for processing of the request for continuing examination under 37 CFR 1.114 .

Office of Petitions

Doc Code: PET.AUTO Document Description: Petition automatically granted by EFS-Web	PTO/SB/140 U.S. Patent and Trademark Office Department of Commerce

Electronic Petition Request	**PETITION TO WITHDRAW AN APPLICATION FROM ISSUE AFTER PAYMENT OF THE ISSUE FEE UNDER 37 CFR 1.313(c)**
Application Number	12711333
Filing Date	24-Feb-2010
First Named Inventor	Yoshinobu ASAMI
Art Unit	2827
Examiner Name	SON MAI
Attorney Docket Number	0756-8782
Title	MEMORY DEVICE AND MANUFACTURING METHOD THE SAME

An application may be withdrawn from issue for further action upon petition by the applicant. To request that the Office withdraw an application from issue, applicant must file a petition under this section including the fee set forth in § 1.17(h) and a showing of good and sufficient reasons why withdrawal of the application from issue is necessary.

APPLICANT HEREBY PETITIONS TO WITHDRAW THIS APPLICATION FROM ISSUE UNDER 37 CFR 1.313(c).

A grantable petition requires the following items:
(1) Petition fee; and
(2) One of the following reasons:
(a) Unpatentability of one or more claims, which must be accompanied by an unequivocal statement that one or more claims are unpatentable, an amendment to such claim or claims, and an explanation as to how the amendment causes such claim or claims to be patentable;
(b) Consideration of a request for continued examination in compliance with § 1.114 (for a utility or plant application only); or
(c) Express abandonment of the application. Such express abandonment may be in favor of a continuing application, but not a CPA under 37 CFR 1.53(d).

Petition Fee

☐ Applicant claims SMALL ENTITY status. See 37 CFR 1.27.

☐ Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

☐ Applicant(s) status remains as SMALL ENTITY.

☒ Applicant(s) status remains as other than SMALL ENTITY

Reason for withdrawal from issue

○ One or more claims are unpatentable

◉ Consideration of a request for continued examination (RCE) (List of Required Documents and Fees)

○ Applicant hereby expressly abandons the instant application (any attorney/agent signing for this reason must have power of attorney pursuant to 37 CFR 1.32(b)).

RCE request,submission, and fee.

☐ I certify, in accordance with 37 CFR 1.4(d)(4) that : The RCE request ,submission, and fee have already been filed in the above-identified application on

☒ Are attached.

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

I certify, in accordance with 37 CFR 1.4(d)(4) that I am:

◉ An attorney or agent registered to practice before the Patent and Trademark Office who has been given power of attorney in this application.

○ An attorney or agent registered to practice before the Patent and Trademark Office, acting in a representative capacity.

○ A sole inventor

○ A joint inventor; I certify that I am authorized to sign this submission on behalf of all of the inventors

○ A joint inventor; all of whom are signing this e-petition

○ The assignee of record of the entire interest that has properly made itself of record pursuant to 37 CFR 3.71

Signature	/Eric J. Robinson/
Name	Eric J. Robinson
Registration Number	38285

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SUGHRUE MION, PLLC
2100 PENNSYLVANIA AVENUE, N.W.
SUITE 800
WASHINGTON DC 20037

MAILED

AUG 09 2010

OFFICE OF PETITIONS

In re Application of
Li Yang et al.
Application No. 12/711,414
Filed: February 24, 2010
Attorney Docket No. Q 114458

DECISION REFUSING STATUS
UNDER 37 CFR 1.47(a)

This decision is in response to the renewed petition filed June 21, 2010 under 37 C.F.R. § 1.47 (a) filed July 22, 2010.[1]

The above-identified application was filed on February 24, 2010 with a petition arguing that inventors Li Yang and Luo Sheng Li could not be reached to sign the Declaration and Power of Attorney for the above application. The evidence presented established that Mr. Yang no longer lives at the last known address but the evidence was not clear as to whether or not Mr. Li had moved or just wasn't available to accept the mail when delivery was attempted. In either case, petitioners were advised that they must

The petition was dismissed in a decision mailed April 23, 2010 because petitioners had not presented a showing that diligent efforts had been made to locate the non-signing inventors.[2].

On June 21, 2010, papers filed included a declaration signed by both joint inventors Li Yang and Luo Sheng Li in compliance with 37 CFR 1.63.

---

[1]A grantable petition under 37 CFR 1.47(a) requires:
(1) proof that the non-signing inventor cannot be reached or located, notwithstanding diligent effort, 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;
(4) a statement of the last known address of the non-signing inventor.

[2]MPEP 409.03(d).

In view of the joinder of the previously non-signing joint inventors, further consideration under 37 CFR 1.47(a) is unnecessary.

The request for reconsideration filed June 21, 2010 is **DISMISSED** as involving moot issues.

Since the instant petition is a renewed petition, no additional petition fees are due.

This application does not have any rule 1.47(a) status and no such status should appear on the file wrapper. This application need not be returned to this office for any further consideration under 37 CFR 1.47(a).

This matter will be referred to Technology Center 2817 for examination in due course.

Telephone inquiries related to this decision should be directed to the undersigned Petitions Attorney at (571) 272-3212.

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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JUN 08 2011
OFFICE OF PETITIONS

CALLAWAY GOLF COMPANY
2180 RUTHERFORD ROAD
CARLSBAD CA 92008-7328

In re Application of	:	
GIBBS et al.	:	
Application No. 12/711,435	:	DECISION ON PETITION
Filed: February 24, 2010	:	UNDER 37 CFR 1.78(a)(3)
Attorney Docket No. PU2691	:	

This is a decision on the petition under 37 CFR 1.78(a)(3), filed May 2, 2011, 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 concurrently filed amendment.

The petition is **DISMISSED.**

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) 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 petition does not comply with item (1).

The reference to the prior applications must identify all of the prior applications and indicate the relationship (i.e., continuation, divisional, or continuation-in-part) between each nonprovisional application in order to establish copendency throughout the entire chain of prior applications. Appropriate references must be made in each intermediate application in the chain of prior applications. Here, Application serial numbers 12/268,181 and 11/928,318 do not make reference to Application serial number 10/711,825. *See* MPEP Section 201.11 III.C., Reference

to Prior Nonprovisional Applications. The amendment fails to comply with the provisions of 37 CFR 1.78(a)(2)(i) and is therefore unacceptable.

In regards to item (2), the rules and statutory provisions governing the operations of the U.S. Patent and Trademark Office require payment of a fee on filing each petition under 37 CFR 1.78(a)(3) to accept an unintentionally delayed claim under 35 U.S.C. § 120 for the benefit of priority to the prior-filed nonprovisional application. In this instance, the fee required by law is $1410.00. Petitioner's Deposit Account No. 50- 0303 has been charged $1410.00 as authorized in the petition.

In regards to item (3), 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.

Before the petition under 37 CFR § 1.78(a)(3) can be granted, a renewed petition under 37 CFR § 1.78(a)(3) an Application Data Sheet or a substitute amendment (complying with 37 CFR 1.121 and 37 CFR 1.76(b)(5)), which identifies all of the prior applications and states the relationship of the prior-filed application to this application, are required.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop PETITIONS
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By hand: Customer Service Window
Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By fax: (571) 273-8300
ATTN: Office of Petitions

Any questions concerning this matter may be directed to Jose' G Dees at (571) 272-1569.

David Bucci
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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P.O. Box 1450
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INTERNATIONAL ENGINE INTELLECTUAL PROPERTY COMPANY
4201 WINFIELD ROAD
P.O. BOX 1488
WARRENVILLE, IL 60555

MAILED
SEP 22 2011
OFFICE OF PETITIONS

In re Application of	:	
Andrei Makartchouk, et al.	:	DECISION NOTING JOINDER OF
Application No. 12/711,436	:	INVENTOR AND PETITION
Filed: February 24, 2010	:	UNDER 37 CFR 1.47(a)
Attorney Docket No.: D6357	:	

Papers filed on December 22, 2010 in response to a "Decision Refusing Status Under 37 CFR 1.47(a)," mailed July 29, 2010, included a Declaration signed by a previously non-signing inventor, Emad M. Amin, in compliance with 37 CFR 1.63.

Accordingly, the petition under 37 CFR 1.47(a) is **DISMISSED AS MOOT**.

In view of the joinder of the inventor, further consideration under § 1.47(a) is not necessary. This application does not have any Rule 1.47 status and no such status should appear on the record for this file. This application need not be returned to this Office for any further consideration under 37 CFR 1.47(a).

Applicant is reminded that a petition under 37 CFR 1.48 needs to be filed in order to add omitted inventor Smith.

This application is being referred to the Office of Patent Application Processing (OPAP) for further processing.

Telephone inquiries should be directed to the undersigned at (571) 272-3204. Telephone inquiries related to processing at OPAP should be directed to their hotline at (571) 272-4000.

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/711,513	02/24/2010	Yukio Asari	008312-0385158	1898

7590 12/15/2011
Pillsbury Winthrop Shaw Pittman, LLP (NV)
PO Box 10500
McLean, VA 22102

EXAMINER
MORRISON, THOMAS A

ART UNIT	PAPER NUMBER
3653	

NOTIFICATION DATE	DELIVERY MODE
12/15/2011	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

FORM PET651G (Rev. 08/07)

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 PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE KOREAN INTELLECTUAL PROPERTY OFFICE (KIPO) AND THE USPTO

Application No:	12/711,578	Filing date:	February 24, 2010
First Named Inventor:	William Dunn		
Title of the Invention:	SYSTEM FOR DISTRIBUTING A PLURALITY OF UNIQUE VIDEO/AUDIO STREAMS		

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/US10/25222

The international filing date of the corresponding PCT application(s) is/are: 24-FEB-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)**

- [x] Is attached.
- [ ] Is not attached because the document is already in the U.S. application.

b. **A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s).**

- [x] Is attached.
- [ ] Is not attached because the document is already in the U.S. application.

c. **English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.**

This collection of information is required by 35 U.S.C. 119, 37 CFR 1.55, and 37 CFR 1.102(d). The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.

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REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM BETWEEN THE KIPO AND THE USPTO

(continued)

Application No.:	12/711,578
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 11/8/2010

(2) Copies of all documents (except) for U.S. patents or U.S. patent application publications)

☐ Are attached.

☑ Have already been filed in the above-identified U.S. application on 11/8/2010

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1	1	Identical
3	5	Removed Multiple Dependency
4	2	Identical
5	3	Identical
7	4	Removed Multiple Dependency
10-11	6-7	Identical
12-13	8-9	Removed Multiple Dependency
14	10	Identical
15	11	Removed Multiple Dependency
16-18	12-14	Identical
19-20	15-16	Removed Multiple Dependency

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 11/28/2011
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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United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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FEB 13 2012

OFFICE OF PETITIONS

STANDLEY LAW GROUP LLP
6300 RIVERSIDE DRIVE
DUBLIN, OH 43017

In re Application of
William Dunn et al.
Application No.: 12/711,578
Filed: February 24, 2010
Attorney Docket No.: MAN2241-052B
Title: System for Distributing a Plurality of Unique Video/Audio Streams

: 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 28, 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.

This request to participate in the PPH program and petition is assessed as follows:

Requirement (3), above, is considered to have been met. However the request to participate in the PPH program fails to meet requirements (1, 2, 4-6).

Regarding requirement (3), applicant has not submitted a copy of the claims from the PCT application that has novelty, inventive step, and industrial applicability. While Applicant has submitted claims with the Request for Participation in the PCT-PPH program (November 28, 2011), some claims are cancelled. This is indicative that the claims of November 28, 2011 are not the same as those filed in the PCT.

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 Joanne Hama at (571) 272-2911 or to 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

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Serial No.:	12/711578	:	
Inventors:	Dunn, et al.	:	
Filed:	February 24, 2010	:	
Examiner:	Not yet assigned	:	
GAU	Not yet determined	:	**RESPONSE TO DENIAL OF PETITION TO MAKE SPECIAL UNDER PPH**
Atty Docket:	MAN 2241-052B	:	

Title: SYSTEM FOR DISTRIBUTING A PLURALITY OF UNIQUE VIDEO/AUDIO STREAMS

This paper is filed in response to the denial of a Petition to Make Special under the PCT-PPH Program between the KIPO and USPTO, which was mailed on February 13, 2012. As this response has been submitted within 30 days of the mailing date of the petition denial, this response is considered to be timely by the Applicant.

This paper has been filed before an Office Action on the merits. A **LISTING OF CLAIMS** begins on page 2, and **REMARKS** begin on page 6.

No fees are believed to be due for excess claims. Please charge any fee deficiency to Deposit Account 19-4076.

LISTING OF CLAIMS

1. (previously amended) A system for distributing a plurality of unique video streams, the system comprising:

a plurality of video sources supplying a stream of video;

a transmitter in electrical communication with the video sources which accepts the video streams and attaches an identifier to each stream;

a control network in electrical communication with the transmitter;

a plurality of receivers in electrical communication with the transmitter, each receiver is associated with an identifier and receives each video stream and selects only the stream with a matching identifier; and

an electronic display associated with each receiver which displays the selected video stream.

2. (cancelled)

3. (previously amended) The system of claim 1 further comprising:

a network hub in electrical communication with the transmitter;

a plurality of receivers in electrical communication with the network hub; and

an electronic display in electrical communication with each receiver.

4. (previously amended) The system of claim 1 wherein:

the transmitter compresses each video stream and multiplexes the compressed streams onto a single data stream.

5. (original) The system of claim 4 wherein:

the receivers demux and decompress the selected video stream prior to sending it to the electronic display.

6. (cancelled)

7. (original) The system of claim 1 wherein:

the electrical communications between the transmitter and receivers are two-way electrical communications.

8.-9. (cancelled)

10. (original) A system for distributing unique video streams, the system comprising:

a first video source supplying a first stream of video;

a second video source supplying a second stream of video;

a transmitter which accepts the video streams, compresses the video streams, attaches a first identifier to the first stream and a second identifier to the second stream, and multiplexes the two compressed streams onto a single cable;

a network hub in electrical communication with the single cable;

a first receiver connected to the network hub with a single cable, the first receiver is associated with the first identifier, demuxes the two compressed streams and decompresses the first stream of video;

a second receiver connected to the network hub with a single cable, the second receiver is associated with the second identifier, demuxes the two compressed streams and decompresses the second stream of video;

a first electronic display which receives the first stream of video from the first receiver; and

a second electronic display which receives the second stream of video from the second receiver.

11. (original) The system of claim 10 further comprising:

a control network in electrical communication with the transmitter.

12. (original) The system of claim 10 wherein:

the single cables are CAT5 cables.

13. (original) The system of claim 10 wherein:

the single cables are CAT6 cables.

14. (original) The system of claim 11 further comprising:

an internet connection in electrical communication with the control network.

15. (original) The system of claim 10 further comprising:

a second network hub in electrical communication with the network hub.

16. (original) A method for distributing unique video streams over a single cable, the method comprising the steps of:

presenting a plurality of unique video sources which supply a stream of video data;

dividing each stream of video data into a plurality of packets;

compressing the packets;

attaching a unique identifier with each packet that corresponds with the unique video source;

multiplexing the packets onto a single cable;

presenting a plurality of receivers, each receiver is associated with one of the unique identifiers;

distributing the packets to a plurality of receivers;

demuxing the packets;

accepting the packets if the identifier for the packet matches the identifier associated with the receiver;

decompressing the accepted packets; and

displaying the decompressed packets.

17. (original) The method of claim 16 wherein:

the distributing step is performed by a network hub.

18. (original) The method of claim 16 wherein:

the packets are multiplexed onto a single CAT5 cable.

19. (original) The method of claim 16 further comprising the step of:

re-scaling a stream of video data prior to dividing it into packets.

20. (original) The method of claim 16 wherein:

the displaying step is performed by liquid crystal displays.

REMARKS

A Petition to Make Special under the PCT-PPH Program between the KIPO and USPTO was filed in this case on November 28, 2011. This petition request was denied as the Applicant failed to submit a copy of the PCT claims with the request. A copy of the PCT claims has been submitted herewith. Applicant asserts that the petition should now be complete and respectfully requests for the petition to be allowed.

Preliminary Amendment

Applicant would like to point out that a Preliminary Amendment was filed with this case along with the Petition to Make Special on November 28, 2011. The claims were amended to correspond identically with the PCT claims, all of which were indicated to have novelty, inventive step, and industrial applicability. Thus, the claim chart which was submitted with the original petition compares the PCT claims to the claims as amended in the Preliminary Amendment, and not the claims as originally filed.

The Applicant respectfully submits that the present application is now in condition for allowance and such action is earnestly requested.

Respectfully submitted,

Dated: March 13, 2012 By: /Tyler S. Dunham, Reg No 60364/

Tyler S. Dunham
Registration No. 60,364
Standley Law Group LLP
6300 Riverside Drive
Dublin, Ohio 43017-5315
Telephone: (614) 792-5555
Facsimile: (614) 792-5536

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	12711594
Filing Date	24-Feb-2010
First Named Inventor	Teruo Sasagawa
Art Unit	2873
Examiner Name	DAWAYNE PINKNEY
Attorney Docket Number	QCO.033C1
Title	SUPPORT STRUCTURE FOR MEMS DEVICE AND METHODS THEREFOR

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	/Seokhyun Yoon/
Name	Seokhyun Yoon
Registration Number	65103

UNITED STATES 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 12,2011

In re Application of :

Teruo Sasagawa

DECISION ON PETITION

UNDER CFR 1.313(c)(2)

Application No : 12711594

Filed : 24-Feb-2010

Attorney Docket No : QCO.033C1

This is an electronic decision on the petition under 37 CFR 1.313(c)(2), filed April 12,2011 , to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED.**

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid in this application cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

This application file is being referred to Technology Center AU 2873 for processing of the request for continuing examination under 37 CFR 1.114 .

Office of Petitions

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Hazen Patent Group, LLC
1534 W. Islandia Dr.
Gillbert AZ 85233

MAILED
APR 18 2011
OFFICE OF PETITIONS

In re Application of	:	
Vladimir Balakin	:	
Application No. 12/711,609	:	NOTICE
Filed: February 24, 2010	:	
Attorney Docket No. PROT0011	:	

This is in response to the paper filed March 10, 2011 under 37 CFR 1.27(c) seeking status as a small entity.

The statement claiming small entity status of March 10, 2011 has been made of record and small entity status has been accorded.

The application file is being forwarded to Technology Center AU 2821 for examination in due course.

/Terri Johnson/
Terri Johnson
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.
12/711,686	02/24/2010	Børge Øllgaard	VWS-38US	1209

26875 7590 08/25/2010
WOOD, HERRON & EVANS, LLP
2700 CAREW TOWER
441 VINE STREET
CINCINNATI, OH 45202

EXAMINER

ART UNIT	PAPER NUMBER
3633	

MAIL DATE	DELIVERY MODE
08/25/2010	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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AUG 25 2010

WOOD, HERRON & EVANS, LLP
2700 CAREW TOWER
441 VINE STREET
CINCINNATI OH 45202

In re application of Ollgaard et al. Application No. 12/711,686 Filed: February 24, 2010 For: FOUNDATION FOR A WIND TURBINE AND A METHOD OF MAKING A FOUNDATION FOR A WIND TURBINE	: : : : : : :	**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 7, 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 DKPTO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the DKPTO 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 DKPTO application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of the Office action from the DKPTO application just prior to the "Decision to Grant a Patent" (e.g., the latest "Notification of Reasons for Refusal") for each of the DKPTO 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 DKPTO examiner in the DKPTO Office action along with copies of documents except U.S. patents or U.S. patent application publications; and

The request to participate in the PPH program 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 as soon as any pre-exam processing has been completed.

Any inquiry regarding this decision should be directed to Mikado Buiz, Quality Assurance Specialist, at (571) 272-6578.

/ Mikado Buiz /

Mikado Buiz,
Quality Assurance Specialist
Technology Center 3600

MB/MB: 8/24/10

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	12711696
Filing Date	24-Feb-2010
First Named Inventor	Yungryel RYU
Art Unit	2814
Examiner Name	SARAH SALERNO
Attorney Docket Number	MOXT-004-CON
Title	Metal Oxide Semiconductor Films, Structures and Methods

◉ Please withdraw me as attorney or agent for the above identified patent application and the practitioners of record associated with Customer Number: 45464

The reason(s) for this request are those described in 37 CFR:

10.40(c)(1)(iv)

Certifications

☒ I/We have given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intend to withdraw from employment

☒ I/We have delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled

☒ I/We have notified the client of any responses that may be due and the time frame within which the client must respond

Change the correspondence address and direct all future correspondence to the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71:

Name	Yungryel Ryu MOXTRONICS, INC.
Address	4439 Ish Drive
City	Simi Valley
State	CA
Postal Code	93063
Country	US

I am authorized to sign on behalf of myself and all withdrawing practitioners.	
Signature	/David Jacobs/
Name	David Jacobs
Registration Number	31770

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JACOBS & KIM LLP
1050 WINTER STREET
SUITE 1000, #1082
WALTHAM, MA 02451-1401

MAILED
JUN 03 2011
OFFICE OF PETITIONS

In re Application	:	
Ryu et al.	:	DECISION ON PETITION
Application No. 12/711,696	:	TO WITHDRAW FROM RECORD
Filed: February 24, 2010	:	
Attorney Docket No. MOXT-004-CON	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed April 8, 2011.

The request is **DISMISSED** because it is moot.

A review of the file record indicates that a duplicate petition under 37 CFR 1.36(b) was filed via Electronic Filing System (EFS) and automatically granted by EFS on May 18, 2011.

Accordingly, the earlier filed request to withdraw under 37 C.F.R. § 1.36(b) is not necessary and hereby moot.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-6059.

A. Kelley Collier

Alicia Kelley-Collier
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P.
1940 DUKE STREET
ALEXANDRIA, VA 22314

MAILED

JAN 19 2011

OFFICE OF PETITIONS

In re Application of	:	
Hikaru Deguchi, et al.	:	
Application No. 12/711,731	:	DECISION GRANTING PETITION
Filed: February 25, 2010	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 355071US2X DIV	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed January 14, 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 December 13, 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 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 2166 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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FOLEY HOAG, LLP
PATENT GROUP, WORLD TRADE CENTER WEST
155 SEAPORT BLVD
BOSTON, MA 02110

MAILED
AUG 01 2011
OFFICE OF PETITIONS

In re Application of	:	
RYAN McGINNIS ET AL.	:	
Application No. 12/711, 759	:	DECISION ON PETITION
Filed: February 24, 2010	:	TO WITHDRAW
Attorney Docket No. **194/0024**	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed July 11, 2011.

The request is **NOT APPROVED** as moot.

A review of the file record indicates that the power of attorney to attorneys/agents associated with Customer Number 25181 has been revoked by the applicants of the patent application on July 22, 2011. Accordingly, the request to withdraw under 37 CFR § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to the undersigned at 571-272-4584.

/JoAnne Burke/
JoAnne Burke
Petitions Examiner
Office of Petitions

cc: LOGINOV & ASSOCIATES, PLLC
10 WATER STREET
CONCORD NH 03301

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

In re Application of
RAMON E. POO

Application No. 12711866

Filed: February 24,2010

Attorney Docket No. 7130-23

: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 20-DEC-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	12/711,866	Confirmation Number	1545	Filing Date	2010-02-24
Attorney Docket Number (optional)	10289-3	Art Unit	3773	Examiner	Unknown
First Named Inventor	POO, Ramon E.				
Title of Invention	KNOT SETTER				

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
Ramon	E.	Poo	

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	/Gregory A. Nelson/	Date (YYYY-MM-DD)	2011-12-20
Name	Gregory A. Nelson	Registration Number	30577

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
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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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Paper No.

MAILED

JUN 16 2011

OFFICE OF PETITIONS

DIEDERIKS & WHITELAW, PLC
13885 HEDGEWOOD DR., SUITE 317
WOODBRIDGE VA 22193

In re Application of :
Mark B. Barron and Michael Hays:
Application No. 12/711,867 :
Filed: February 24, 2010 :
Attorney Docket No. PTS008 :
Title: SYSTEM AND METHOD FOR :
REMOTE ACQUISITION AND DELIVERY:
OF GOODS :

DECISION ON PETITION

This is in response to the petition filed on May 9, 2011, pursuant to 37 C.F.R. § 1.182, requesting the change of the first-named joint inventor. Specifically, Petitioner has requested that the first-named joint inventor be changed from "Mark Baron Bowen" to "Mark B. Barron."

This petition is **GRANTED.**

With this petition, Petitioner has included an executed Supplemental Application Data Sheet (ADS) and the petition fee. Petitioner has further included a "statement signed by the inventor setting forth both names and the procedure whereby the change of name was effected," pursuant to MPEP § 605.04(c).

It is noted that the supplemental ADS cannot be entered, as it has not been properly titled as such.[1] Petitioner should submit an executed Supplemental ADS that is properly titled.

The inventor's name has been changed in the records of the Office to Mark B. Barron.

A corrected filing receipt has been included with this decision.

[1] Pursuant to MPEP § 601.05, any ADS that is submitted to "correct, modify, or augment the original application data, the ADS, even though it is the first-filed ADS, must be titled "Supplemental Application Data Sheet."

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.[2] All other inquiries concerning examination procedures or status of the application should be directed to the Technology Center.

/Paul Shanoski/
Paul Shanoski
Senior Attorney
Office of Petitions

Encl. Corrected Filing Receipt

[2] Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. §1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for Petitioner's further action(s).

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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
12/711,867	02/24/2010	3625	592	PTS008	25	3

CONFIRMATION NO. 1546

CORRECTED FILING RECEIPT

27137
DIEDERIKS & WHITELAW, PLC
13885 HEDGEWOOD DR., SUITE 317
WOODBRIDGE, VA 22193

OC000000048176935

Date Mailed: 06/13/2011

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)

Mark B. Barron, Los Angeles, CA;
Michael Hays, Indian Wells, CA;

Power of Attorney:
Everett Diederiks Jr--33323
Nicholas Whitelaw--36418
Jorie Wilson--57532

Domestic Priority data as claimed by applicant

This appln claims benefit of 61/237,128 08/26/2009

Foreign Applications (You may be eligible to benefit from the **Patent Prosecution Highway** program at the USPTO. Please see http://www.uspto.gov for more information.)

If Required, Foreign Filing License Granted: 03/05/2010

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 12/711,867**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No
**** SMALL ENTITY ****

Title

System and Method for Remote Acquisition and Delivery of Goods

Preliminary Class

705

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at http://www.uspto.gov/web/offices/pac/doc/general/index.html.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, http://www.stopfakes.gov. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as

set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign AssetsControl, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

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: GEVO-016/01US	Application Number (if known): 12/711,919	Filing date: February 24, 2010

First Named Inventor: Matthew W. PETERS

Title: METHODS OF PREPARING RENEWABLE BUTADIENE AND RENEWABLE ISOPRENE

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 May 23, 2011
Name (Print/Typed) William E. Brow	Registration Number 64,209

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.

Attorney Docket No. GEVO-016/01US 310142-2142

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Matthew W. Peters *et al.*	Confirmation No.: 1647
Serial No.: 12/711,919	Group Art Unit: 1796
Filed: February 24, 2010	Examiner: *To be assigned*

For: **METHODS OF PREPARING RENEWABLE BUTADIENE AND RENEWABLE ISOPRENE**

Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PETITION TO MAKE SPECIAL

STATEMENT OF SPECIAL STATUS AND REQUEST TO PARTICIPATE IN THE GREEN TECHNOLOGY PILOT PROGRAM

SIR,

Submitted herewith is a completed USPTO form PTO/SB/420 and a Petition to Make Special Pursuant to the Federal Register Notice of December 8, 2009, Vol. 74, No. 234, pp. 64666-8, to participate in the Green Technology Pilot Program as described in said Notice.

Applicants submit that the application is directed to a single invention that relates to the development of renewable butadiene from fermentation-derived isobutanol rather than butadiene derived from petrochemical sources, and as such, the claimed invention materially contributes to the discovery or development of renewable materials, reduced the need for petroleum-derived materials, and thereby enhances the quality of the environment and provides for a more efficient utilization and conservation of energy resources.

If participation in the Green Technology Pilot Program is granted, Applicants hereby agree to make an election without traverse in a telephonic interview and elect an

invention that meets the eligibility requirement if the Office determines that the claims are not directed to a single invention.

Filed concurrently with this petition is a preliminary amendment in compliance with 37 C.F.R. § 121. Upon entry of the preliminary amendment submitted herewith, the present application will contain no more than three independent claims, no more than twenty total claims, and will not contain any multiple dependent claims.

The Commissioner is hereby authorized to charge any appropriate fees under 37 C.F.R. §§1.16, 1.17, and 1.21 that may be required by this paper, and to credit any overpayment, to Deposit Account No. 50-1283.

Dated: May 23, 2011

Respectfully submitted,
COOLEY LLP

By: _____
William E. Brow, Ph.D.
Reg. No. 64,209

CUSTOMER NO. 58249

COOLEY LLP
ATTN: Patent Group
777 6th Street NW, Suite 1100
Washington, DC 20001
Tel: (202) 842-7800
Fax: (202) 842-7899

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/711,919	02/24/2010	Matthew W. Peters	GEVO-016/01US 310142-2142	1647

58249 7590 06/20/2011
COOLEY LLP
ATTN: Patent Group
Suite 1100
777 - 6th Street, NW
WASHINGTON, DC 20001

EXAMINER
ETHERTON, BRADLEY

ART UNIT	PAPER NUMBER
1772	

MAIL DATE	DELIVERY MODE
06/20/2011	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
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COOLEY LLP
ATTN: Patent Group
Suite 1100
777 - 6th Street, NW
WASHINGTON DC 20001

6/20/11

In re Application of	:	
PETERS, MATTHEW W. et al	:	DECISION ON PETITION
Application No. 12/711,919	:	TO MAKE SPECIAL UNDER
Filed: 02/24/2010	:	THE GREEN TECHNOLOGY
Attorney Docket No.	:	PILOT PROGRAM
GEVO-016/01US 310142-2142		

This is a decision on the petition under 37 CFR 1.102, filed May 23, 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 1772 for action on the merits commensurate with this decision.

/Tom Dunn/

Tom Dunn
Quality Assurance Specialist
Technology Center 1700

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:	12/711,923	Filing date:	February 24, 2010
First Named Inventor:	WILLIAM E. MCKINZIE III		
Title of the Invention:	APPARATUS AND METHOD FOR ELECTROMAGNETIC MODE SUPPRESSION IN MICROWAVE AND MILLIMETERWAVE PACKAGES		

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/US2010/025396

The international filing date of the corresponding PCT application(s) is/are: February 25, 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.

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REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM BETWEEN THE KIPO AND THE USPTO

(continued)

Application No.:	12/711,923
First Named Inventor:	WILLIAM E. MCKINZIE III

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
1-80	1-80	Claims in the PCT application match the claims in the US application except for Claim 26 where a
		typographical error was made in both applications (see Box VII of the written opinion).
		A preliminary amendment accompanies this petition to correct the typographical error.

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature	Date 16.V.11
Name (Print/Typed) Sid Bennett	Registration Number 53,981

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.
12/711,923	02/24/2010	William E. McKinzie III	13050/48	1655

757 7590 06/07/2011
BRINKS HOFER GILSON & LIONE
P.O. BOX 10395
CHICAGO, IL 60610

EXAMINER
WONG, ALAN

ART UNIT	PAPER NUMBER
2817	

MAIL DATE	DELIVERY MODE
06/07/2011	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
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

BRINKS HOFER GILSON & LIONE
P.O. BOX 10395
CHICAGO IL 60610

In re Application of	**: DECISION ON REQUEST TO**
William MCKINZIE III	**: PARTICIPATE IN THE PATENT**
Application No.: 12/711,923	**: PROSECUTION HIGHWAY**
Filed: 24 February 2010	**: PROGRAM AND PETITION**
Attorney Docket No.: 13050/48	**: TO MAKE SPECIAL UNDER**
For: APPARATUS AND METHOD FOR ELECTROMAGNETIC MODE SUPPRESSION ...	**: 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 16 May 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 (1-6) and (8) above are considered to have been met. However, the request to participate in the PPH pilot program and petition fails meet requirement (7).

Regarding the requirement of condition (7), applicant has failed to submit an IDS listing all to documents cited by the PCT examiner and provide copies of the documents. Specifically, applicant has failed to cite and submit JP 2005-033798 and WO 2009/146007. 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 PCT – Patent Pros Hwy. Any preliminary amendments and IDS submitted with the PPH documents must be separately indexed as a preliminary amendment and IDS, respectively.

Telephone inquiries concerning this decision should be directed to Lee W. Young at 571-272-4549.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc/index.html.

Lee W. Young
TQAS Technology Center 2800 - Semiconductors,
Electrical & Optical Systems & Components

PTO/SB/20PCT-KR (06-10)
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REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE KOREAN INTELLECTUAL PROPERTY OFFICE (KIPO) AND THE USPTO

Application No:	12/711,923	Filing date:	February 24, 2010
First Named Inventor:	WILLIAM E. MCKINZIE III		
Title of the Invention:	APPARATUS AND METHOD FOR ELECTROMAGNETIC MODE SUPPRESSION IN MICROWAVE AND MILLIMETERWAVE PACKAGES		

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/US2010/025396

The international filing date of the corresponding PCT application(s) is/are: February 25, 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)**

- [x] Is attached.
- [ ] Is not attached because the document is already in the U.S. application.

b. **A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s).**

- [ ] Is attached.
- [x] Is not attached because the document is already in the U.S. application.

c. **English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.**

This collection of information is required by 35 U.S.C. 119, 37 CFR 1.55, and 37 CFR 1.102(d). The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.

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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.:	12/711,923
First Named Inventor:	WILLIAM E. MCKINZIE III

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.

[X] Have already been filed in the above-identified U.S. application on May 16, 2011

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1-80	1-80	Claims in the PCT application match the claims in the US application except for Claim 26 where a
		typographical error was made in both applications (see Box VII of the written opinion).
		A preliminary amendment accompanies this petition to correct the typographical error.

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature	Date 22 VI, 11
Name (Print/Typed) Sid Bennett	Registration Number 53,981

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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P.O. Box 1450
Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/711,923	02/24/2010	William E. McKinzie III	13050/48	1655

757 7590 06/27/2011
BRINKS HOFER GILSON & LIONE
P.O. BOX 10395
CHICAGO, IL 60610

EXAMINER
WONG, ALAN

ART UNIT	PAPER NUMBER
2817	

MAIL DATE	DELIVERY MODE
06/27/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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P.O. BOX 10395
CHICAGO IL 60610

In re Application of	**: DECISION ON REQUEST TO**
William MCKINZIE III	**: PARTICIPATE IN THE PATENT**
Application No.: 12/711,923	**: PROSECUTION HIGHWAY**
Filed: 24 February 2010	**: PROGRAM AND PETITION**
Attorney Docket No.: 13050/48	**: TO MAKE SPECIAL UNDER**
For: APPARATUS AND METHOD FOR ELECTROMAGNETIC MODE SUPPRESSION ...	**: 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 16 May 2011 and renewed 22 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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Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/711,948	02/24/2010	Robert Chapman	332.1144DIV	1709

23280 7590 11/23/2011
Davidson, Davidson & Kappel, LLC
485 7th Avenue
14th Floor
New York, NY 10018

EXAMINER
AULAKH, CHARANJIT

ART UNIT	PAPER NUMBER
1625	

MAIL DATE	DELIVERY MODE
11/23/2011	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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NOV 23 2011

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Davidson, Davidson & Kappel, LLC
485 7th Avenue
14th Floor
New York NY 10018

In re Application of:	:
Chapman et al.	:
Serial No.: 12/711,948	: PETITION DECISION
Filed: February 24, 2010	:
Attorney Docket No.: **332.1144DIV**	

This is in response to the petition under 37 CFR § 1.59(b), filed November 8, 2011, to expunge information from the above identified application. This application has not been allowed.

Petitioner requests that the Reply to Request for Information under 37 CFR 1.105, and attachment thereto, submitted to the Patent Office on November 8, 2011, be expunged from the record. Petitioner states either: (A) that the information contains trade secret material, proprietary material and/or material that is subject to a protective order which has not been made public; or (B) that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted, and the information has not otherwise been made public. The petition fee set forth in 37 CFR § 1.17(g) has been paid.

This is an examined application which is currently under non-final rejection. As such the information provided has been reviewed, in part, but proceedings in the application have not been terminated. As stated in M.P.E.P. 724, upon allowance or other action closing prosecution in an application, petition may be made for return of Proprietary information. The information cannot be expunged at this time.

The petition is **DISMISSED**. Petitioner may resubmit the petition subsequent to a Notice of Allowability or *ex parte Quayle* action being mailed in the application. No additional petition fee will be required at that time.

Should there be any questions about this decision please contact Marianne C. Seidel by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0584 or by facsimile sent to the general Office facsimile number, 571-273-8300.

/MC Seidel/
Marianne C. Seidel, Quality Assurance Specialist
Technology Center 1600

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/711,971	02/24/2010	Takashi Suzuki	6639P897	1742

8791 7590 11/22/2010
BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP
1279 OAKMEAD PARKWAY
SUNNYVALE, CA 94085-4040

EXAMINER
HAROLD, JEFFEREY F

ART UNIT	PAPER NUMBER
2422	

MAIL DATE	DELIVERY MODE
11/22/2010	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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Alexandria, VA 22313-1450
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MAILED

NOV 22 2010

DIRECTOR OFFICE
TECHNOLOGY CENTER 2400

BLAKELY SOKOLOFF TAYLOR &
ZAFMAN LLP
1279 OAKMEAD PARKWAY
SUNNYVALE CA 94085-4040

In re Application of: Takashi Suzuki
Application No. 12/711,971
Filed: February 24, 2010
For: GRADATION CONTROL APPARATUS AND GRADATION CONTROL METHOD

DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the renewed petition under 37 CFR 1.102(d), filed October 13, 2010, to make the above-identified application special.

The petition is **GRANTED.**

A grantable request to participate in the PPH program and petition to make special require:

(1) The U.S. application is
(a) a Paris Convention application which either (i) validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the JPO, or (ii) validly claims priority to a PCT application that contains no priority claims, or
(b) a national stage application under the PCT (an application which entered the national stage in the U.S. from a PCT international application after compliance with 35 U.S.C. 371), which PCT application (i) validly claims priority to an application filed in the JPO, or (ii) validly claims priority to a PCT application that contains no priority claims, or (iii) contains no priority claim, or
(c) a so-called bypass application filed under 35 U.S.C. 111 (a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application (i) validly claims priority to an application filed in the JPO, or (ii) validly claims priority to a PCT application that contains no priority claims, or (iii) contains no priority claim.

Where the JPO application that contains the allowable/patentable claims is not the same application for which priority is claimed in the U.S. application, applicant must identify the relationship between the JPO application that contains the allowable/patentable claims and the JPO priority application claimed in the U.S. application;

(2) Applicant must submit a copy of:
a. The allowable/patentable claim(s) from the Japanese application(s);
b. An English translation of the allowable/patentable claim(s), if the claims were published in a language other than English); and
c. A statement that the English translation is accurate;

(3) Applicant must:
a. Ensure that all the claims in the U.S. application sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s) and
b. Submit a claim correspondence table in English;

(4) Examination of the U.S. application has not begun;

(5) Applicant must submit:
a. A copy of all the office action(s) (which are relevant to patentability), excluding "Decision to Grant a Patent" from each of the Japanese application(s) containing the allowable/patentable claim(s);
b. An English language translation of the JPO office action(s) (if the office action(s) are not in the English language); and
c. A statement that the English translation is accurate;

(6) Applicant must submit:
a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already filed in this application); and
b. Copies of all the documents cited in the JPO office action, except U.S. patents or U.S. patent application publications (unless already filed in this application).

The request to participate in the PPH program and petition are found to comply with all the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Christopher Grant at 571-272-7294.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc/index.html.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

/Christopher Grant/

Christopher Grant
Quality Assurance Specialist
Technology Center 2400

UNITED STATES PATENT AND TRADEMARK OFFICE

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.
12/711,981	02/24/2010	Yuji Fujiwara	6639P898	1758

8791 7590 03/25/2011
BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP
1279 OAKMEAD PARKWAY
SUNNYVALE, CA 94085-4040

EXAMINER
HWANG, JOON H

ART UNIT	PAPER NUMBER
2447	

MAIL DATE	DELIVERY MODE
03/25/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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www.uspto.gov

BLAKELY SOKOLOFF TAYLOR &
ZAFMAN LLP
1279 OAKMEAD PARKWAY
SUNNYVALE CA 94085-4040

In re Application of: Yuji Fujiwara
Application No. 12/711,981
Filed: February, 24 2010
For: **NETWORK MONITORING APPARATUS AND NETWORK MONITORING METHOD**

DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(d)

MAILED

MAR 25 2011

DIRECTOR OFFICE
TECHNOLOGY CENTER 2400

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the renewed petition under 37 CFR 1.102(d), filed February 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 Japanese application(s);
b. An English translation of the allowable/patentable claim(s), if the claims were published in a language other than English); and
c. A statement that the English translation is accurate;

(3) Applicant must:
a. Ensure that all the claims in the U.S. application sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s) and
b. Submit a claim correspondence table in English;

(4) Examination of the U.S. application has not begun;

(5) Applicant must submit:
a. A copy of all the office action(s) (which are relevant to patentability), excluding "Decision to Grant a Patent" from each of the Japanese application(s) containing the allowable/patentable claim(s);
b. An English language translation of the JPO office action(s) (if the office action(s) are not in the English language); and
c. A statement that the English translation is accurate;

(6) Applicant must submit:
a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already filed in this application); and
b. Copies of all the documents cited in the JPO office action, except U.S. patents or U.S. patent application publications (unless already filed in this application).

The request to participate in the PPH program and petition are found to comply with all the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Christopher Grant at 571-272-7294.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc/index.html.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

/Christopher Grant/

Christopher Grant
Quality Assurance Specialist
Technology Center 2400

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:	12/711,992	Filing date:	February 24, 2010
First Named Inventor:	Michael D. HENRY		
Title of the Invention:	METHODS FOR FABRICATION OF HIGH ASPECT RATIO MICROPILLARS AND NANOPILLARS		

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/US2010/025256

The international filing date of the corresponding PCT application(s) is/are: February 24, 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.

Approved for use through 01/31/2012. OMB 0651-0058
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REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM BETWEEN THE KIPO AND THE USPTO

(continued)

Application No.:	12/711,992
First Named Inventor:	Michael D. HENRY

d. **(1) An information disclosure statement listing the documents cited in the international work products (ISR, WO/ISA, WO/IPEA, IPER) of the corresponding PCT application.**

☐ Is attached

☑ Has already been filed in the above-identified U.S. application on December 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 December 9, 2010

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1	1	Identical
2	2	Identical
3	3	US claim amended to remove dependency on claim 2
4	4	Identical
5	4	US claim 5 is narrower in scope than patentable PCT claim 4
6	4	US claim 6 is narrower in scope than patentable PCT claim 4
7	3	US claim 7 is narrower in scope than patentable PCT claim 3
8	3	US claim 8 is narrower in scope than patentable PCT claim 3
9	3	US claim 9 is narrower in scope than patentable PCT claim 3
10	3	US claim 10 is narrower in scope than patentable PCT claim 3
11	11	Identical
12	1	US claim 12 is narrower in scope than patentable PCT claim 1
13	1	US claim 13 is narrower in scope than patentable PCT claim 1
14	1	US claim 14 is narrower in scope than patentable PCT claim 1
15	1	US claim 15 is narrower in scope than patentable PCT claim 1

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature /Alessandro Steinfl, Reg. No. 56,448/	Date April 29, 2011
Name (Print/Typed) Alessandro Steinfl	Registration Number 56,448

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.
12/711,992	02/24/2010	Michael D. Henry	P508-US	1785

72932 7590 05/24/2011
Steinfl & Bruno
301 N Lake Ave Ste 810
Pasadena, CA 91101

EXAMINER
GURLEY, LYNNE ANN

ART UNIT	PAPER NUMBER
2811	

MAIL DATE	DELIVERY MODE
05/24/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Steinfl & Bruno
301 N Lake Ave Ste 810
Pasadena CA 91101

In re Application of
HENRY et al.
Application No.: 12/711,992
Filed: 24 February 2010
Attorney Docket No.: P508-US
For: METHODS FOR FABRICATION OF HIGH ASPECT RATIO MICROPILLARS AND NANOPILLARS

: 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 29 April 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

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 PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE KOREAN INTELLECTUAL PROPERTY OFFICE (KIPO) AND THE USPTO

Application No:	12/711,995	Filing date:	February 24, 2010
First Named Inventor:	PERRY, David J.		
Title of the Invention:	PRINTED SORBENTS		

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/US2010/054033

The international filing date of the corresponding PCT application(s) is/are:

October 26, 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.

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.:	12/711,995
First Named Inventor:	PERRY, David J.

d. **(1) An information disclosure statement listing the documents cited in the international work products (ISR, WO/ISA, WO/IPEA, IPER) of the corresponding PCT application.**

☐ Is attached

☑ Has already been filed in the above-identified U.S. application on September 1, 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 September 1, 2011

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1-19	1-19	Same

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature	Date September 2, 2011
Name (Print/Typed) Paul A. Leipold	Registration Number 26,664

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.
12/711,995	02/24/2010	David J. Perry	91943.000552	1789

23387 7590 11/02/2011
Stephen B. Salai, Esq.
Harter Secrest & Emery LLP
1600 Bausch & Lomb Place
Rochester, NY 14604-2711

EXAMINER
FORREST, MICHAEL

ART UNIT	PAPER NUMBER
1734	

NOTIFICATION DATE	DELIVERY MODE
11/02/2011	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):

bsalai@hselaw.com
coffen@hselaw.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

WG

November 1, 2011

In re application of	:	DECISION ON REQUEST TO
David Perry et al.	:	PARTICIPATE IN PATENT
Serial No. 12/711,995	:	PROSECUTION HIGHWAY
Filed: February 24, 2010	:	PROGRAM AND
For: PRINTED SORBENTS	:	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 2, 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, KIPO or USPTO;

(2) At least one claim in the PCT application has novelty, inventive step, and industrial applicability and must be free of any observations in Box VIII in the latest work product in the international stage or applicant must identify and explain why the claim(s) is/are not subject to the observation in Box VIII;

(3) Applicant must submit a copy of the claim(s) from the PCT application(s) that have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate, if the claims are not in the English language;

(4) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the claim(s) that have novelty, inventive step, and industrial applicability in the PCT application(s);

(5) Examination of the U.S. application has not begun;

(6) Applicant must submit a copy of the latest international work product from the PCT application indicating that the claim(s) have novelty, inventive step, and industrial applicability along with an English translation thereof if the latest international work

product is not in the English language; and

(7) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

The request to participate in the PPH program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

Any inquiry regarding this decision should be directed to 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

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.
12/712,013	02/24/2010	Yosuke MITSUMASU	SUTSDC.010AUS	1820

7590 09/14/2010
KNOBBE MARTENS OLSON & BEAR LLP
2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE, CA 92614

EXAMINER

ART UNIT	PAPER NUMBER
2189	

NOTIFICATION DATE	DELIVERY MODE
09/14/2010	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

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
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MAILED
OCT 04 2010
OFFICE OF PETITIONS

SCHWEGMAN, LUNDBERG & WOESSNER, P.A.
P.O. BOX 2938
MINNEAPOLIS, MN 55402

In re Application of.	:	
Linden et al.	:	
Application No. 12/712,022	:	NOTICE
Filed: February 24, 2010	:	
Attorney Docket No. 1036.044US3	:	

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 patent application is no longer entitled to small entity status. Accordingly, all future fees paid in this patent must be paid at the large entity rate.

Inquiries related to this communication should be directed to the undersigned at (571) 272-6059.

A. Kelley

Alicia Kelley
Petitions Examiner
Office of Petitions

NGUYEN, KIM

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : July 19, 2011

TO SPE OF : ART UNIT 2894

SUBJECT : Request for Certificate of Correction for Appl. No.: 12/712,024 Patent No.: 7875872

CofC mailroom date: 6/20/11

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

Note: Should the changes be made?

RoChaun Hardwick
Certificates of Correction Branch
571 272-0470

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:
Note your decision on the appropriate box.

- ☒ **Approved** — **All** changes apply.
- ☐ **Approved in Part** — Specify below which changes **do not** apply.
- ☐ **Denied** — State the reasons for denial below.

Comments: The Request for Certificate of Correction filed 6/20/11 has been considered and approved.

/Kimberly Nguyen/ — **SPE**

2894 — **Art Unit**

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/712,045	02/24/2010	Yoshiyuki KAMATA	SUTOSH.547AUS	1888

20995 7590 07/26/2011
KNOBBE MARTENS OLSON & BEAR LLP
2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE, CA 92614

EXAMINER

ART UNIT	PAPER NUMBER
1724	

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):

jcartee@kmob.com
efiling@kmob.com
eOAPilot@kmob.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

JUL 0 5 2011

BC

In re application of Yoshiyuki Kamata et al. Serial No. 12/712,045 Filed: February 24, 2011 Attorney Docket No: SUTOSH.547AUS	: : : : : :	DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a) to make the above-identified application special filed March 22, 2011.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO, note where the JPO application with similar claims is not the same application from which the U.S. application claims priority that the applicant must identify the relationship between the JPO application with similar claims and the JPO priority application;

(2) Applicant must submit a copy of:
   a. The allowable/patentable claim(s) from the JPO application(s) or if a copy of the allowable/patentable claims is available via the Dossier Access System (DAS) applicant may request the USPTO to obtain a copy from DAS; however, if the USPTO is unable to obtain a copy from the DAS, the applicant will be required to submit a copy;
   b. An English translation of the allowable/ patentable claim(s), if applicable; and
   c. A statement that the English translation is accurate, if applicable;

(3) Applicant must:
   a. Ensure all the independent claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s); and
   b. Submit a claims correspondence table in English;

(4) Examination of the U.S. application has not begun;

(5) Applicant must submit:
   a. Documentation of prior office action:

i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claims(s) or
ii. if the allowable/patentable claim(s) are from "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form;
Further, if a copy of the documents from (i) or (ii) is available via the Dossier Access System (DAS), applicant may request the USPO obtain a copy from the DAS; however, if the USPTO is unable to obtain a copy of the DAS, the applicant will be required to submit a copy; and

b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above if applicable; and

(6) Applicant must submit:

a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application)
b. Copies of documents except U.S. patents or U.S. patent application publications (unless already submitted in this application).

The request to participate in the PPH program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

Any inquiry regarding this decision should be directed to Blaine Copenheaver, Quality Assurance Specialist, at (571) 272-1156.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc/index.html.

/Blaine Copenheaver/

Blaine Copenheaver
Quality Assurance Specialist
Technology Center 1700

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:	12/712,069	Filing date:	February 24, 2010
First Named Inventor:	Choe, Senyon		
Title of the Invention:	DESIGNER LIGANDS OF TGF-BETA SUPERFAMILY		

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/US2010/025260

The international filing date of the corresponding PCT application(s) is/are: February 24, 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.

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.:	12/712,069
First Named Inventor:	Choe, Senyon

d. **(1) An information disclosure statement listing the documents cited in the international work products (ISR, WO/ISA, WO/IPEA, IPER) of the corresponding PCT application.**

☐ Is attached

☑ Has already been filed in the above-identified U.S. application on September 21, 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 September 21, 2011

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
12-14	12-14	Claims 12-14 recite features from PCT claims 12-14
17-18	17-18	Claims 17-18 recite features from PCT claims 17-18
22	22	Claim 22 recite features from PCT claim 22
26-27	26-27	Claims 26-27 recite features from PCT claims 26-27
31-33	12	Claims 31-33 recite features from PCT claim 12
34-36	18	Claims 34-36 recite features from PCT claim 18
37-40	13-14 and 18	Claims 37-40 recite features from PCT claims 13-14 and 18
41-43	22	Claims 41-43 recite features from PCT claim 22

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature	Date January 9, 2012
Name (Print/Typed) Brent C. Moore	Registration Number 55,461

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter I of the Patent Cooperation Treaty)

(PCT Rule 44*bis*)

Applicant's or agent's file reference 00024-006WO1	**FOR FURTHER ACTION**	See item 4 below
International application No. PCT/US2010/025260	International filing date *(day/month/year)* 24 February 2010 (24.02.2010)	Priority date *(day/month/year)* 24 February 2009 (24.02.2009)
International Patent Classification (8th edition unless older edition indicated) See relevant information in Form PCT/ISA/237		
Applicant THE SALK INSTITUTE FOR BIOLOGICAL STUDIES		

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 August 2011 (30.08.2011)
The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland Facsimile No. +41 22 338 82 70	Authorized officer Simin Baharlou e-mail: pt09.pct@wipo.int

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

To:
BAKER, Jr., JOSEPH R.

GAVRILOVICH, DODD & LINDSEY LLP 4660 LA JOLLA VILLAGE DRIVE, SUITE 750 SAN DIEGO CA 92122 USA

PCT

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

Date of mailing *(day/month/year)*	**10 NOVEMBER 2010 (10.11.2010)**
Applicant's or agent's file reference 00024-006WO1	**FOR FURTHER ACTION** See paragraph 2 below

International application No.	International filing date *(day/month/year)*	Priority date *(day/month/year)*
PCT/US2010/025260	**24 FEBRUARY 2010 (24.02.2010)**	24 FEBRUARY 2009 (24.02.2009)

International Patent Classification (IPC) or both national classification and IPC

C07K 14/495(2006.01)i, C12N 15/12(2006.01)i, C12N 15/63(2006.01)i, A61K 38/18(2006.01)i

Applicant

THE SALK INSTITUTE FOR BIOLOGICAL STUDIES 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	09 NOVEMBER 2010 (09.11.2010)	CHO, Jeong Han Telephone No.82-42-481-5589

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/US2010/025260

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/US2010/025260

Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability

The questions whether the claimed invention appears to be novel, to involve an inventive step (to be non obvious), or to be industrially applicable have not been examined in respect of:

☐ the entire international application

☒ claims Nos. 19-21, 23-25, 28-30

because:

☒ the said international application, or the said claims Nos. 28-30 relate to the following subject matter which does not require an international search *(specify)*:

The claims of 28-30 pertain to methods for treatment of the human body by therapy and thus relate to a subject matter which this ISA is not required to search under the PCT Art. 17(2)(a)(i) and Rule 39.1(iv) of the Regulations under the PCT.

☒ the description, claims or drawings *(indicate particular elements below)* or said claims Nos. 20, 21, 23-25 are so unclear that no meaningful opinion could be formed *(specify)*:

The claims of 20, 21 and 23-25 are unclear since they are referring to the multiple dependent claim 19.

☐ the claims, or said claims Nos. _____ are so inadequately supported by the description that no meaningful opinion could be formed *(specify)*:

☒ no international search report has been established for said claims Nos. 19-21, 23-25, 28-30

☐ a meaningful opinion could not be formed without the sequence listing; the applicant did not, within the prescribed time limit:

☐ furnish a sequence listing on paper complying with the standard provided for in Annex C of the Administrative Istructions, and such listing was not available to the International Searching Authority in a form and manner acceptable to it.

☐ furnish a sequence listing in electronic form complying with the standard provided for in Annex C of the Administrative Istructions, and such listing was not available to the International Searching Authority in a form and manner acceptable to it.

☐ pay the required late furnishing fee for the furnishing of a sequence listing in response to an invitation under Rule 13ter.1(a) or (b).

☐ See Supplemental Box for further details.

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/US2010/025260

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	2-14,16-18,22,26-27	YES
	Claims	1,15	NO
Inventive step (IS)	Claims	5,11-14,17-18,22,26-27	YES
	Claims	1-4,6-10,15-16	NO
Industrial applicability (IA)	Claims	1-18,22,26-27	YES
	Claims	NONE	NO

2. Citations and explanations :

Reference is made to the following documents:

D1: J. Biological Chemistry, Vol.283, No.7, pp.3782-3790 (KORUPOLU et al.) 15 February 2008
D2: WO 2005-113585 A2 (ACCELERON PHARMA INC. et al.) 01 December 2005
D3: WO 00-20591 A2 (STRYKER CORPORATION) 13 April 2000
D4: WO 2006-047728 A2 (NEW YORK SOCIETY FOR THE RUPTURED AND CRIPPLED MAINTAINING THE HOSPITAL FOR SPECIAL SURGERY et al.) 04 May 2006

The present invention relates to a chimeric polypeptide having TGF-beta activity, nucleic acids encoding the polypeptide, and host cells for producing the polypeptide.

1. Novelty and Inventive Step

1-1. Claims 1, 2-4, 6-10, 15, 16

The subject matter of claim 1 and claim 15 is related to a recombinant polypeptide comprising at least two peptide segments, a first segment comprising a sequence having at least 80% identity to a first TGF-beta family protein and a second segment comprising a sequence having at least 80% identity to a second TGF-beta family protein. Claim 15 simply restricts the property of the recombinant polypeptide as an SMAD and DAXX modulator. However, the subject of claim 15 is considered to be the recombinant polypeptide itself as in the claim 1.

The document of D1, considered to be the closest prior art, provides a chimeric polypeptide which comprises the segments of activin A and BMP proteins, which belong to the family of TGF-beta as in the present invention. Furthermore, the chimeric polypeptide in D1 also reveals the activity of SMAD modulating.

As described above, the recombinant polypeptide in the present invention is already disclosed in the document of D1.

Therefore, the subject matter of claim 1 and 15 in the present invention is not novel and inventive over D1 under the PCT Art. 33(2)&(3).

The dependent claims of 2-4, 6-10 referring the claim 1 and 16 referring the claim 15

(Continued on Supplemental Box)

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/US2010/025260

Box No. VII Certain defects in the international application

The following defects in the form or contents of the international application have been noted:

Claim 19 does not comply with PCT Rule 6.4(a) because it is a multiple dependent claim.

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/US2010/025260

Box No. VIII Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

The claims of 20, 21 and 23-25 are unclear since they are referring to the multiple dependent claim 19.

Supplemental Box

In case the space in any of the preceding boxes is not sufficient.
Continuation of:

Box V

restrict the order and the numbers of the segments which formulate the recombinant polypeptide.

On the other hand, the document of D1 describes the chimeric polypeptides comprising activin A and BMP's consecutively.

In other words, the orders of the recombinant polypeptides described in these claims and D1 are different. However, the order and the numbers of the segments are readily interchangeable by the skilled person in the art according to his interest without undue experiments.

Therefore, it is considered that the subject matter of claims 2-4, 6-10 and 16 is novel but does not involve inventive step over D1 under the PCT Art. 33(2)&(3).

1-2. Claims 5, 11-14, 17, 18, 22, 26, 27

The subject matter of claims 5, 11-14, 17, 18 and 22, basically the dependent claims of the claim 1, further restricts the segments of the recombinant polypeptide, wherein the segments have the amino acids sequences or the nucleotide sequences listed in the description of the present invention.

The subject matter of claims 26 and 27 is related to the method of preparing the recombinant polypeptide or the polypeptide thereof.

On the other hand, no documents listed above (D1-D4) disclose the same of similar amino acid sequences as the sequences listed in the present invention. Moreover, the amino acid sequences in the present invention are not considered to be easily achieved by the skilled person in the art without undue experiments.

Therefore, it is considered that the technical feature of the claims in this section is novel and inventive over D1-D4 under the PCT Art. 33(2)&(3).

2. Industrial Applicability

The subject matter of claims 1-18, 22, 26, 27 in the present invention seems to be industrially applicable under the PCT Article 33(4).

What is claimed is:

1. A recombinant polypeptide comprising:

at least two peptide segments, a first segment of the polypeptide comprising a sequence having at least 80% identity to a first TGF-beta family protein and a second segment comprising a sequence having at least 80% identity to a second TGF-beta family protein or a combination thereof, wherein the segments are operably linked and have activity of at least one of the first or second parental TGF-beta family protein, or activity of new *in vivo* signaling and cellular property.

2. The polypeptide of claim 1, wherein the polypeptide comprises 5 or 6 domains, having the general sequence order of 1-2-3-4-5-6, wherein each domain can be recombined with at least one other domain from at least one other TGF-beta family polypeptide in a sequential order.

3. The polypeptide of claim 2, wherein the polypeptide comprises 5 domains.

4. The polypeptide of claim 2 or 3, wherein domain 3 is only shuffled when at least one other domain is shuffled in a chimeric polypeptide.

5. The polypetpide of claim 2, wherein the domains are as set forth in Table A.

6. The polypeptide of claim 1, wherein the polypeptide comprises an N-terminal segment from BMP-2.

7. The polypeptide of claim 1, wherein the at least two polypeptide segments comprise 6 peptide segments operably linked N- to C-terminal.

8. The polypeptide of claim 7, wherein each of the first and second TGF-beta family proteins have structural similarity and wherein each segment correspondes to a structural motif of the segment.

9. The polypeptide of claim 1, wherein the first TGF-beta family protein is BMP-2 and the second TGF-beta family protein is activin.

10. The polypeptide of claim 7, wherein the first TGF-beta family protein is BMP-2 and the second TGF-beta family protein is activin or other family member.

11. The polypeptide of claim 10, wherein the segments of the BMP-2 protein comprise segment 1: amino acid residue from about 1 to about x_1 of SEQ ID NO:2 ("1b"); segment 2 is from about amino acid residue x_1 to about x_2 of SEQ ID NO:2 ("2b"); segment 3 is from about amino acid residue x_2 to about x_3 of SEQ ID NO:2 ("3b"); segment 4 is from about amino acid residue x_3 to about x_4 of SEQ ID NO:2 ("4b"); segment 5 is from about amino acid residue x_4 to about x_5 of SEQ ID NO:2 ("5b"); and segment 6 is from about amino acid residue x_5 to about x_6 of SEQ ID NO:2 ("6b"); and wherein: x_1 is residue 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, or 35 of SEQ ID NO:2; x_2 is residue 45, 46, 47, or 48 of SEQ ID NO:2; x_3 is residue 65, 66, 67, or 68 of SEQ ID NO:2; x_4 is residue 76, 77, 78, 79, 80, 81 or 82 of SEQ ID NO:2; x_5 is residue 88, 89, 90, 91, 92, 93, or 94 of SEQ ID NO:2; and x_6 is residue 112, 113, or 114 or SEQ ID NO:2, corresponding to the C-terminus of BMP-2; and

wherein the segments of the activin protein comprise segment 1, amino acid residue from about 1 to about x_1 of SEQ ID NO:5 ("1a"); segment 2 is from about amino acid residue x_1 to about x_2 of SEQ ID NO:5 ("2a"); segment 3 is from about amino acid residue x_2 to about x_3 of SEQ ID NO:5 ("3a"); segment 4 is from about amino acid residue x_3 to about x_4 of SEQ ID NO:5 ("4a"); segment 5 is from about amino acid residue x_4 to about x_5 of SEQ ID NO:5 ("5a"); and segment 6 is from about amino acid residue x_5 to about x_6 of SEQ ID NO:5 ("6a"); and wherein: x_1 is residue 22, 23, 24, 25, 26, 27, 28, 29, 30, 31 or 32 of SEQ ID NO:5; x_2 is residue 42, 43, 44, or 45 of SEQ ID NO:5; x_3 is residue 61, 62, 63, or 64 of SEQ ID NO:5; x_4 is residue 78, 79, 80, 81, 82, 83 or 84 of SEQ ID NO:5; x_5 is residue 90, 91, 92, 93, 94, 95 or 96 of SEQ ID NO:5; and x_6 is residue 114, 115, or 116 or SEQ ID NO:5; and

wherein the polypeptide has an order of segment 1-segment 2-segment 3-segment 4-segment 5-segment 6.

12. The polypeptide of claim 10, wherein the polypeptide comprises a sequence of segments selected from the group consisting of 1b2b3b4b5b6a; 1b2b3b4b5a6a; 1b2b3b4b5a6b; 1b2b3a4a5a6a; 1b2b3a4a5b6a; 1b2a3a4a5a6a; 1b2a3a4a5a6a L66V/V67I; 1b(1a_II)2a3a4a5a6a; 1b2a3a4a5a6b; 1b2a3a4a5b6b; 1b2a3a4a5b6a; 1b2a3b4b5b6a; 1b2a3b4b5a6a; and 1b2a3b4b5a6b.

13. The polypeptide of claim 1, wherein the polypeptide comprises 80%, 90%, 95%, 98% or 99% identity to a sequence as set forth in SEQ ID NO:7, 9, 11, 13, 15, 17, 19, 1, 23, 25, 2, 29, 31, 33, 35, 37, 39 or 41 and wherein the polypeptide modulates the SMAD or DAXX pathway.

14. The polypeptide of claim 13, wherein the polypeptide comprises a sequence selected from the group consisting of SEQ ID NO:7, 9, 11, 13, 15, 17, 19, 1, 23, 25, 2, 29, 31, 33, 35, 37, 39 and 41.

15. A chimeric TGF-beta family polypeptide comprising a segment of a first TGF-beta family protein operably linked to a segment of a second different TGF-beta family protein to provide a chimeric polypeptide having SMAD or DAXX modulating activity.

16. The polypeptide of claim 15, wherein the first TGF-beta family protein is BMP-2 and the second TGF-beta family protein is activin.

17. The polypeptide of claim 16, wherein the segments of the BMP-2 protein comprise segment 1: amino acid residue from about 1 to about x_1 of SEQ ID NO:2 ("1b"); segment 2 is from about amino acid residue x_1 to about x_2 of SEQ ID NO:2 ("2b"); segment 3 is from about amino acid residue x_2 to about x_3 of SEQ ID NO:2 ("3b"); segment 4 is from about amino acid residue x_3 to about x_4 of SEQ ID NO:2 ("4b"); segment 5 is from about amino acid residue x_4 to about x_5 of SEQ ID NO:2 ("5b"); and segment 6 is from about amino acid residue x_5 to about x_6 of SEQ ID NO:2 ("6b"); and wherein: x_1 is residue 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, or 35 of SEQ ID NO:2; x_2 is residue 45, 46, 47, or 48 of SEQ ID NO:2; x_3 is residue 65, 66, 67, or 68 of SEQ ID NO:2; x_4 is residue 76, 77, 78, 79, 80,

81 or 82 of SEQ ID NO:2; x_5 is residue 88, 89, 90, 91, 92, 93, or 94 of SEQ ID NO:2; and x_6 is residue 112, 113, or 114 or SEQ ID NO:2, corresponding to the C-terminus of BMP-2; and

wherein the segments of the activin protein comprise segment 1, amino acid residue from about 1 to about x_1 of SEQ ID NO:5 ("1a"); segment 2 is from about amino acid residue x_1 to about x_2 of SEQ ID NO:5 ("2a"); segment 3 is from about amino acid residue x_2 to about x_3 of SEQ ID NO:5 ("3a"); segment 4 is from about amino acid residue x_3 to about x_4 of SEQ ID NO:5 ("4a"); segment 5 is from about amino acid residue x_4 to about x_5 of SEQ ID NO:5 ("5a"); and segment 6 is from about amino acid residue x_5 to about x_6 of SEQ ID NO:5 ("6a"); and wherein: x_1 is residue 22, 23, 24, 25, 26, 27, 28, 29, 30, 31 or 32 of SEQ ID NO:5; x_2 is residue 42, 43, 44, or 45 of SEQ ID NO:5; x_3 is residue 61, 62, 63, or 64 of SEQ ID NO:5; x_4 is residue 78, 79, 80, 81, 82, 83 or 84 of SEQ ID NO:5; x_5 is residue 90, 91, 92, 93, 94, 95 or 96 of SEQ ID NO:5; and x_6 is residue 114, 115, or 116 or SEQ ID NO:5; and

wherein the polypeptide has an order of segment 1-segment 2-segment 3-segment 4-segment 5-segment 6.

18. The polypeptide of claim 16, wherein the polypeptide comprises a sequence of segments selected from the group consisting of 1b2b3b4b5b6a; 1b2b3b4b5a6a; 1b2b3b4b5a6b; 1b2b3a4a5a6a; 1b2b3a4a5b6a; 1b2a3a4a5a6a; 1b2a3a4a5a6a L66V/V67I; 1b(1a_II)2a3a4a5a6a; 1b2a3a4a5a6b; 1b2a3a4a5b6b; 1b2a3a4a5b6a; 1b2a3b4b5b6a; 1b2a3b4b5a6a; and 1b2a3b4b5a6b.

19. A polynucleotide encoding a polypeptide of claim 1 or 15.

20. The polynucleotide of claim 19, wherein the polynucleotide comprises sequences from a plurality of TGF-beta family polynucleotides operably linked to encode a functional chimeric polypeptide having SMAD or DAXX modulating activity.

21. A polynucleotide encoding a polypeptide of claim 20.

22. A polynucleotide comprising a sequence selected from the group consisting of 6, 8, 10, 12, 14, 16, 18, 20, 22, 24, 26, 28, 30, 32, 24, 26, 28, and 40.

23. A vector comprising a polynucleotide of claim 21 or 22.

24. A host cell comprising the vector of claim 23.

25. A host cell comprising a polynucleotide of claim 21 or 22.

26. A method of producing a chimeric TGF-beta polypeptide comprising

(a) aligning the sequences of at least two TGF-beta family member proteins;

(b) identifying structurally related domains of the at least two family member proteins;

(c) identifying points of cross-over of the at least two TGF-beta proteins comprising regions at either or both ends of the structurally related domains and wherein the regions comprise at least 80%, 95%, 98%, 99% or 100% sequence identity over at least 5 consecutive amino acids;

(d) generating a chimeric TGF-beta polypeptide comprising at least one domain from a first TGF-beta family member protein and at least one domain from a second TGF-beta family member protein wherein the domains are linked at the points of cross-over; and

(e) assaying the chimeric TGF-beta polypeptide for type 1 and type II ligand binding capacity.

27. A chimeric polypeptide produced from the method of claim 26.

28. A method of modulating cell proliferation or activity associated with the Smad or DAXX pathway comprising contacting a cell with a chimeric polypeptide of claim 1, 15 or 27.

29. A method of treating a disease or disorder associated with bone, cartilage, neurological tissue, cardiac tissue, skeletal muscle or endocrine tissue comprising contacting the tissue with a chimeric polypeptide of claim 1, 15, or 27.

30. A method of treating a cell proliferative disease or disorder comprising contacting a cell having the cell proliferative disease or disorder with a chimeric polypeptide of claim 1, 15, or 27.

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2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE CA 92614

MAILED
APR 09 2012
OFFICE OF PETITIONS

In re Application of
CHOE et al.
Application No.: 12/712,069
Filed: February 24, 2010
Attorney Docket No.: JCBIO.001A
For: DESIGNER LIGANDS OF TGF-BETA SUPERFAMILY

: DECISION ON REQUEST TO
: PARTICIPATE IN THE PATENT
: PROSECUTION HIGHWAY
: PROGRAM AND PETITION
: TO MAKE SPECIAL UNDER
: 37 CFR 1.102(a)

This is a decision on the request to participate in the PCT Patent Prosecution Highway (PCT-PPH) pilot program and the petition under 37 CFR 1.102(a), filed on January 9, 2012, to make the above-identified application special.

The request and petition are **DISMISSED**.

Discussion

A grantable request to participate in the PCT-PPH pilot program and petition to make special require:

(1) The U.S. application must have an eligible relationship to one or more PCT applications where the ISA or IPEA are the JPO, EPO, KIPO, NPI, NBPR, RUSSIA, SPAIN, SWEDEN, CHINA, AUSTRALIA, AUSTRIA or USPTO;

(2) At least one claim in the PCT application has novelty, inventive step, and industrial applicability and must be free of any observations in Box VIII in the latest work product in the international stage or applicant must identify and explain why the claim(s) is/are not subject to the observation in Box VIII;

(3) Applicant must submit a copy of the claim(s) from the PCT application(s) that have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate, if the claims are not in the English language;

(4) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the claim(s) that have novelty, inventive step, and industrial applicability in the PCT application(s);

(5) Examination of the U.S. application has not begun;

(6) Applicant must submit a copy of the latest international work product from the PCT application indicating that the claim(s) have novelty, inventive step, and industrial applicability along with an English translation thereof.

(7) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

(8) Applicant is required to submit a claims correspondence table in English which indicates how all the claims in the U.S. application correspond to the claims indicated as having novelty, inventive step and industrial applicability in the latest international work product.

Requirements (1-6), and (8) above are considered to have been met. However, the request to participate in the PPH pilot program and petition fail to meet requirement (7).

Regarding the requirement of condition (7), applicant has failed to provide all the copies of the references cited in the PCT Written Opinion of the International Search Authority. Therefore, the request cannot be granted at this time.

Applicant is given **ONE** opportunity within a time period of **ONE MONTH or THIRTY DAYS**, whichever is longer, from the mailing date of this decision to correct the deficiencies. **NO EXTENSION OF TIME UNDER 37 CFR 1.136 IS PERMITTED.** If the deficiencies are not corrected with the time period given, the application will await action in its regular turn.

Response must be filed via the Electronic Filing System (EFS) using the document description: Petition to make special under PCT – Patent Pros Hwy. Any preliminary amendments and IDS submitted with the PPH documents must be separately indexed as a preliminary amendment and IDS, respectively.

Telephone inquiries concerning this decision should be directed to JoAnne Burke at 571-272-4584.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc/index.html.

Andrea Smith
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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DICKINSON WRIGHT, PLLC
1875 Eye Street, NW
Suite 1200
WASHINGTON, DC 20006

MAILED

AUG 05 2010

OFFICE OF PETITIONS

In re Application of	:	
Ming Yang, et. al.	:	DECISION REFUSING STATUS
Application No. 12/712,079	:	UNDER 37 CFR 1.47(a)
Filed: February 24, 2010	:	
Attorney Docket No. 39062-00064	:	

This is in response to the petition under 37 CFR 1.47(a), filed May 26, 2010.

The petition is **dismissed**.

Rule 47 applicant is given **TWO MONTHS** from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition under 37 CFR 1.47(a)," and should only address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventor. **FAILURE TO RESPOND WILL RESULT IN ABANDONMENT OF THE APPLICATION.** Any extensions of time will be governed by 37 CFR 1.136(a).

A grantable petition under 37 CFR 1.47(a) requires: (1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings); (2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116; (3) the petition fee; and (4) a statement of the last known address of the non-signing inventor. Applicant lacks items (1) and (4) 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 Ming Yang, Fangyi She and Guofang Sheng, such that the declaration can be accepted under 37 CFR 1.47(a). Where inability to find or locate a named inventor(s) is alleged,

a statement of facts should be submitted that fully describes the exact facts which are relied on to establish that a *diligent effort* was made to locate the inventor.

Petitioner states, "After several attempts to reach the inventors by email, on February 20, 2010, Ms. Levin sent a separate letter via registered mail to the last known address of Mr. Ming Yang, Mr. Fangyi She and Mr. Guofang Sheng. Copies of the letter, along with the tracking information and returned receipts (in Chinese and English) are attached. Included with the letter were copies of the application, declaration and assignment documents. As of the filing date of this Petition, Ms. Levin has not received a response to the letter."

Even though documents were mailed to Mr. Ming, Mr. She and Mr. Sheng's the last known place of employment, the record fails to show that application papers were ever mailed to the last known home address. Thus, petitioner has not demonstrated that all efforts were expended in trying to locate non-signing inventors Ming, She and Sheng.

Petitioner should, at the very least, conduct a search of the regional or national registry(s). The results of such search should be made in any future petition for reconsideration. *See* MPEP 409.03(d). Additionally, petitioner should state whether he/someone at the last known place of employment has access to the nonsigning inventors' personnel records and, if so, what does inspection of the records reveal as to a current address, forwarding address, or an address of the nearest living relative? What does inspection of the phone directories for those address locations reveal? Further, the petition fails to indicate that correspondence was ever mailed unsuccessfully to the last known address. Therefore, at the very least, petitioner should mail correspondence to the Mr. Ming, Mr. She and Mr. Sheng'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 their 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.

Additionally, a review of the record discloses that even though petitioner presented the Office with a copy of an email from Mr. Ming, which suggests refusal on his part, it is unclear whether or not Mr. Ming was presented with the application papers for the above application. Also, Mr. Ming's possible refusal does not imply that inventors She and Sheng refuse to join the above application. Therefore, before it can be determined

if inventors Ming, She and Sheng refuse/cannot be located to join this application, the application papers must be presented to them.

Petitioner is reminded that MPEP § 409.03(d)(II) states: 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 inventors, or, if the nonsigning inventors is represented by counsel, to the address of the nonsigning inventor's attorney. The fact that an application may contain proprietary information does not relieve the 37 CFR 1.47 applicant of the responsibility to present the application papers to the inventors if the inventors are willing to receive the papers in order to sign the oath or declaration. It is noted that the inventors may obtain a complete copy of the application, unless the inventors have assigned his or her interest in the application, and the assignee has requested that the inventors not be permitted access. See MPEP § 106. It is reasonable to require that the inventors be presented with the application papers before a petition under 37 CFR 1.47 is granted since such a procedure ensures that the inventors are apprised of the application to which the oath or declaration is directed. In re Gray, 115 USPQ 80 (Comm'r Pat. 1956).

In view of the above, Rule 47 applicant must present inventors Ming, She and Sheng with the application papers for the above application or provide the Office with evidence that the application papers were presented to each of them in which they refused; and therefore, failed to sign the declaration for the above application.

Also, petitioner provided the Office with what appears to be certified mail receipts to show that the nonsigning inventors refuse to join the application. However, since it is unclear who signed for the packages and the certified mail receipts are in a language other than English, a translation of such must be provided.

Where there is an express or oral refusal, that fact, along with the time and place of the refusal, must be stated in an affidavit or declaration by the party to whom the refusal was made. Where there is a written refusal, a copy of the document(s) evidencing that refusal must be made part of the affidavit or declaration.

When it is concluded by the rule 47 applicant that an omitted inventor's conduct constitutes a refusal, all facts upon which that conclusion is based should be stated in an affidavit or declaration. If there is documentary evidence to support facts alleged in the affidavit or declaration, such evidence must be submitted.

Whenever an omitted inventor gives a reason for refusing to sign the application oath or declaration, that reason should be stated in the affidavit or declaration.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop PETITIONS
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By hand: Customer Service Window
Mail Stop Petitions
Randolph Building
40I Dulany Street
Alexandria, VA 22314

By fax: (571) 273-8300
ATTN: Office of Petitions

Telephone inquiries should be directed to the undersigned at (571) 272-3226.

Andrea Smith
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. Box 1450
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DICKINSON WRIGHT, PLLC
1875 Eye Street, NW
Suite 1200
WASHINGTON, DC 20006

MAILED

JAN 04 2011

OFFICE OF PETITIONS

In re Application of Ming Yang, et. al. Application No. 12/712,079 Filed: February 24, 2010 Attorney Docket No. 39062-00064	: : : : :	DECISION GRANTING STATUS UNDER 37 CFR 1.47(a)

This is in response to the renewed petition under 37 CFR 1.47(a), filed December 6, 2010.

The petition is **GRANTED**.

Petitioner has shown that the non-signing inventors Ming Yang, Fangyi She and Guofang Sheng refuse to join in the filing of the above-identified application.

The application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

As provided in 37 CFR 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3226.

Andrea Smith
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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Fangyi She
Academy of Broadcasting Science, SARFT
No. 2 Fuxingmenwai Ave 1206B
100045
P.R. **CHINA**

MAILED

JAN 04 2011

OFFICE OF PETITIONS

In re Application of
Ming Yang, et. al.
Application No. 12/712,079
Filed: February 24, 2010
For: EFFICIENT FRAME STRUCTURE FOR DIGITAL SATELLITE COMMUNICATION

Dear Mr. She:

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 the undersigned at (571) 272-3226. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to the Certification Division at (571) 272-3150 or 1 (800) 972-6382 (outside the Washington, DC area).

Andrea Smith
Petitions Examiner
Office of Petitions

cc: DICKINSON WRIGHT, PLLC
1875 Eye Street, NW
Suite 1200
WASHINGTON, DC 20006

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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No. 2 Fuxingmenwai Ave 1206B
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P.R. **CHINA**

MAILED

JAN 04 2011

OFFICE OF PETITIONS

In re Application of
Ming Yang, et. al.
Application No. 12/712,079
Filed: February 24, 2010
For: EFFICIENT FRAME STRUCTURE FOR DIGITAL SATELLITE COMMUNICATION

Dear Mr. Sheng:

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 the undersigned at (571) 272-3226. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to the Certification Division at (571) 272-3150 or 1 (800) 972-6382 (outside the Washington, DC area).

Andrea Smith
Petitions Examiner
Office of Petitions

cc: DICKINSON WRIGHT, PLLC
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WASHINGTON, DC 20006

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P.R. **CHINA**

MAILED

JAN 04 2011

OFFICE OF PETITIONS

In re Application of
Ming Yang, et. al.
Application No. 12/712,079
Filed: February 24, 2010
For: EFFICIENT FRAME STRUCTURE FOR DIGITAL SATELLITE COMMUNICATION

Dear Mr. Yang:

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 the undersigned at (571) 272-3226. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to the Certification Division at (571) 272-3150 or 1 (800) 972-6382 (outside the Washington, DC area).

Andrea Smith
Petitions Examiner
Office of Petitions

cc: DICKINSON WRIGHT, PLLC
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WASHINGTON, DC 20006

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MORRISON & FOERSTER, LLP
555 West Fifth Street
Suite 3500
Los Angeles, CA 90013-1024

MAILED
MAY 1 8 2011
OFFICE OF PETITIONS

In re Application of	:	
Jeffrey Jon Zamowski, et al.	:	
Application No. 12/712,146	:	DECISION ON PETITION
Filed: February 24, 2010	:	TO WITHDRAW
Attorney Docket No. 577052000220	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed April 5, 2011.

The request is **NOT APPROVED** because it is moot.

A review of the file record indicates that the power of attorney to Morrison & Foerster, LLP has been revoked by the assignee of the patent application on April 19, 2011. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to Terri Johnson at 571-272-2991.

/Terri Johnson/
Terri Johnson
Petitions Examiner
Office of Petitions

cc: **CONNOLLY BOVE LODGE & HUTZ, LLP**
P.O. Box 2207
Wilmington, DE 19899

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.
12/712,342	02/25/2010	Masami MORIMOTO	355067US2 TTC	2499

7590 02/18/2011
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P.
1940 DUKE STREET
ALEXANDRIA, VA 22314

EXAMINER
WU, XIAO MIN

ART UNIT	PAPER NUMBER
2628	

NOTIFICATION DATE	DELIVERY MODE
02/18/2011	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.

Mimi Farmer

Patent Publication Branch
Office of Data Management

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4800 IDS CENTER
80 SOUTH 8TH STREET
MINNEAPOLIS MN 55402-2100

MAILED
MAR 24 2011
OFFICE OF PETITIONS

In re Application of	:	
Jay Dittmer et al.	:	
Application No. 12/712,357	:	ON PETITION
Filed: February 25, 2010	:	
Attorney Docket No. 3156.132WOUS02	:	

This is a decision regarding your request under 37 CFR 1.28. for acceptance of a fee deficiency submission and loss of small entity status filed February 17, 2011.

On September 1, 1998, the Court of Appeals for the Federal Circuit held that 37 CFR 1.28(c) is the sole provision governing the time for correction of the erroneous payment of the issue fee as a small entity. See DH Technology v. Synergystex International, Inc.. 154 F.33d 1333, 47 USPQ2d 1865 (Fed. Cir. Sept. 1, 1998).

The Office no longer investigates or rejects original or reissue applications under 37 CFR 1.56. 1098 Off. Gaz. Pat. Office 502 (January 3, 1989). Therefore nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission in the amount of $874, under 37 CFR 1.28, is hereby accepted and the petition is **GRANTED**. Status as a small entity has also been removed.

Inquiries related to this communication should be directed to the Office of Petitions Staff at (571) 272-3282.

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

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80 SOUTH 8TH STREET
MINNEAPOLIS, MN 55402-2100

MAILED

NOV 14 2011

OFFICE OF PETITIONS

In re Application of	:	
Jay Dittmer, et al.	:	
Application No.: 12/712,357	:	ON PETITION
Filed: February 25, 2010	:	
Attorney Docket No.: 3156.132WOUS02	:	

This is a decision on the petition, filed November 8, 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 October 26, 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 relating to this decision should be directed to the undersigned at (571) 272-3204.

The application is being referred to Technology Center AU 2835 for further processing of the request for continued examination and for consideration of the concurrently filed Information Disclosure Statement (IDS).

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

[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

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

STEVEN L. RINEHART
50 W. BROADWAY
SUITE 1200
SALT LAKE CITY, UT 84101

MAILED

APR 13 2011

OFFICE OF PETITIONS

In re Application of	:	
Coby Neuenschwander	:	
Application No. 12/712,381	:	ON PETITION
Filed: February 25, 2010	:	
Attorney Docket No.: 2009.12.28u	:	

This is a decision on the petition, filed February 11, 2011, under the provisions of 37 CFR 1.181 (no fee) requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration of this decision should be filed within two (2) months from the mail date of this decision. *Note* 37 CFR 1.181(f). The request for reconsideration should include a cover letter and be entitled as a "Renewed Petition under 37 CFR 1.181 to Withdraw the Holding of Abandonment."

This application was held abandoned for failure to timely reply to a to the Notice to File Missing Parts of Nonprovisional Application (Notice), mailed March 11, 2010, which set a two- month period for reply. A Notice of Abandonment was mailed on November 24, 2010.

Petitioner asserts that upon a search of the electronic and physical files, there is no indication that the Notice of March 11, 2010 was received. In support, petitioner provides an explanation of his docketing system and provides a copy a docket record in the form of a calendar page dated April 24, 2010. Lastly, petitioner provides a letter dated December 23, 2010 from the Postmaster of the US Postal Service, Kaysville, Utah 84037 indicating that some of the mail for Steven Rinehart was returned by the mail carrier in early 2010.

A review of the application file reveals no irregularities in the mailing of the Notice of March 11, 2010. Thus, there is a strong presumption that the correspondence was properly mailed to the applicant at the correspondence address of record. In the absence of demonstrated irregularities in mailing of this Notice, petitioner must submit evidence to overcome this presumption. The following showing is required:

> 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 two 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 two 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 evidence presented by applicant is insufficient to withdraw the holding of abandonment in accordance with the procedures set for at MPEP 711.03(c). Specifically, the petition fails to include a copy of the master docket report showing all replies docketed for a date two months from the mail date of the non-received Notice. The "master docket" record submitted is dated April 24, 2010, which is **not** a date two months from the March 11, 2010 mail date of the Notice.

Absent the required evidence to establish non-receipt of the Notice of March 11, 2010, 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 required petition fee and reply.

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).

Further correspondence with respect to this matter should be delivered through one of the following mediums:

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[1]

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3204.

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

[1] www.uspto.gov/ebc/efs_help.html (for help using EFS-Web call the Patent Electronic Business Center at (866) 217-9197)

UNITED STATES PATENT AND TRADEMARK OFFICE

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www.uspto.gov

STEVEN L. RINEHART
50 W. BROADWAY
SUITE 1200
SALT LAKE CITY, UT 84101

MAILED
JUN 30 2011
OFFICE OF PETITIONS

In re Application of	:	
Coby Neuenschwander	:	
Application No. 12/712,381	:	DECISION ON PETITION
Filed: February 25, 2010	:	
Attorney Docket No.: 2009.12.28u	:	

This is a decision on the renewed petition, filed June 16, 2011, 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 reply to a Notice to File Missing Parts of Nonprovisional Application mailed March 11, 2010, which set a two-month period for reply. On February 11, 2011, a petition under 37 CFR 1.181 was filed; however, the petition was dismissed in a decision mailed April 13, 2011. In response, on June 16, 2011, the present petition was filed.

On reconsideration, the petition establishes non-receipt of the Notice in compliance with the procedures set for at MPEP 711.03(c).

In view of the above, the Notice of Abandonment mailed November 24, 2010 is hereby vacated and the holding of abandonment withdrawn.

This application is being referred to the Office of Patent Application Processing (OPAP) for **re-mailing** the Notice of March 11, 2010. The period for reply will run from the mailing date of the Notice.

Telephone inquires related to this decision should be directed to the undersigned at (571) 272-3204. Telephone inquiries related to processing at OPAP should be directed to their hotline at (571) 272-4000.

/SDB/

Sherry D. Brinkley
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.
12/712,441	02/25/2010	Mayumi Komatsu	2010_0276A	2689

52349 7590 02/01/2011
WENDEROTH, LIND & PONACK L.L.P.
1030 15th Street, N.W.
Suite 400 East
Washington, DC 20005-1503

EXAMINER
MARC, MCDIEUNEL

ART UNIT	PAPER NUMBER
3664	

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):

ddalecki@wenderoth.com
eoa@wenderoth.com

UNITED STATES PATENT AND TRADEMARK OFFICE

JAN 31 2011

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

WENDEROTH, LIND & PONACK L.L.P.
1030 15th Street, N.W.
Suite 400 East
Washington DC 20005-1503

In re application of Komatsu et al. Application No. 12/712,441 Filed: February 25, 2010 For: ROBOT, CONTROLLING DEVICE AND CONTROLLING METHOD FOR ROBOT, AND CONTROLLING PROGRAM FOR ROBOT-CONTROLLING DEVICE	: **DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(a)**

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed September 28, 2010, to make the above-identified application special.

The request and petition are **DISMISSED as MOOT**.

A grantable request to participate in the PPH program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO,
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of the latest Office action from each of the JPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;
(6) Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO Office action along with copies of documents except U.S. patents or U.S. patent application publications.

The request to participate in the PPH pilot is not grantable as per item (4) above in that examination of the U.S. application has already begun. A non-final rejection was mailed January 26, 2011.

No time period for reply to this decision is available since an Office action on the merits has already been mailed.

Any inquiry regarding this decision should be directed to Mikado Buiz, Quality Assurance Specialist, at (571) 272-6578.

/ Mikado Buiz /

Mikado Buiz,
Quality Assurance Specialist
Technology Center 3600

BM/BM: 01/28/11

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SABIC AMERICAS, INC.
1600 INDUSTRIAL BLVD.
SUGAR LAND TX 77478

MAILED

NOV 09 2010

OFFICE OF PETITIONS

In re Application of	:	
Kauffman, Liang, Cai, and Linzer	:	
Application No. 12/712,481	:	Decision According Status
Filed: February 25, 2010	:	Under 37 CFR 1.47(a)
Attorney Docket No. STC-06-0009	:	
For: Method of Making Heteropoly Acid	:	
Compound Catalysts	:	

This is a decision on the petition under 37 CFR 1.47(a) filed September 23, 2010.

The petition is **granted**.

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 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.

Technology Center Art Unit 1793 will be informed of the instant decision to ensure the Art Unit is aware the pending petition has been decided and that the application is in condition to be docketed to an examiner and examined in due course.

Telephone inquiries regarding this communication should be directed to Petitions Attorney Steven Brantley at (571) 272-3203.

Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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.
12/712,517	02/25/2010	Hiroshi INOUE	MNL-2018-2466	2852

23117 7590 10/11/2011
NIXON & VANDERHYE, PC
901 NORTH GLEBE ROAD, 11TH FLOOR
ARLINGTON, VA 22203

EXAMINER
KRAMER, DEVON C

ART UNIT	PAPER NUMBER
3746	

MAIL DATE	DELIVERY MODE
10/11/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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NIXON & VANDERHYE, PC
901 NORTH GLEBE ROAD, 11TH FLOOR
ARLINGTON VA 22203

In re Application of	:	
INOUE, HIROSHI	:	DECISION ON REQUEST TO
Application No. 12/712,517	:	PARTICIPATE IN PATENT
Filed: February 25, 2010	:	PCT/PROSECUTION HIGHWAY
Attorney Docket No. MNL-2018-2466	:	PROGRAM AND PETITION
For: DAMPER DEVICE, HIGH PRESSURE	:	TO MAKE SPECIAL UNDER
PUMP HAVING THE SAME AND	:	37 CFR 1.102(a)
MANUFACTURING METHOD OF THE SAME		

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed October 03, 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 Devon Kramer SPE of Art Unit 3746, and 571-272-7118 for Class 417 and also accessible in the PAIR system at http://www.uspto.gov/ebc.index.html.

Petition is **granted**.

/Henry C. Yuen/

Henry C. Yuen, Special Programs Examiner
Technology Center 3700 – Mechanical Engineering,
Manufacturing and Products
571-272-4856

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450

Leydig, Voit & Mayer, Ltd
(for Huawei Technologies Co., Ltd)
Two Prudential Plaza Suite 4900
180 North Stetson Avenue
Chicago IL 60601

MAILED
MAR 12 2012
OFFICE OF PETITIONS

In re Application of : DECISION ON REQUEST TO
Maarten VISSERS et al. : PARTICIPATE IN PPH PROGRAM
Application No. 12/712,675 : AND PETITION TO MAKE SPECIAL
Filed: February 25, 2010 : UNDER 37 CFR 1.102(a)
Atty. Docket No.: HW706086 :
For: METHOD AND APPARATUS FOR MAPPING AND DE-MAPPING IN AN OPTICAL TRANSPORT NETWORK

This is a decision on the renewed request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed February 15, 2012 to make the above-identified application special.

The petition and request are **GRANTED**.

A grantable request to participate in the PPH (patent prosecution highway) program and petition to make special require:

(1) the U.S. application is a Paris Convention application which either validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the SIPO (The State Intellectual Property Office of the P.R.C.) 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 SIPO 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 SIPO 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 SIPO 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 SIPO 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 SIPO 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 SIPO examiner in the SIPO office action along with copies of documents except U.S. patents or U.S. patent application publications.

The request to participate in the PPH program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Robert DeWitty, Petition Attorney, Office of Petitions at 571-272-8427.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc/index.html.

This application will be forwarded to Technology Center Art Unit 2464 for action commensurate with this decision.

David Bucci
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

RATNERPRESTIA
P.O. BOX 980
VALLEY FORGE, PA 19482

MAILED

NOV 04 2011

OFFICE OF PETITIONS

In re Patent of Arnold et al.	:	
Patent No. 8,012,439	:	
Issue Date: September 6, 2011	:	
Application No. 12/712,681	:	Decision on Request
Filing Date: February 25, 2010	:	
Attorney Docket No. AA 1864 US	:	
Pub. No.: US 2010/0239478 A1	:	
Pub. Date: September 23, 2010	:	

This is a decision on the request for a corrected patent application publication under 37 C.F.R. § 1.221(b) filed November 23, 2010.

The request is **dismissed as moot**.

A review of the record discloses the application issued as U.S. Patent No. 8,012,439 on September 6, 2011, which is prior to consideration of the present request for reconsideration.

Patentees may wish to consider filing a request for a certificate of correction under the provisions 37 C.F.R. § 1.322 to correct Office errors in the patent, if necessary.

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

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 2901 PUS (81196271)	Application Number (if known): 12712695	Filing date: February 25, 2010
First Named Inventor: Bernard D. Nefcy		
Title: AUTOMOTIVE VEHICLE AND METHOD FOR OPERATING CLIMATE SYSTEM OF SAME		

APPLICANT HEREBY REQUESTS TO PARTICIPATE IN THE GREEN TECHNOLOGY PILOT PROGRAM FOR THE ABOVE-IDENTIFIED APPLICATION. See Instruction Sheet on page 2.

This petition must be timely filed electronically using the USPTO electronic filing system, EFS-Web.

1. By filing this petition:

   Applicant is requesting early publication: Applicant hereby requests early publication under 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d) accompanies this request.

2. By filing this petition: applicant is agreeing to make an election without traverse in a telephonic interview and elect an invention that meets the eligibility requirements for the Green Technology Pilot Program, if the Office determines that the claims are not obviously directed to a single invention. See Instruction Sheet.

3. This request is accompanied by statements of special status for the eligibility requirement.

4. The application contains no more than three (3) independent claims and twenty (20) total claims.

5. The application does not contain any multiple dependent claims.

6. Other attachments: _____

Signature /Benjamin Stasa/	Date 2011-03-18
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.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

Instruction Sheet for Petition to Make Special Under the Green Technology Pilot Program

(Not to be Submitted to the USPTO)

The following is a summary of the requirements (for more information see the notices (i) "Pilot Program for Green Technologies Including Greenhouse Gas Reduction," (ii) "Elimination of Classification Requirement in the Green Technology Pilot Program," and (iii) "Expansion and Extension of the Green Technology Pilot Program," available on the USPTO web site at http://www.uspto.gov/patents/init_events/green_tech.jsp):

1) The application must be a non-reissue, non-provisional utility application filed under 35 U.S.C. 111 (a), or an international application that has entered the national stage in compliance with 35 U.S.C. 371, irrespective of the filing date of the application. Reexamination proceedings are excluded from this pilot program.

2) The application must contain three or fewer independent claims and twenty or fewer total claims. The application must not contain any multiple dependent claims. For an application that contains more than three independent claims or twenty total claims, or multiple dependent claims, applicant must file a preliminary amendment in compliance with 37 CFR 1.121 to cancel the excess claims and/or the multiple dependent claims at the time the petition to make special is filed.

3) The claims must be directed to a single invention that materially enhances the quality of the environment, or that materially contributes to: (1) the discovery or development of renewable energy resources; (2) the more efficient utilization and conservation of energy resources; or (3) green house gas emission reduction (see the eligibility requirements of sections II and III of the notice (i) cited above). The petition must include a statement that, if the USPTO determines that the claims are directed to multiple inventions (e.g., in a restriction requirement), applicant will agree to make an election without traverse in a telephonic interview, and elect an invention that meets the eligibility requirements in section II or III of the notice (i) cited above.

4) The petition to make special must be timely filed electronically using the USPTO electronic filing system, EFS-Web, and selecting the document description of "Petition for Green Tech Pilot" on the EFS-Web screen. Applicant should use form PTO/SB/420, which is available as a Portable Document Format (PDF) fillable form in EFS-Web and on the USPTO Web site.

5) The petition to make special must be filed at least one day prior to the date that a first Office action (which may be an Office action containing only a restriction requirement) appears in the Patent Application Information Retrieval (PAIR) system. Applicant may check the status of the application using PAIR.

6) The petition to make special must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d).

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/712,695	02/25/2010	Bernard D. Nefcy	81196271	3228

28395 7590 03/30/2011
BROOKS KUSHMAN P.C./FGTL
1000 TOWN CENTER
22ND FLOOR
SOUTHFIELD, MI 48075-1238

EXAMINER

ART UNIT	PAPER NUMBER
3749	

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

Commissioner for Patents
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	:	
NEFCY, BERNARD D. et al	:	DECISION ON PETITION
Application No. 12/712,695	:	TO MAKE SPECIAL UNDER
Filed: Feb. 25, 2010	:	THE GREEN TECHNOLOGY
Attorney Docket No. 81196271	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed March 18, 2011, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **dismissed**.

If reconsideration of this decision is desired, a petition for reconsideration must be filed within ONE (1) MONTH OR THIRTY (30) DAYS from the mail date of this decision, whichever is longer. No extension of this time limit can be granted under 37 CFR 1.136(a) or (b). The petition for reconsideration should include an exhaustive attempt to provide the lacking item(s) noted below, since, after a decision on the petition for reconsideration, no further reconsideration or review of the matter will be undertaken by the Director.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by

a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived. The petition lacks item # 4.

In regard to item 4, petitioner should note that the instant petition includes a statement identifying the basis for the special status (i.e., whether the instant invention (1) materially enhances the quality of the environment or materially contributes to (2) development of renewable energy resources or energy conservation, or (3) greenhouse gas reduction) as required by sections II and III of the notice. However, as stated in the notice, applicant must also provide a statement pertaining to the materiality standard if the application disclosure is not clear on its face as to the materiality of the basis for the special status of the invention. This petition lacks such a statement and it is not agreed that the application on its face meets that materiality standard. Petitioner states that the claimed invention relates to energy conservation and greenhouse gas reduction. This is not convincing. It is not clear how the claimed battery climate system, e.g. ventilations, when the vehicle is in a non-propulsion mode will provide and enhance the quality of the environment or contribute to development of renewable energy resources or energy conservation or greenhouse gas reduction. The claims presented have nothing to do with green technologies. The claimed invention is directed to the comfort of vehicle occupants. There is no relationship between the statement and the claimed subject matter.

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. Upon completion, the application will be forwarded to the Technology Center Art Unit 3749 for action in its regular turn.

/Henry C. Yuen/

Henry C. Yuen
Quality Assurance Specialist
Technology Center 3700

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 07/27/11

TO SPE OF : ART UNIT: 3633 Attn: GLESSNER BRIAN E (SPE)

SUBJECT : Request for Certificate of Correction for Appl. No.: 12/712705 Patent No.: 7971406

CofC mailroom date: 07/21/11

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

Note: Please check Claim 7

Tasneem Siddiqui
Certificates of Correction Branch
703-756-1814 & 703-756-1593

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:
Note your decision on the appropriate box.

- ☐ **Approved** — **All** changes apply.
- **X Approved in Part** — Specify below which changes **do not** apply.
- ☐ **Denied** — State the reasons for denial below.

Comments: Please do not enter the change to claim 7. Claim 7 misspells shingle as "single". Thus, this change will not be entered. Please enter the change to claim 8.

/Brian Glessner/ 3633
SPE Art Unit

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Patent No. : 7971406 B2
Application No.: 12/712705
Inventor(s) : Husnu M. Kalkanoglu
Issued : 07/05/2011
Attorney Docket Number: 2010-014

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.

Respecting the alleged error in Claim 7, this request is Approved in Part.
According to the examiner, please do not enter the change in claim 7, claim 7 misspells shingle as "single". Thus this change will not be entered.

In view of the foregoing, your request, in this matter, is hereby denied.

A certificate of correction will be issued for the remaining errors noted on your request.

Tasneem Siddiqui
For Mary Diggs (Supervisor)
Decisions & Certificates of Correction Branch
(703) 756-1593 or (703) 756-1814
Date: 07/29/11

Address: John F. McNulty
Paul & Paul
2900 Two Thousand Market St.
Philadelphia, PA 19103

ts

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 07/27/11

TO SPE OF : ART UNIT: 3633 Attn: GLESSNER BRIAN E (SPE)

SUBJECT : Request for Certificate of Correction for Appl. No.: 12/712705 Patent No.: 7971406

CofC mailroom date: 07/21/11

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

Note: Please check Claim 7

Tasneem Siddiqui
Certificates of Correction Branch
703-756-1814 & 703-756-1593

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:
Note your decision on the appropriate box.

❑ **Approved**	**All** changes apply.
X Approved in Part	Specify below which changes **do not** apply.
❑ **Denied**	State the reasons for denial below.

Comments: Please do not enter the change to claim 7. Claim 7 misspells shingle as "single". Thus, this change will not be entered. Please enter the change to claim 8.

Brian G 3633
SPE Art Unit

Relief Available to Patent and Trademark Applicants, Patentees and Trademark Owners Affected by the Catastrophic Events of March 11, 2011 in Japan

The United States Patent and Trademark Office (USPTO) considers the effects of the earthquake and resulting tsunami in Japan on March 11, 2011, to be an "extraordinary situation" within the meaning of 37 CFR 1.183 and 37 CFR 2.146 for affected patent and trademark applicants, patentees, reexamination parties, and trademark owners. Since this catastrophic event occurred outside the United States and did not result in a postal service interruption in the United States Postal Service, the USPTO has no authority to designate a postal service emergency as authorized by 35 U.S.C. 21(a).

For patent applications and reexamination proceedings pending in the USPTO as of March 11, 2011, having one or more inventors, an assignee, or a correspondence address in areas of Japan affected by the earthquake and tsunami, in which a reply or response to an Office action (final, non-final, or other), a notice of allowance, or other Office notice (hereinafter collectively referred to as "Office communication") is outstanding, and for which the statutory or non-statutory time period set for response has not yet expired, the USPTO will, on applicant's request, or a reexamination party's request, withdraw the Office communication and reissue it. The request must be made prior to expiration of the statutory or non-statutory time period set for response and within sufficient time so that withdrawal and reissuance of the Office communication occur prior to expiration of the statutory or non-statutory time period (as permitted to be extended under 37 CFR 1.136(a), or as extended under 37 CFR 1.550(c) or 1.956). The request must be made by using form PTO/SB/425 (when available) or by making a request accompanied by a copy of this notice. The inclusion of a copy of this notice will be treated as a representation that the need for the reissuance of the Office communication was due to the effects of the earthquake and resulting tsunami of March 11, 2011. The request should be sent via EFS-Web or by mail directed to Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450. Form PTO/SB/425 will be available in EFS-Web and on the USPTO Web site at http://www.uspto.gov/forms/index.jsp. The use of form PTO/SB/425 is encouraged to facilitate processing of the request.

For patentees who were unable to timely pay a patent maintenance fee due to the effects of the earthquake and resulting tsunami on March 11, 2011, the USPTO will waive the surcharge in 37 CFR 1.20(h) for paying a maintenance fee during the six-month grace period following the window to pay the maintenance fee and the surcharge in 37 CFR 1.20(i) for accepting a delayed maintenance fee payment when the patentee files the maintenance fee payment with a petition to accept a delayed maintenance fee under 37 CFR 1.378(c). *See* 37 CFR 1.183.

Patentees who seek to pay a maintenance fee during the six-month grace period following the window to pay the maintenance fee with a request to waive the surcharge in 37 CFR 1.20(h), must mail the payment and request to: Director of the United States Patent and Trademark Office, Attn: Maintenance Fee, 2051 Jamieson Avenue, Suite 300, Alexandria, VA 22314; or via facsimile to: 571-273-6500.

The request must be made by using form PTO/SB/425 (when available) or by making a request accompanied by a copy of this notice. The inclusion of a copy of this notice with the payment of the maintenance fee during the grace period will be treated as a representation that the late payment of the fee was due to the effects of the earthquake and tsunami of March 11, 2011, and as a request for *sua sponte* waiver of the surcharge under 37 CFR 1.20(h). This waiver may only be appropriately requested where the original window of time to pay the maintenance fee without the surcharge required by 37 CFR 1.20(h) expired on or after March 11, 2011, and the delay in paying the fee was due to the effects of the earthquake and tsunami of March 11, 2011.

The USPTO advises patentees who need to file a petition to accept a delayed maintenance fee payment due to the effects of the earthquake and tsunami of March 11, 2011, where the maintenance fee payment was required to have been paid after March 10, 2011, to promptly file a petition under 37 CFR 1.378(c) (using USPTO form PTO/SB/66 – **Petition to Accept Unintentionally Delayed Payment of Maintenance Fee in an Expired Patent (37 CFR 1.378(c))** accompanied by the applicable maintenance fee payment (but not the surcharge under 37 CFR 1.20(i)) and either a copy of this notice or form PTO/SB/425. The inclusion of a copy of this notice will be treated as a representation that the delay in payment of the maintenance fee was due to the effects of the earthquake and resulting tsunami of March 11, 2011, and as a request for *sua sponte* waiver of the surcharge under 37 CFR 1.20(i). The petition must filed by March 11, 2012, in order to be entitled to a waiver of the surcharge under 37 CFR 1.20(i).

Patentees are reminded that a petition to accept a delayed maintenance fee payment under 37 CFR 1.378(c) must be filed within twenty-four months from the expiration date of the patent. *See* 35 U.S.C 41(c). A petition to accept a delayed maintenance fee payment filed later than twenty-four months after the expiration date of the patent must be filed under 37 CFR 1.378(b) and include a showing that the delay in payment was unavoidable. A petition to accept a delayed maintenance fee payment due to the effects of the earthquake and tsunami may be submitted via EFS-Web or by mail directed to Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

For applicants who file a nonprovisional application on or after March 11, 2011, and prior to April 12, 2011, without an executed oath or declaration or payment of the basic filing fee, search fee, and/or examination fee due to the earthquake and tsunami of March 11, 2011, the USPTO will waive the surcharge set forth in 37 CFR 1.16(f) for the late filing of the oath or declaration or basic filing fee, search fee, and/or examination fee. Patent applicants seeking waiver of the surcharge must include either form PTO/SB/425 or a copy of this notice, along with the executed oath or declaration or the basic filing fee,

search fee, or examination fee. The inclusion of a copy of this notice will be treated as a representation that the late filing of the oath or declaration or the basic filing fee, search fee, or examination fee was due to the effects of the earthquake and tsunami of March 11, 2011, and as a request for *sua sponte* waiver of the surcharge under 37 CFR 1.16(f). The reply to the Notice to File Missing Parts requiring the oath or declaration or the filing fees may be submitted via EFS-Web or by mail directed to Mail Stop Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Patent-related inquiries concerning this notice may be directed to the Office of Patent Legal Administration at (571) 272-7704 ((571) 272-7703 for reexamination), or by e-mail at PatentPractice@uspto.gov.

For trademark applications and registrations with a correspondence or owner address in areas of Japan affected by the earthquake and tsunami as of March 11, 2011, in which a an Office action (final, non-final, or other), a notice of allowance, or other Office notice requiring a response (hereinafter collectively referred to as "Office communication") is outstanding, the USPTO will, upon request, withdraw the Office communication and reissue it. The request must be made prior to the deadline for responding to the Office communication, and indicate that the need for the reissuance of the Office communication is due to the effects of the earthquake and resulting tsunami of March 11, 2011. The request should be sent via e-mail to TMFeedback@uspto.gov or by mail to Commissioner for Trademarks, P.O. Box 1451, Alexandria, VA 22313-1451. If necessary, changes of correspondence address should be provided.

For trademark applications and registrations with a correspondence or owner address in areas of Japan affected by the earthquake and tsunami as of March 11, 2011, that were abandoned or cancelled due to inability to timely respond to a trademark-related Office communication due to the effects of the earthquake and resulting tsunami on March 11, 2011, the USPTO will waive the petition fee (set by regulation, rather than statute) to revive the abandoned application or cancelled registration. Either a petition by regular mail to the address set forth in the preceding paragraph, or the Trademark Electronic Application System (TEAS) "Request for Reinstatement" form should be used, and must include a verified statement that the failure to respond to the Office communication was due to the effects of the earthquake and resulting tsunami.

Trademark-related inquiries concerning this notice may be directed to the Trademark Office of Petitions by telephone at (571) 272-8950, by facsimile at (571) 273-8950, or by e-mail at TMFeedback@uspto.gov.

The USPTO cannot grant waivers or extensions of dates or requirements set by statute. For example, the following patent-related time periods cannot be extended by the Director: (1) the period set forth in 35 U.S.C. 119(a)-(d) to file a nonprovisional patent application claiming the benefit of a prior-filed foreign application; (2) the twelve-month time period set forth in 35 U.S.C. 119(e) during which a nonprovisional application claiming the benefit of a prior filed provisional application must be filed in order to

obtain benefit of the provisional application's filing date; (3) the copendency requirement of 35 U.S.C. 120 between a parent application which issues as a patent and a later filed child application, which requires that the child application be filed prior to issuance of the parent application; (4) the three-month time period to pay the issue fee set forth in 35 U.S.C. 151; (5) the 35 U.S.C. 304 two-month time period from the date of patentee service, for a requester to file, in an *ex parte* reexamination, a reply to a statement filed by the patentee; and (6) the 35 U.S.C. 314(b)(2) thirty-day time period from the date of service, for a requester to file, in an *inter partes* reexamination, written comments addressing issues raised by an Office action or the patentee's response to the action. The following statutory trademark-related time periods cannot be extended and statutory fees cannot be waived by the Director: (1) the 36-month period set forth in 15 U.S.C. 1051(d) within which a statement of use must be filed and the associated fee(s); (2) the periods set forth in 15 U.S.C. 1058, 1141(k) for filing affidavits of continued use or excusable nonuse and the associated fee(s); (3) the period set forth in 15 U.S.C. 1059 for filing a renewal and the associated fee(s); and (4) the periods set forth in 15 U.S.C. 1063 and 1064 for filing an opposition or cancellation proceeding at the Trademark Trial and Appeal Board.

Date: 3/17/11

David J. Kappos
Under Secretary of Commerce for Intellectual Property and
Director of the United States Patent and Trademark Office

Doc Code: PET.RELIEF
Document Description: Certification and Request for Disaster Relief

PTO/SB/425 (03-11)

CERTIFICATION AND REQUEST FOR RELIEF DUE TO EVENTS OF MARCH 11, 2011, IN JAPAN (Page 1 of 2)

Nonprovisional Application Number or Control Number (if applicable): 12/712,708	Patent Number (if applicable):
First Named Inventor: A. IDESAKI et al.	Title of Invention: Method of Synthesizing Silicon Carbide Materials from Silicon Based Polymers

APPLICANT/PATENTEE/REEXAMINATION PARTY HEREBY CERTIFIES AND REQUESTS THE FOLLOWING FOR THE ABOVE-IDENTIFIED APPLICATION/PATENT/REEXAMINATION PROCEEDING.

1. FOR PATENT APPLICATIONS AND REEXAMINATION PROCEEDINGS PENDING IN THE USPTO AS OF MARCH 11, 2011, IN WHICH A COMMUNICATION FROM THE USPTO IS SOUGHT TO BE REMAILED:

   a. One or more inventors, an assignee, or a correspondence address (for the application/proceeding) is in an area of Japan affected by the earthquake and/or tsunami of March 11, 2011.

   b. A reply or response to an Office action (final, non-final, or other), a notice of allowance, or other Office notice (hereinafter collectively referred to as "Office communication") is outstanding on March 11, 2011.

   c. The statutory or non-statutory time period set for response has not yet expired.

   d. Withdrawal and reissuance of the Office communication is requested.

   e. It is acknowledged that if this request is not made within sufficient time so that withdrawal and reissuance of the Office communication occur prior to expiration of the statutory or non-statutory time period (as permitted to be extended under 37 CFR 1.136(a), or as extended under 37 CFR 1.550(c) or 1.956), this request may not be granted.

   f. The need for the reissuance of the Office communication was due to the effects of the earthquake and/or tsunami of March 11, 2011.

   g. This request is being sent via EFS-Web or by mail directed to Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

2. FOR PATENTEES WHO WERE UNABLE TO TIMELY PAY A PATENT MAINTENANCE FEE DURING THE SIX-MONTH GRACE PERIOD FOLLOWING THE WINDOW TO PAY THE MAINTENANCE FEE:

   a. The original window of time to pay the maintenance fee without the surcharge required by 37 CFR 1.20(h) expired on or after March 11, 2011.

   b. The delay in paying the fee was due to the effects of the earthquake and/or tsunami of March 11, 2011.

   c. The USPTO is requested to *sua sponte* waive the surcharge in 37 CFR 1.20(h) for paying a maintenance fee during the six-month grace period following the window to pay the maintenance fee.

   d. This request and payment of the maintenance fee during the six-month grace period following the window to pay the maintenance fee is being mailed to: Director of the United States Patent and Trademark Office, Attn: Maintenance Fee, 2051 Jamieson Avenue, Suite 300, Alexandria, VA 22314; or being transmitted via facsimile to: 571-273-6500.

CERTIFICATION AND REQUEST FOR RELIEF DUE TO EVENTS OF MARCH 11, 2011, IN JAPAN (Page 2 of 2)

3. FOR PATENTEES WHO NEED TO FILE A PETITION TO ACCEPT A DELAYED MAINTENANCE FEE PAYMENT UNDER 37 CFR 1.378(c):

   a. The maintenance fee payment was required to have been paid after March 10, 2011.

   b. A petition under 37 CFR 1.378(c) (using USPTO form PTO/SB/66 – Petition to Accept Unintentionally Delayed Payment of Maintenance Fee in an Expired Patent (37 CFR 1.378(c))) is being promptly filed accompanied by the applicable maintenance fee payment (but not the surcharge under 37 CFR 1.20(i)).

   c. The delay in payment of the maintenance fee was due to the effects of the earthquake and/or tsunami of March 11, 2011.

   d. The USPTO is requested to *sua sponte* waive the surcharge in 37 CFR 1.20(i) for accepting a delayed maintenance fee payment.

   e. It is acknowledged that the petition to accept a delayed maintenance fee payment under 37 CFR 1.378(c) must be filed by March 11, 2012, in order to be entitled to a waiver of the surcharge under 37 CFR 1.20(i).

   f. It is acknowledged that the petition to accept a delayed maintenance fee payment under 37 CFR 1.378(c) must be filed within twenty-four months from the expiration date of the patent. *See* 35 U.S.C 41(c).

   g. This request and the petition to accept a delayed maintenance fee payment under 37 CFR 1.378(c) is being submitted via EFS-Web or by mail directed to Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

4. FOR NONPROVISIONAL PATENT APPLICATIONS FILED WITHOUT AN EXECUTED OATH OR DECLARATION OR PAYMENT OF THE BASIC FILING FEE, SEARCH FEE, AND/OR EXAMINATION FEE:

   a. The nonprovisional patent application was filed on or after March 11, 2011, and prior to April 12, 2011.

   b. The late filing of the oath or declaration or the basic filing fee, search fee, or examination fee was due to the effects of the earthquake and/or tsunami of March 11, 2011.

   c. The USPTO is requested to *sua sponte* waive the surcharge set forth in 37 CFR 1.16(f) for the late filing of the oath or declaration or basic filing fee, search fee, and/or examination fee.

   d. This request, together with the executed oath or declaration or the basic filing fee, search fee, or examination fee, as well as the reply to the Notice to File Missing Parts, is being submitted via EFS-Web or by mail directed to Mail Stop Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Signature /Daniel J. Stanger/	Date April 1, 2011
Name (Print/Typed) Daniel J. Stanger	Practitioner Registration Number 32,846

***Note**: Signatures of all the inventors, § 1.41(b) applicants, or assignees of record of the entire interest or their representative(s), or reexamination requesters at the appeal stage 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.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

TYCO Healthcare Group LP
Attn: IP Legal
5920 Longbow Drive
Mail Stop A36
Boulder CO 80301-3299

MAILED
JAN 19 2011
OFFICE OF PETITIONS

In re Application of	:	
Mani N. Prakash, et al.	:	
Application No. 12/712,712	:	DECISION ON PETITION
Filed: February 25, 2010	:	
Attorney Docket No. H-US-01998 (1850-45)	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed December 15, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Notice to File Corrected Application Papers, mailed March 11, 2010. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on May 12, 2010. The Notice of Abandonment was mailed November 26, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of replacement drawings, (2) the petition fee of $1,620, and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to Terri Johnson at (571) 272-2991.

This application is being referred to the Office of Patent Application Processing for appropriate action on the reply received.

/Terri Johnson/
Terri Johnson
Petitions Examiner
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

BROSEMER, KOLEFAS & ASSOCIATES, LLC (NECL)
ONE BETHANY ROAD BUILDING 4 - SUITE #58
HAZLET NJ 07730

MAILED

JAN 24 2011

OFFICE OF PETITIONS

In re Application of :
Yang, et al. :
Application No. 12/712,723 :
Filed: February 25, 2010 :
Attorney Docket No. NL-08107 :

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed November 29, 2010, to revive the above-identified application.

The petition is **dismissed**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." Petitioners are advised that this is not a final agency decision.

This application became abandoned for failure to timely reply to the Notice to File Missing Parts of Nonrovisional Application, mailed March 11, 2010, which set an extendable two month period for reply. No extensions of time being obtained and no reply being filed, the application became abandoned on May 12, 2010. A Notice of Abandonment was mailed on November 24, 2010.

A grantable petition pursuant to 37 CFR 1.137(b) must be accompanied by:

(1) the required reply, unless previously filed.;

(2) the petition fee as set forth in 37 CFR 1.17(m);

(3) a statement that the **entire** delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. The Director may require additional information where there is a question whether the delay was unintentional; and

(4) any terminal disclaimer (and fee set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(d).

The instant petition does not satisfy requirement (1) above.

Petitioner has not submitted the $130.00 late declaration surcharge that was required by the March 11, 2010 Notice.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop PETITION
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By hand: U.S. Patent and Trademark Office
Customer Service Window, Mail Stop Petition
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By FAX: (571) 273-8300 – ATTN: Office of Petitions

By internet: EFS-Web
www.uspto.gov/ebc/efs_help.html
(for help using EFS-Web call the
Patent Electronic Business Center
at (866) 217-9197)

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3230.

Shirene Willis Brantley
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

BROSEMER, KOLEFAS & ASSOCIATES, LLC (NECL)
ONE BETHANY ROAD BUILDING 4 - SUITE #58
HAZLET NJ 07730

MAILED

APR 11 2011

OFFICE OF PETITIONS

In re Application of :
Yang, et al. :
Application No. 12/712,723 :
Filed: February 25, 2010 :
Attorney Docket No. NL-08107 :

ON PETITION

This is a decision on the renewed petition under 37 CFR 1.137(b), filed February 21, 2011, to revive the above-identified application.

The petition is **granted**.

This application became abandoned for failure to timely reply to the Notice to File Missing Parts of Nonprovisional Application, mailed March 11, 2010, which set an extendable two month period for reply. No extensions of time being obtained and no reply being filed, the application became abandoned on May 12, 2010. A Notice of Abandonment was mailed on November 24, 2010.

Applicants have submitted a proper reply to the March 11, 2010 Notice in the form of an executed declaration and $130.00 surcharge, an acceptable statement of the unintentional nature of the delay in responding to the March 11, 2010 Notice, and the $1,620.00 petition fee. Accordingly, the petition under 37 CFR 1.137(b) is granted.

After the mailing of this decision, the file will be returned to the Office of Patent Application Processing for further pre-examination processing.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3230.

Shirene Willis Brantley

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:1204

DATE : April 12, 2012

TO SPE OF : ART UNIT 2833

SUBJECT : Request for Certificate of Correction on Patent No.: 8087819

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:

/renee s luebke/
Renee Luebke - SPE - AU 2833

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Comments:

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov
DRW Nov-10

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NOV 24 2010

OFFICE OF PETITIONS

LADAS & PARRY LLP
26 WEST 61ST STREET
NEW YORK NY 10023

In re Application of Duke and Dietrich Application Number: 12/712787 Filing Date: 02/25/2010 Attorney Docket Number: U 018010-1	DECISION ACCORDING STATUS UNDER 37 CFR 1.47(a)

This is a decision in response to the petition under 37 CFR 1.47(a), filed on September 9, 2010.

The petition is **GRANTED**.

Petitioners have shown that a copy of the application was sent to the attorney for the non-signing inventor. The documents were returned, however, with a letter stating that the declaration was being returned as unsigned by the client.

As such, the showing of record is that the non-signing inventor has expressly refused to join in the filing of the 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 non-signing inventor at the address listed in the Declaration. Notice of the filing of this application will also be published in the *Official Gazette*.

The petition fee will be charged to counsel's deposit account. No further fees are due.

The application is being referred to Technology Center Art Unit 3643 for further processing.

Telephone inquiries related to this decision should be directed to the undersigned at 571-272-3231.

DWood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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DIW Nov-10

MAILED

NOV 24 2010

OFFICE OF PETITIONS

James Richard John Duke
Ham Road, Sidlesham
Chichester West Sussex
PO20 7NG
UNITED KINGDOM

In re Application of
Duke et al.
Application No. 12/712,787
Filed: February 25, 2010
For: MILKING EQUIPMENT AND METHOD

Dear Mr. Duke:

You are named as a joint inventor in the above identified United States patent application, filed under the provisions of 35 U.S.C. 116 (United States Code), and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Telephone inquiries regarding this communication should be directed to the undersigned at 571/272-3231. Requests for information regarding your application should be directed to the File Information Unit at 571-272-3150. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at 571-272-3150 or 1-800-972-6382 (outside the Washington D.C. area).

D Wood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

LADAS AND PERRY
26 WEST 61ST ST
NEW YORK NY 10023

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

LEE & HAYES, PLLC
601 W. RIVERSIDE AVENUE
SUITE 1400
SPOKANE WA 99201

MAILED

MAR 11 2011

OFFICE OF PETITIONS

In re Application of :
Weiwei Xu et al. :
Application No. 12/712,790 :
Filed: February 25, 2010 :
Attorney Docket No. **MS1-4906US** :

ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed December 30, 2010, to revive the above-identified application.

The application became abandoned for failure to reply in a timely manner to the Notice to File Corrected Application (Notice), mailed March 15, 2010. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on May 16, 2010.

The petition is hereby **DISMISSED**.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Director may require additional information. See MPEP 711.03(c)(II)(C) and (D). The instant petition lacks item(s) (1).

The petition does not satisfy item (1) in that the specification filed concurrently with the instant petition lack the statement "that the substitute specification contains no new mater" for compliance with 37 CFR 1.125(b) required by the Notice. This application can not be granted until the item noted above is corrected.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

Further correspondence with respect to this matter should be addressed as follows:

By Mail: Mail Stop PETITION
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

By hand: U. S. Patent and Trademark Office
Customer Service Window, Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

The centralized facsimile number is **(571) 273-8300.**

Telephone inquiries concerning this decision should be directed to JoAnne Burke at 571-272-4584

JoAnne Burke
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MAILED SEP 23 2010

GOODWIN PROCTER LLP
PATENT ADMINISTRATOR
53 STATE STREET
EXCHANGE PLACE
BOSTON MA 02109-2881

In re Application of: McBride et al. Application No.: 12/712799 Filed: February 25, 2010 Title: SYSTEMS AND METHODS FOR ENERGY STORAGE AND RECOVERY USING RAPID ISOTHERMAL GAS EXPANSION AND COMPRESSION	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 filed on August 19, 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):
   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.

7. 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.

8. 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.

9. 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.

10. 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 Linda Sholl, Special Programs Examiner, at (571) 272-4391

Linda Sholl

Linda Sholl, Special Programs Examiner
Technology Center 3700

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	12712811
Filing Date	25-Feb-2010
First Named Inventor	Robert Noll
Art Unit	2857
Examiner Name	ANDREW SCHECHTER
Attorney Docket Number	048447/382111
Title	APPARATUS, METHOD AND COMPUTER-READABLE STORAGE MEDIUM FOR PROCESSING A SIGNAL IN A SPECTROMETER SYSTEM

◉ Please withdraw me as attorney or agent for the above identified patent application and the practitioners of record associated with Customer Number: 00826

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	Goodrich Corporation
Address	2730 West Tyvola Road Four Coliseum Centre
City	Charlotte
State	NC
Postal Code	28217
Country	US

I am authorized to sign on behalf of myself and all withdrawing practitioners.	
Signature	/R. Flynt Strean/
Name	R. Flynt Strean
Registration Number	56450

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Decision Date : October 14,2011

In re Application of :

Robert Noll

Application No : 12712811

Filed : 25-Feb-2010

Attorney Docket No : 048447/382111

DECISION ON REQUEST TO WITHDRAW AS ATTORNEY/AGENTOF RECORD

This is an electronic decision on the Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed October 14,2011

The request is **APPROVED.**

The request was signed by R. Flynt Strean (registration no. 56450) on behalf of all attorneys/agents associated with Customer Number 00826 . All attorneys/agents associated with Cusotmer Number 00826 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	Goodrich Corporation
Name2	
Address 1	2730 West Tyvola Road
Address 2	Four Coliseum Centre
City	Charlotte
State	NC
Postal Code	28217
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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November 21, 2011

FISH & RICHARDSON P.C. (DC)
P.O. BOX 1022
MINNEAPOLIS MN 55440-1022

In re Application of	:	
Perlmutter, Keren O. et,al	:	**DECISION ON PETITION**
Application No. 12/712,888	:	
Filed: 02/25/2010	:	***ACCEPTANCE OF COLOR***
Attorney Docket No. 16406-0003005	:	***DRAWINGS***

This is a decision on the Petition to Accept Color Drawings under 37 C.F.R 1.84 (a) (2), received in the United States Patent and Trademark Office (USPTO) February 25, 2010.

The petition is **GRANTED**.

A grantable petition under 37 C.F.R. 1.84(a) (2) must be accompanied by the following.

1. The fee set forth under 37 C.F.R. 1.17(h),
2. Three (3) sets of the color drawings in question, or (1) set if filed via EFS, and
3. The specification contains appropriate language referring to the color drawings as the first paragraph in that portion of the specification relating to the brief description of the drawings.

The petition was accompanied by all of the required fees and drawings. The specification contains the appropriate language. Therefore, the petition is GRANTED.

Telephone inquires relating to this decision may be directed to the undersigned in the Office of Data Management at 571-272-4200.

/Diane Terry/
Quality Control Specialist
Office of Data Management
Publications Branch

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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TIMOTHY S. WESTBY
PORTER HEDGES LLP
P. O. BOX 4078
HOUSTON TX 77210-4078

MAILED
MAR 23 2012
OFFICE OF PETITIONS

In re Application of
Johnson, et al.
Application No. 12/712,919
Filed/Deposited: 25 February, 2010
Attorney Docket No. 011769-1602 (2253-01602)

DECISION

This is a decision on the petition filed on 30 January, 2012, pursuant to 37 C.F.R. §1.137(b) for revival of an application abandoned due to unintentional delay.

The petition pursuant to 37 C.F.R. §1.137(b) is **GRANTED**.

As to the Allegations
of Unintentional Delay

The requirements of a grantable petition pursuant to 37 C.F.R. §1.137(b) are the petition and fee therefor, a reply, a proper statement of unintentional delay under the regulation, and, where applicable, a terminal disclaimer and fee.

BACKGROUND

The record reflects as follows:

Petitioner failed to reply timely and properly to the final Office action mailed on 11 April, 2011, with reply due absent extension of time on or before 11 July, 2011.

On 7 June, 2011, Petitioner filed an amendment after final, which the Examiner refused to enter and Petitioner—as one registered to practice before the Office—knew was not as of right and not

a proper reply[1] if it did not *prima facie* place the application in condition for allowance, and on 28 December, 2011, the Examiner mailed an Advisory Action.

The application went abandoned by operation of law after midnight 11 July, 2011.

On 28 December, 2011, Petitioner filed, *inter alia*, a request for continued examination (RCE) and fee and a submission under the provisions of 37 C.F.R. §1.114 in the form of an amendment.

On 27 January, 2012, the Office mailed the Notice of Improper RCE, in that the application stood abandoned before the RCE was filed.

It does not appear that the Office mailed a Notice of Abandonment before a petition was filed.

On 30 January, 2012, Petitioner filed, *inter alia*, a petition pursuant to 37 C.F.R. §1.137(b), with fee, with a statement of unintentional delay and pointed to the previously filed reply in the form of a request for continued examination (RCE) and fee and a submission under the provisions of 37 C.F.R. §1.114 in the form of an amendment.

(On 27 February, 2012, the Office mailed a Notice of Abandonment.)

Petitioners are reminded that the Rules of Practice (37 C.F.R.)[2] and the guidance in Commentary in the Manual of Patent Examining Procedure (MPEP)[3] provide protections and benefits for applicants and practitioners, however, those protections and benefits are unavailable when those rules and guidance are not complied with/followed.

Petitioners' attentions always are directed to the guidance in the Commentary at MPEP §711.03(c) as to the showing regarding unintentional delay and a petition pursuant to 37 C.F.R. §1.137(b).

The availability of applications and application papers online to applicants/practitioners who diligently associate their Customer Number with the respective application(s) now provides an applicant/practitioner on-demand information as to events/transactions in an application.

Out of an abundance of caution, Petitioners always are reminded that those registered to practice and all others who make representations before the Office **must** inquire into the underlying facts of representations made to the Office and support averments with the appropriate documentation–since all owe to the Office the continuing duty to disclose.[4]

---

[1] A proper reply is an amendment *prima facie* placing the application in condition for allowance, a Notice of Appeal with fee, or an RCE (with fee and submission under 37 C.F.R. §1.114). (See: MPEP §711.03(c).)

[2] *See:* 37 C.F.R.: http://www.uspto.gov/web/offices/pac/mpep/documents/appxr.htm .

[3] *See:* MPEP: http://www.uspto.gov/web/offices/pac/mpep/index.htm .

[4] 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

STATUTES, REGULATIONS

Congress has authorized the Commissioner to "revive an application if the delay is shown to the satisfaction of the Commissioner to have been "unavoidable." 35 U.S.C. §133 (1994). And the regulations at 37 C.F.R. §1.137(a) and (b) set forth the requirements for a Petitioner to revive a previously unavoidably or unintentionally, respectively, abandoned application.[5],[6]

Moreover, the Office has set forth in the Commentary at MPEP §711.03(c)(I) the showing and timeliness requirements for a proper showing for relief under 37 C.F.R. §1.181 in these matters.

Decisions on reviving abandoned applications on the basis of "unavoidable" delay have adopted the reasonably prudent person standard in determining if the delay was unavoidable:

> The word 'unavoidable' . . . is applicable to ordinary human affairs, and requires no more or greater care or diligence than is generally used and observed by prudent and careful men in relation to their most important business. It permits them in the exercise of this care to rely upon the ordinary and trustworthy agencies of mail and telegraph, worthy and reliable employees, and such other means and instrumentalities as are usually employed in such important business. If unexpectedly, or through the unforeseen fault or imperfection of these agencies and instrumentalities, there occurs a failure, it may properly be said to be unavoidable, all other conditions of promptness in its rectification being present.[7]

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and 103 (responses to comments 64 and 109)(applicant obligated under 37 C.F.R. §11.18, formerly §10.18, to inquire into the underlying facts and circumstances when providing statements to the Patent and Trademark Office).

[5] See: Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. at 53158-59 (October 10, 1997), 1203 Off. Gaz. Pat. Office at 86-87 (October 21, 1997).

[6] The language of 35 U.S.C. §133 and 37 C.F.R. §1.137(a) is clear, unambiguous, and without qualification: the delay in tendering the reply to the outstanding Office action, as well as filing the first petition seeking revival, must have been unavoidable for the reply now to be accepted on petition. (Therefore, by example, an unavoidable delay in the payment of the Filing Fee might occur if a reply is shipped by the US Postal Service, but due to catastrophic accident, the delivery is not made.) Delays in responding properly raise the question whether delays are unavoidable. Where there is a question whether the delay was unavoidable, Petitioners must meet the burden of establishing that the delay was unavoidable within the meaning of 35 U.S.C. §133 and 37 C.F.R. §1.137(a) And the Petitioner must be diligent in attending to the matter. Failure to do so does not constitute the care required under Pratt, and so cannot satisfy the test for diligence and due care. (By contrast, unintentional delays are those that do not satisfy the very strict statutory and regulatory requirements of unavoidable delay, and also, by definition, are not intentional.))

[7] In re Mattullath, 38 App. D.C. 497, 514-15 (1912)(quoting Ex parte Pratt, 1887 Dec. Comm'r Pat. 31, 32-33 (1887)); see also Winkler v. Ladd, 221 F. Supp. 550, 552, 138 USPQ 666, 167-68 (D.D.C. 1963), aff'd, 143 USPQ 172 (D.C. Cir. 1963); Ex parte Henrich, 1913 Dec. Comm'r Pat. 139, 141 (1913). In addition, decisions on revival are made on a "case-by-case basis, taking all the facts and circumstances into account." Smith v. Mossinghoff, 671 F.2d 533, 538, 213 USPQ 977, 982 (D.C. Cir. 1982). Finally, a petition cannot be granted where a petitioner has failed to meet his or her burden of establishing that the delay was "unavoidable." Haines v. Quigg, 673 F. Supp. 314, 316-17, 5 USPQ2d 1130, 1131-32 (N.D. Ind. 1987).

As to Allegations of
Unintentional Delay

As indicated above, the requirements of a grantable petition pursuant to 37 C.F.R. §1.137(b) are the petition and fee therefor, a proper reply, a proper statement and/or showing of unintentional delay under the regulation, and, where applicable, a terminal disclaimer and fee.

It appears that the requirements under the rule have been satisfied.

CONCLUSION

Accordingly, the petition pursuant to 37 C.F.R. §1.137(b) is **granted**.

The instant application is released to the Technology Center/AU 1774 for further processing in due course.

Petitioner may find it beneficial to view Private PAIR within a fortnight of the instant decision to ensure that the revival has been acknowledged by the TC/AU in response to this decision. It is noted that all inquiries with regard to status need be directed to the TC/AU where that change of status must be effected—that does not occur in the Office of Petitions.

Telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214—it is noted, however , that all practice before the Office is in writing (see: 37 C.F.R. §1.2[8]) 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

[8] The regulations at 37 C.F.R. §1.2 provide:
§1.2 Business to be transacted in writing.
All business with the Patent and Trademark Office should be transacted in writing. The personal attdance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/713,005	02/25/2010	Takahisa Kaihotsu	6639P899	3808

7590 01/06/2011
BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP
1279 OAKMEAD PARKWAY
SUNNYVALE, CA 94085-4040

EXAMINER

ART UNIT	PAPER NUMBER
2161	

MAIL DATE	DELIVERY MODE
01/06/2011	PAPER

DECISION DISMISSING PETITION UNDER 37 CFR 1.138(c)

The declaration of express abandonment will not be recognized

This is in response to the petition under 37 CFR 1.138(c), for express abandonment to avoid publication of the above-identified application.

The petition is dismissed.

The express abandonment will **not** be recognized for the reason(s) indicated below:

1. ☐ The petition under 37 CFR 1.138(c) was not filed in sufficient time to permit the appropriate officials to recognize the abandonment and remove the application from the publication process.
2. ☐ The petition was not signed by a party authorized by 37 CFR 1.33(b)(1), (3) or (4).
3. ☑ The Application was published in compliance with 35 U.S.C. 122(b), and it is available on the USPTO web site at http://www.uspto.gov/patft/index.html.
4. ☐ Petition fee was not paid.

The application **has/will be published** as scheduled.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Mimi Farmer

Patent Publication Branch
Office of Data Management

FORM PET650D (Rev. 08/07)

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.
12/713,005	02/25/2010	Takahisa Kaihotsu	6639P899	3808

7590 01/06/2011
BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP
1279 OAKMEAD PARKWAY
SUNNYVALE, CA 94085-4040

EXAMINER

ART UNIT	PAPER NUMBER
2161	

MAIL DATE	DELIVERY MODE
01/06/2011	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Nimi Farmer

Patent Publication Branch
Office of Data Management

FORM PET651G (Rev. 08/07)

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: 81198758	Application Number (if known): 12/713,012	Filing date: February 25, 2010
First Named Inventor: Seung-Hoon Lee		
Title: METHODS AND SYSTEMS FOR ASSISTED DIRECT START CONTROL		

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 12, 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	:	Seung-Hoon Lee et al.
Application No.	:	12/713,012
Filed	:	February 25, 2010
Title	:	METHODS AND SYSTEMS FOR ASSISTED DIRECT START CONTROL
Group Art Unit	:	3655
Confirmation No.	:	3819
Docket No.	:	81198758

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 12, 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 contributes to the more efficient utilization and conservation of energy resources; and/or (2) the claimed invention materially contributes to greenhouse gas emission reduction; and/or (3) the claimed invention materially enhances the quality of the environment.

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 most respects.

Regarding basis (1), 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 set forth in the Background and Summary of the subject application, vehicles have been developed to automatically perform an idle-stop when idle-stop conditions are met and automatically restart the engine when restart conditions are met. Such idle-stop systems enable fuel savings and reduction in exhaust emissions, among other advantages. However, traditional idle-stop systems (such as those incorporating auxiliary transmission pumps to pressurize fluid in the hydraulic circuit when the engine is shut-down and the mechanical transmission pump is not at full flow capacity) may increase component costs. Further, traditional idle-stop systems which maintain oil pressure in the transmission with a check valve and an accumulator, rather than by incorporating auxiliary transmission pumps, may disadvantageously degrade the quality of an engine restart and vehicle launch operation, as detailed at page 2 of Applicants' specification. Applicants have recognized that the issues associated with these known approaches may limit the applicability of idle-stop operation, thus limiting the ability to save fuel through the use of idle-stop operation. Further, Applicants have recognized various approaches to address these limitations, including the example of claim 1 which recites:

> A method of pressurizing a hydraulic circuit comprising a hydraulically actuated transmission component and an accumulator, comprising,
>
> during an engine idle-stop,
>
> adjusting actuation of the hydraulically actuated transmission component over a duration;
>
> during the duration, isolating the accumulator from the hydraulically actuated transmission component when a pressure in the hydraulic circuit is above a threshold; and
>
> during the duration, coupling the accumulator into the hydraulic circuit when the pressure is below the threshold.

By adjusting actuation of the hydraulically actuated transmission component over a duration during an engine idle-stop and during the duration, isolating the accumulator from the component when a pressure in the hydraulic circuit is above a threshold, and coupling the accumulator into the hydraulic circuit when the pressure is below the threshold as claimed in claim 1, hydraulic pressure may be maintained in a transmission clutch hydraulic circuit during an engine idle-stop, and/or until an engine restart is completed, without operating an auxiliary pump. Additionally, by alternately coupling

and decoupling an accumulator to (and from) the transmission component, responsive to a pressure in the hydraulic circuit, hydraulic stiffness may be maintained in the circuit. Further, by maintaining hydraulic line pressure in the hydraulic circuit, a transmission component inlet pressure may be modulated to enable clutch modulation over at least a duration of the engine idle-stop. Thus, by maintaining the clutches in an engagement-ready state, and by enabling rapid response times, the transmission may be put in gear swiftly when an engine restart is requested. Further, by maintaining hydraulic stiffness in the hydraulic circuit when the engine is shut-down, the response time for clutch engagement during the restart may be reduced and oscillations may be substantially averted. In this way, certain issues associated with known idle-stop systems may be avoided or reduced, and therefore vehicles which may not have incorporated idle-stop systems due to these issues may now be able to achieve the fuel-saving and emissions reduction benefits of the idle-stop system in accordance with the claimed method without increased component costs or degraded quality of engine restarts.

Regarding basis (2), Applicants submit that the claimed invention materially contributes to greenhouse gas emission reduction as follows. As discussed above, the claimed invention (for example, the invention of claim 1) saves fuel. When fuel is saved, *i.e.*, when fuel economy is improved, less fuel is combusted. CO_2 is a product of fuel combustion, and is a greenhouse gas. Accordingly, by improving fuel economy which results in the combustion of less fuel, the claimed invention reduces greenhouse gas emissions.

Regarding basis (3), Applicants submit that the claimed invention materially enhances the quality of the environment as follows. As discussed above, engine idle-stop systems reduce exhaust emissions by eliminating the emissions that would otherwise be produced during the engine shut-down condition. Because the claimed invention, for example the method of claim 1, cures problems associated with known idle-stop systems which may have prevented such systems from being incorporated in some vehicles, more vehicles can incorporate idle-stop systems and thus achieve a reduction in exhaust emissions. Accordingly, the claimed invention improves the quality of the environment.

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

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Customer No. 36865
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JAN 2 1 2011

ALLEMAN HALL MCCOY RUSSELL & TUTTLE, LLP
806 S.W. BROADWAY, SUITE 600
PORTLAND OR 97205

In re Application of	:	
Seung-Hoon LEE et al.	:	DECISION ON PETITION
Application No. 12/713,012	:	TO MAKE SPECIAL UNDER
Filed: February 25, 2010	:	THE GREEN TECHNOLOGY
Attorney Docket No. 81198758	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed on January 12, 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 Lanna Mai at 571-272-6867.

The application is being forwarded to the Technology Center Art Unit 3655 for action on the merits commensurate with this decision.

/Lanna Mai/

Lanna Mai
Quality Assurance Specialist
Technology Center 3600

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In re Application of
COACH WEI

Application No. 12713042

Filed: February 25,2010

Attorney Docket No. YOTTAA-101

: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 19-APR-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
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PETITION TO MAKE SPECIAL BASED ON AGE FOR ADVANCEMENT OF EXAMINATION UNDER 37 CFR 1.102(c)(1)

Application Information

Application Number	12713042	Confirmation Number	3885	Filing Date	2010-02-25
Attorney Docket Number (optional)	YOTTAA-101	Art Unit	2447	Examiner	
First Named Inventor	COACH WEI				
Title of Invention	SYSTEM AND METHOD FOR NETWORK TRAFFIC MANAGEMENT AND LOAD BALANCING				

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
RAYMOND		STATA	

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	/ALIKI K. COLLINS, #43558/	Date (YYYY-MM-DD)	2011-04-19
Name	ALIKI K. COLLINS	Registration Number	43558

PTO/SB/130 (07-09)
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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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PATTERSON & SHERIDAN, L.L.P.
3040 POST OAK BOULEVARD
SUITE 1500
HOUSTON TX 77056

MAILED

AUG 2 0 2010

OFFICE OF PETITIONS

In re Application of Ishio et al. Application Number: 12/713044 Filing Date: 03/04/2010 Attorney Docket Number: TTEC/0578US	: : : : : :	DECISION ON PETITION

This is a decision on the "PETITION TO ADD INAVERTENTLY OMITTED MATERIAL UNDER 37 C.F.R. 1.57(a) BASED ON A CLAIM FOR PRIORITY UNDER 37 C.F.R. 1.78," filed on May 10, 2010, requesting that the above-identified application be accorded a filing date of February 25, 2010.

BACKGROUND

On February 25, 2010, the application was deposited. The application papers consisted of, *inter alia*, an Information Disclosure Statement (IDS), payment of the utility filing, search, and examination fees, an Application Data Sheet (ADS), including a claim of benefit to prior-filed provisional Application Nos. 61/158,355, 61/156,369, and 61/158,996, a declaration pursuant to 37 CFR 1.63, transmittal sheet, and an Application Data Sheet (ADS)., four (4) pages containing claims, one (1) page containing the abstract, and eight (8) sheets of drawings.

On March 4, 2010, 29 pages of specification were filed. On March 10, 2010, a Notice of Incomplete Nonprovisional Application was mailed, stating that the specification was missing. However, on

March 10, 2010, a filing receipt was also mailed stating that the application had been accorded a filing date of March 4, 2010.

In response, on May 10, 2010, the subject petition was filed. Petitioners concede that the specification was inadvertently omitted from the application papers deposited on February 25, 2010, but request a filing date of February 25, 2010, because the application claims the benefit of prior-filed provisional applications identified above.

Relying on §1.57(a), applicant asserts that the specification is effectively incorporated by reference.

OPINION

37 CFR 1.57 states, in pertinent part:

> (a) Subject to the conditions and requirements of this paragraph, if all or a portion of the specification or drawing(s) is inadvertently omitted from an application, but the application contains a claim under § 1.55 for priority of a prior-filed foreign application, or a claim under § 1.78 for the benefit of a prior-filed provisional, nonprovisional, or international application, that was present on the filing date of the application, and the inadvertently omitted portion of the specification or drawing(s) is completely contained in the prior-filed application, the claim under § 1.55 or § 1.78 shall also be considered an incorporation by reference of the prior-filed application as to the inadvertently omitted portion of the specification or drawing(s).
>
> (1) **The application must be amended to include the inadvertently omitted portion of the specification or drawing(s) within any time period set by the Office, but in no case later than the close of prosecution as defined by § 1.114(b), or abandonment of the application, whichever occurs earlier. The applicant is also required to:**
>
> (i) Supply a copy of the prior-filed application, except where the prior-filed application is an application filed under 35 U.S.C. 111;
>
> (ii) Supply an English language translation of any prior-filed application that is in a language other than English; and

> (iii) Identify where the inadvertently omitted portion of the specification or drawings can be found in the prior-filed application.
>
> ...
>
> (3) If an application is not otherwise entitled to a filing date under § 1.53(b), the amendment must be by way of a petition pursuant to this paragraph, accompanied by the fee set forth in § 1.17(f).
>
> (emphasis added)

At the outset, petitioner has not provided an amendment to include the inadvertently omitted specification as required by 37 CFR 1.57(a). A renewed petition, accompanied by the required preliminary amendment to add the specification, must be filed.

Further, it is noted that petitioners assert that the document enclosed as Exhibit E was the specification that was intended to be filed, and was inadvertently omitted, but also request that the substitute specifications which comprise the documents enclosed as Exhibit F & G be considered the initial disclosure.

In this regard, applicant must clearly identify, in any renewed petition, which document comprises the inadvertently omitted specification.

Any request for reconsideration should be filed within **TWO (2) MONTHS** of the date of this decision in order to be considered timely. This time period may not be extended pursuant to 37 CFR 1.136.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

By FAX: (571) 273-8300
Attn: Office of Petitions

By hand: Customer Service Window
Mail Stop Petition
Randolph Building
401 Dulany Street
Alexandria, VA 22314

A reply may also be filed via EFS-Web

Telephone inquiries specific to this decision should be directed to Senior Petitions Attorney Douglas I. Wood at 571.272.3231.

Christopher Bottorff
Supervisor
Office of Petitions

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PATTERSON & SHERIDAN, L.L.P.
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HOUSTON TX 77056

In re Application of	:	
Ishio et al.	:	
Application Number: 12/713044	:	
Filing Date: 02/25/2010	:	DECISION ON PETITION
Attorney Docket Number:	:	
TTEC/0578US	:	

This is a decision on the "RENEWED PETITION TO ADD INAVERTENTLY OMITTED MATERIAL UNDER 37 C.F.R. 1.57(a) BASED ON A CLAIM FOR PRIORITY UNDER 37 C.F.R. 1.78," filed on September 3, 2010, requesting that the above-identified application be accorded a filing date of February 25, 2010.

BACKGROUND

On February 25, 2010, the application was deposited. The application papers consisted of, *inter alia*, an Information Disclosure Statement (IDS), payment of the utility filing, search, and examination fees, an Application Data Sheet (ADS), including a claim of benefit to prior-filed provisional Application Nos. 61/156,355, 61/156,369, and 61/158,996, a declaration pursuant to 37 CFR 1.63, four (4) pages containing claims, one (1) page containing the abstract, and eight (8) sheets of drawings.

On March 4, 2010, 29 pages of specification were filed. On March 10, 2010, a Notice of Incomplete Nonprovisional Application was mailed, stating that the specification was missing. However, on March 10, 2010, a filing receipt was also mailed stating that the application had been accorded a filing date of March 4, 2010.

In response, on May 10, 2010, the initial petition was filed. Petitioners concede that the specification was inadvertently omitted from the application papers deposited on February 25, 2010, but request a filing date of February 25, 2010, because the application claims the benefit of prior-filed provisional applications identified above. On August 20, 2010, the petition was dismissed for lack of a preliminary amendment and a copy of the specification to be entered.

On September 3, 2010, the subject renewed petition was filed, along with a preliminary amendment requesting entry of the specification, and a copy of 29 pages of specification. Relying on §1.57(a), applicant again asserts that the specification is effectively incorporated by reference.

OPINION

37 CFR 1.57 states, in pertinent part:

> (a) Subject to the conditions and requirements of this paragraph, if all or a portion of the specification or drawing(s) is inadvertently omitted from an application, but the application contains a claim under § 1.55 for priority of a prior-filed foreign application, or a claim under § 1.78 for the benefit of a prior-filed provisional, nonprovisional, or international application, that was present on the filing date of the application, and the inadvertently omitted portion of the specification or drawing(s) is completely contained in the prior-filed application, the claim under § 1.55 or § 1.78 shall also be considered an incorporation by reference of the prior-filed application as to the inadvertently omitted portion of the specification or drawing(s).
>
> (1) The application must be amended to include the inadvertently omitted portion of the specification or drawing(s) within any time period set by the Office, but in no case later than the close of prosecution as defined by § 1.114(b), or abandonment of the application, whichever occurs earlier. The applicant is also required to:

> (i) Supply a copy of the prior-filed application, except where the prior-filed application is an application filed under 35 U.S.C. 111;
>
> (ii) Supply an English language translation of any prior-filed application that is in a language other than English; and
>
> (iii) Identify where the inadvertently omitted portion of the specification or drawings can be found in the prior-filed application.
>
> ...
>
> (3) If an application is not otherwise entitled to a filing date under § 1.53(b), the amendment must be by way of a petition pursuant to this paragraph, accompanied by the fee set forth in § 1.17(f).
>
> (emphasis added)

A review of the application as filed reveals that it included, in the Application Data Sheet and preliminary amendment filed with the original application papers deposited on January 15, 2010, a claim to benefit of the prior-filed applications, Nos. 61/156,355, 61/156,369, both filed on February 27, 2009, and 61/158,996, filed on March 10, 2009. The petition fee has been paid. Additionally, on September 3, 2010, a preliminary amendment requesting entry of the specification, as well as a copy of the specification to be entered, has been filed.

In view thereof, the petition under § 1.57(a) is **GRANTED**. The amendment will be entered in due course.

This application is being forwarded to the Office of Patent Application Processing (OPAP) for reprocessing with a filing date of **February 25, 2010**, using the application papers received in the Office on that date, as well as the preliminary amendment, including the specification, filed with the subject renewed petition.

The application is referred to the Office of Patent Application Processing for further processing. Applicant will receive appropriate notification regarding the fees owed, if any, and other information in due course from OPAP.

Telephone inquiries specific to this decision should be directed to Senior Petitions Attorney Douglas I. Wood at 571.272.3231.

Christopher Bottorff
Supervisor
Office of Petitions

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OFFICE OF PETITIONS

In re Application of
Brett G. Alten et al.
Application No. 12/713,103
Filed: February 25, 2010
Attorney Docket No.
A667311240US.C1/P4590USC1

DECISION ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed November 10, 2011, to revive the above-identified application.

This application became abandoned for failure to timely pay the issue and publication fees on or before November 9, 2011, as required by the Notice of Allowance and Fee(s) Due, mailed August 9, 2011. Accordingly, the date of abandonment of this application is November 10, 2011.

The petition is hereby **GRANTED**.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of $1,740 and the publication fee of $300, (2) the petition fee of $1,860; and (3) a proper statement of unintentional delay.

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

Telephone inquiries concerning this decision should be directed to JoAnne Burke at (571) 272-4584.

This application is being referred to the Office of Data Management for processing into a patent.

JoAnne Burke
Petitions Examiner
Office of Petitions

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	12/713,122	Confirmation Number	4049	Filing Date	2010-02-25
Attorney Docket Number (optional)	67518-5003	Art Unit	3739	Examiner	HELLING, KAITLYN ELIZ
First Named Inventor	Donald N. Schwartz				
Title of Invention	ULTRASONIC TREATMENT OF GLAUCOMA				

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
Donald	N.	Schwartz	

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	/Brennan C. Swain/	Date (YYYY-MM-DD)	2010-12-07
Name	Brennan C. Swain	Registration Number	43175

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
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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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In re Application of
Donald N. Schwartz

Application No. 12713122

Filed: February 25,2010

Attorney Docket No. 67518-5003

: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 07-DEC-2010 to make the above-identified application special based on applicant's age as set forth in MPEP § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1), MPEP § 708.02, Section IV: Applicant's Age must include a statement by applicant or a registered practitioner having evidence that applicant is at least 65 years of age. No fee is required.

Accordingly, the above-identified application has been accorded "special" status and will be taken up for action by the examiner upon the completion of all pre-examination processing.

Telephone inquiries concerning this electronic decision should be directed to the Electronic Business Center at 866-217-9197.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.