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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/733,045	02/04/2010	Karsten Westermann	66383-119-7	8300

25269 7590 11/02/2011

DYKEMA GOSSETT PLLC
FRANKLIN SQUARE, THIRD FLOOR WEST
1300 I STREET, NW
WASHINGTON, DC 20005

EXAMINER	
CONLEY, FREDRICK C	
ART UNIT	**PAPER NUMBER**
3673	
MAIL DATE	**DELIVERY MODE**
11/02/2011	PAPER

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

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11/2/11

BC

In re application of	:	DECISION ON REQUEST TO
Jos Bastiaens et al.	:	PARTICIPATE IN PATENT
Serial No. 12/773,045	:	PROSECUTION HIGHWAY
Filed: May 04, 2010	:	PROGRAM AND
Attorney Docket No: 07NOR0010-US-NP	:	PETITION TO MAKE SPECIAL
	:	UNDER 37 CFR 1.102(a)

This is a decision on the request for reconsideration to participate in the PCT Patent Prosecution Highway (PCT-PPH) pilot program and the petition under 37 CFR 1.102(a), filed September 08, 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 APO, IPA, JPO, KIPO, NBPR, NPI, EPO, Rospatent, IPOS, SPTO, PRV, UK IPO or USPTO;

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

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

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

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

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

product is not in the English language; and

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

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

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

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

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

/Blaine Copenheaver/

Blaine Copenheaver
Quality Assurance Specialist
Technology Center 1700

27 SEP 2010

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BAYER MATERIAL SCIENCE LLC
100 BAYER ROAD
PITTSBURGH PA 15205

In re Application of	:	DECISION
HUMPHREY et al.	:	
Application No.: 12/733,059	:	
PCT No.: PCT/US2008/009518	:	
Int. Filing Date: 08 August 2008	:	
Priority Date: 10 August 2007	:	
Attorney Docket No.: PO9128US	:	
For: THERMOPLASTIC ALIPHATIC URETHANE/UREA MOLDING COMPOSITIONS	:	

This decision is in response to applicants' submission filed in the USPTO on 20 April 2010. The submission includes a reference to earlier filed provisional applications submitted as an amendment under 37 CFR 1.78. The submission also includes a request which has been properly treated as a petition under 37 CFR 1.181.

BACKGROUND

On 08 August 2008, applicants filed international application PCT/US2008/009518 which claimed a priority date of 10 August 2007 and designated the United States. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 19 February 2009. The thirty-month period for paying the basic national fee in the United States expired at midnight on 10 February 2010.

On 04 February 2010, applicants filed a transmittal letter for entry into the national stage in the United States accompanied by, *inter alia*, the basic national fee and a petition under 37 CFR 1.182.

On 29 March 2010, a decision was issued dismissing applicants' petition under 37 CFR 1.182. Specifically, the decision noted that although one of the priority application numbers was listed incorrectly in the international application, applicants may list it correctly under 37 CFR 1.78 without the need for a petition under 37 CFR 1.182. The decision also noted that the reference to the priority applications must be submitted within the later of four months from the date on which the national stage commenced under 35 U.S.C. 371(b) or (f) in the later-filed international application or sixteen months from the filing date of the prior-filed provisional application.

On 20 April 2010, applicants submitted (1) a reference to earlier filed provisional applications submitted as an amendment under 37 CFR 1.78 and (2) a request which has been properly treated as a petition under 37 CFR 1.181.

DISCUSSION

Petition Under 37 CFR 1.181

The petition requests that the certified copy of priority document 60/957,376 be accepted as having been filed on 04 February 2010.

The certified copy of priority document 60/957,376 originally filed 04 February 2010 has been saved as artifact number 12733059ZA as part of the instant application file. Accordingly, the petition under 37 CFR 1.181 is moot.

Reference to Provisional Application Under 37 CFR 1.78

The reference to the provisional applications, including 60/957,376 filed 22 August 2007, submitted as an amendment to the specification on 20 April 2010 is acknowledged. The reference has been made during the specified time period set forth in 37 CFR 1.78(a)(5)(ii).

CONCLUSION

The petition under 37 CFR 1.181 is **DISMISSED** as **MOOT** for the reasons set forth above.

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

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

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

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/733,067	02/05/2010	Koo Hyounhee	8737.318.00	9473

30827 7590 10/07/2010
MCKENNA LONG & ALDRIDGE LLP
1900 K STREET, NW
WASHINGTON, DC 20006

EXAMINER	
YAO, KWANG BIN	
ART UNIT	PAPER NUMBER
2473	

MAIL DATE	DELIVERY MODE
10/07/2010	PAPER

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

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

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

In re Application of: HYOUNHEE, KOO
Application No. 12733067
Filed: February 5, 2010
For: METHOD OF PERFORMING RADIO LINK MEASUREMENT IN WIRELESS COMMUNICATION SYSTEM

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

MAILED

OCT 07 2010

DIRECTOR OFFICE
TECHNOLOGY CENTER 2400

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed September 20, 2010, to make the above-identified application special.

The petition is **DISMISSED.**

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

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

Where the KIPO application that contains the allowable/patentable claims is not the same application for which priority is claimed in the U.S. application, applicant must identify the relationship between the KIPO application that contains the allowable/patentable claims and the KIPO priority application claimed in the U.S. application.

(2) Applicant must submit a copy of (a) the allowable/patentable claim(s) from the KR application(s); (b) an English translation of the allowable/patentable claim(s), if the claims were published in a language other than English); and (c) a statement that the English translation is accurate.

(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the KIPO application(s) and Applicant must submit a claim correspondence table in English.

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

(5) Applicant must submit (a) a copy of all the office action(s) (which are relevant to patentability), excluding "Decision to Grant a Patent" from each of the KR application(s) containing the allowable/patentable claim(s); (b) an English language translation of the KIPO office action(s) (if the office action(s) are not in the English language); and (c) a statement that the English translation is accurate.

(6) Applicant must submit (a) an IDS listing the documents cited by the KIPO examiner in the KIPO office action (unless already filed in this application); and (b) copies of all the documents cited in the KIPO office action, except U.S. patents or U.S. patent application publications (unless already filed in this application).

The request to participate in the PPH program and petition failed item (1) above, because the KIPO application that contains the allowable/patentable claims is not the same application for which priority is claimed in the U.S. application, and Applicant failed identify the relationship between the KIPO application that contains the allowable/patentable claims and the KIPO priority application claimed in the U.S. application.

Accordingly, the Petition is **DISMISSED**.

Applicant is given a time period of ONE MONTH or THIRTY DAYS, whichever is longer, to correct the deficiencies. NO EXTENSION OF TIME UNDER 37 CFR 1.136 IS PERMITTED.

If the deficiencies are not corrected with the time period given, the application will await action in its regular turn.

Responses must be submitted by EFS-Web using the document description "Petition to make special under Pat Pros Hwy".

Telephone inquiries concerning this decision should be directed to Hassan Kizou at 571-272-3088

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

/Hassan Kizou/

Hassan Kizou
Quality Assurance Specialist
Technology Center 2400

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/733,067	02/05/2010	Koo Hyounhee	8737.318.00	9473

30827 7590 10/27/2010

MCKENNA LONG & ALDRIDGE LLP
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WASHINGTON, DC 20006

EXAMINER	
YAO, KWANG BIN	
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2473	
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10/27/2010	PAPER

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

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

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OCT 26 2010

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

In re Application of: HYOUNHEE, KOO
Application No. 12733067
Filed: February 5, 2010
For: METHOD OF PERFORMING RADIO LINK MEASUREMENT IN WIRELESS COMMUNICATION SYSTEM

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

This is a decision on the renewed request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed October 14, 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 KIPO, or (ii) validly claims priority to a PCT application that contains no priority claims, or
   (b) a national stage application under the PCT (an application which entered the national stage in the U.S. from a PCT international application after compliance with 35 U.S.C. 371), which PCT application (i) validly claims priority to an application filed in the KIPO, or (ii) validly claims priority to a PCT application that contains no priority claims, or (iii) contains no priority claim, or
   (c) a so-called bypass application filed under 35 U.S.C. 111 (a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application (i) validly claims priority to an application filed in the KIPO, or (ii) validly claims priority to a PCT application that contains no priority claims, or (iii) contains no priority claim.

Where the KIPO application that contains the allowable/patentable claims is not the same application for which priority is claimed in the U.S. application, applicant must identify the relationship between the KIPO application that contains the allowable/patentable claims and the KIPO priority application claimed in the U.S. application.

(2) Applicant must submit a copy of (a) the allowable/patentable claim(s) from the KR application(s); (b) an English translation of the allowable/patentable claim(s), if the claims were published in a language other than English); and (c) a statement that the English translation is accurate.

(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the KIPO application(s) and Applicant must submit a claim correspondence table in English.

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

(5) Applicant must submit (a) a copy of all the office action(s) (which are relevant to patentability), excluding "Decision to Grant a Patent" from each of the KR application(s) containing the allowable/patentable claim(s); (b) an English language translation of the KIPO office action(s) (if the office action(s) are not in the English language); and (c) a statement that the English translation is accurate.

(6) Applicant must submit (a) an IDS listing the documents cited by the KIPO examiner in the KIPO office action (unless already filed in this application); and (b) copies of all the documents cited in the KIPO office action, except U.S. patents or U.S. patent application publications (unless already filed in this application).

The original request to participate in the PPH program and petition were dismissed for failure to satisfy the requirements of item (1) above, because the KIPO application that contains the allowable/patentable claims is not the same application for which priority is claimed in the U.S. application, and Applicant failed identify the relationship between the KIPO application that contains the allowable/patentable claims and the KIPO priority application claimed in the U.S. application. The renewed request having corrected this deficiency, the request to participate in the PPH program and petition are now found to comply with all the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Hassan Kizou at 571-272-3088

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

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

/Hassan Kizou/

Hassan Kizou
Quality Assurance Specialist
Technology Center 2400

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COLEMAN SUDOL SAPONE, P.C.
714 COLORADO AVENUE
BRIDGE PORT CT 06605-1601

MAILED
MAR 21 2012
OFFICE OF PETITIONS

In re Application of :
Mueller et al. :
Application No. 12/733,073 : DECISION ON PETITION
Filed: July 19, 2010 :
Attorney Docket No. C21-081 A US Nat :

This is a decision on the petition, filed February 10, 2012, which is being treated as a petition under 37 CFR 1.8(b), requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is **GRANTED**.

This application was held abandoned for failure to timely respond to the Notice of Allowance of October 20, 2011, which set a three (3) month shortened statutory period for reply. Accordingly, a reply was due on or before January 20, 2012.

Petitioner states that a timely reply was mailed via certificate of transmission on December 20, 2011, which included the following papers: Request for Continued Examination (RCE) and information disclosure statement (IDS). Petitioner has submitted a copy of the previously mailed correspondence, which bears a certificate of transmission, dated December 20, 2011, which would have rendered the reply timely if received. Petitioner has also submitted a copy of the Auto-Reply Facsimile Transmission and a copy of the sending unit's report.

The file record does not include the originally submitted papers. Failure to receive correspondence which includes a certificate of mailing or certificate of facsimile transmission is addressed in 37 CFR 1.8(b), reproduced below:

> In the event that correspondence is considered timely filed by being mailed or transmitted in accordance with paragraph (a) of this section, but not received in the U.S. Patent and Trademark Office after a reasonable amount of time has elapsed from the time of mailing or transmitting of the correspondence, or after the application is held to be abandoned, or after the proceeding is dismissed, terminated, or decided with prejudice, the correspondence will be considered timely if the party who forwarded such correspondence:

(1) Informs the Office of the previous mailing or transmission of the correspondence promptly after becoming aware that the Office has no evidence of receipt of the correspondence;

(2) Supplies an additional copy of the previously mailed or transmitted correspondence and certificate; and

(3) Includes a statement which attests on a personal knowledge basis or to the satisfaction of the Director to the previous timely mailing or transmission. If the correspondence was sent by facsimile transmission, a copy of the sending unit's report confirming transmission may be used to support this statement.

The petition satisfies the above requirements of 37 CFR 1.8(b). Accordingly, the holding of abandonment for failure to timely file a reply to the Notice of Allowance of October 20, 2011 is hereby withdrawn and the application restored to pending status.

The copy of the reply received with the petition will be accepted in place of the reply shown to have been mailed (or transmitted by facsimile) on December 20, 2011.

This application is being referred to Technology Center AU 1626 for appropriate action in the normal course of business on the RCE received with petition.

Charlema Grant

Charlema Grant
Petitions Attorney
Office of Petitions

26 AUG 2010

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Carella, Byrne
5 Becker Farm Road
Roseland NJ 07068

In re Application of O'SULLIVAN et al. :
Application No.: 12/733,083 : DECISION ON PETITION
PCT No.: PCT/IE08/00076 :
Int. Filing Date: 24 July 2008 : UNDER 37 CFR 1.47(a)
Priority Date: 09 August 2007 :
Attorney Docket No.: 514810.6 :
For: A TRANSPORT MANAGEMENT SYSTEM:

This is a decision on applicant's petition under 37 CFR 1.47(a), filed in the United States Patent and Trademark Office (USPTO) on 24 June 2010, to accept the application without the signature of the joint inventor PLAMEN PANOV.

BACKGROUND

On 05 February 2010, applicant filed a request for entry into the U.S. National stage for PCT application PCT/IE08/00076.

On 24 June 2010, applicant filed the instant petition under 37 CFR 1.47(a) along with an executed declaration. The petition under 37 CFR 1.47(a) in an attempt to satisfy the requirements of 35 U.S.C. 371(c)(4) requested the acceptance of the application without the signature of inventor PLAMEN PANOV, alleging that he refuses to sign the application.

DISCUSSION

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

Applicant satisfied Item (1) with the payment of the petition fee of $200.

With regard to Item (2), Section 409.03(d) of the Manual of Patent Examining Procedure (MPEP), Proof of Unavailability or Refusal, states, in relevant part:

> A refusal by an inventor to sign an oath or declaration when the inventor has not been presented with the application papers does not itself suggest that the inventor is refusing to join the application unless it is clear that the inventor understands exactly what he or she is being asked to sign and refuses to accept the application papers. *A copy of the application papers should be sent to the last known address of the nonsigning inventor, or, if the nonsigning inventor is represented by counsel, to the address of the nonsigning inventor's attorney.* The fact that an application can 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 received 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 the conclusion is based should be stated in a statement of facts in support of the petition or directly in the petition. If there is documentary evidence to support facts alleged in the petition or any statement of facts, such evidence should be submitted. Whenever a nonsigning inventor gives a reason for refusing to sign the application oath or declaration, that reason should be stated in the petition.

(Emphasis added.)

Petitioner submitted the statement of Harvey Appelbe, joint inventor. Mr. Appelbe states that he personally contacted Plamen Panov and presented a declaration form and Assignment, "inviting him to assist in the filing of the US patent application". Mr. Appelbe states that through the course of the exchange with Plamen Panov on March 28, 2010, it became apparent to me that he did not intend to assist in this matter." Mr. Panov did not sign the documents presented to him.

The petition states that the inventor Plamen Panov refuses to sign the application papers. However, the petition does not adequately demonstrate that a complete copy of the application papers (including specification, claims and drawings, and oath or declaration) was ever sent to Mr. Panov and that Mr. Panov received such papers. The statement of Mr. Appelbe does not indicate that a complete copy of the application was submitted to Mr. Panov. No details of how the declaration and assignment were transmitted to Mr. Panov were provided. As stated in MPEP 409.03(d), the circumstances of the presentation of the application papers must be specified in a statement of facts by the person who presented the inventor with application papers. A statement from the person who presented the inventor with the application papers should be submitted. Further- more, the petition does not establish that Mr. Panov actually received the application papers. As stated in MPEP 409.03(d), it is reasonable to require that the inventor be presented with the application papers before a petition under 37 CFR 1.47 is granted since such a procedure ensures that the inventor is apprised of the application to which the oath or declaration is directed. Documentary evidence of the delivery of the application papers to Mr. Panov (such as a cover letter of instructions, delivery confirmation, etc.) has not been provided. Additionally, the petition does not sufficiently illustrate that Mr. Panov refuses to sign. Although the petition states that Mr. Panov's refusal is contained in an electronic mail message, no such refusal is present in the submitted documents. Mr. Panov merely states that he would seek legal advice before signing anything. There is no indication in the emails that a copy of the application papers were presented to the nonsigning inventor. No first hand statements from those who

mailed the nonsigning inventor were provided regarding any further communications with the nonsigning inventor. Thus, it would not be reasonable to conclude at the present time that Mr. Panov refuses to join in the application.

With regard to Item (3) above, the petition states the nonsigning inventor's last known address. Item (4) is satisfied with the submission of the declaration executed by the joint inventors.

Under these circumstances, it cannot be concluded that the nonsigning inventor refuses to sign the application. Petitioner has not satisfied Item (2). Accordingly, it is inappropriate to accord the national stage application status under 37 CFR §1.47(a) at this time.

CONCLUSION

The petition under 37 CFR §1.47(a) is **DISMISSED WITHOUT PREJUDICE**.

Any reconsideration on the merits of the petition under 37 CFR §1.47(a) must be filed within TWO (2) MONTHS from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR §1.47(a)." No petition fee is required. Any further extensions of time available may be obtained under 37 CFR 1.136(a).

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

MAILED

MAR 01 2011

PCT LEGAL ADMINISTRATION

Commissioner for Patents
United States Patent and Trademark Office
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Carella Byrne
5 Becker Farm Road
Roseland NJ 07068

In re Application of O'SULLIVAN et al. :
Application No.: 12/733,083 : DECISION ON PETITION
PCT No.: PCT/IE08/00076 :
Int. Filing Date: 24 July 2008 : UNDER 37 CFR 1.47(a)
Priority Date: 09 August 2007 :
Attorney Docket No.: 514810.6 :
For: A TRANSPORT MANAGEMENT SYSTEM :

This is a decision on applicant's renewed petition under 37 CFR 1.47(a), filed in the United States Patent and Trademark Office (USPTO) on 10 December 2010, to accept the application without the signature of the joint inventor PLAMEN PANOV.

BACKGROUND

On 05 February 2010, applicant filed a request for entry into the U.S. National stage for PCT application PCT/IE08/00076.

On 24 June 2010, applicant filed a petition under 37 CFR 1.47(a) along with an executed declaration. The petition under 37 CFR 1.47(a) in an attempt to satisfy the requirements of 35 U.S.C. 371(c)(4) requested the acceptance of the application without the signature of inventor PLAMEN PANOV, alleging that he refuses to sign the application. On 26 August 2010, a decision dismissing the petition was mailed.

DISCUSSION

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

Applicant previously satisfied Items (1), (3) and (4).

With regard to Item (2), Petitioner now submits the statement of Francis Hand, attorney of record. Mr. Hand states that on 18 October 2010, he contacted Plamen Panov via email and presented a copy of the application papers including a declaration for his signature. On 24 October 2010, Mr. Panov replied that he had already signed a power of attorney which he considered to have fulfilled his obligations toward the company and the patent. Mr. Hand replied to the email requesting the nonsigning inventor's signature on the declaration. Mr. Panov responded that he may consider signing the declaration only and further stated if other legal documents need to be signed, "then please consider this as my refusal to sign any of them". From the totality of the evidence presented, it is reasonable to conclude that Mr. Panov refuses to join in the application. Accordingly, it is appropriate to accord the national stage application status under 37 CFR §1.47(a) at this time.

CONCLUSION

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

The U.S. Designated/Elected Office has accepted the application as a 37 CFR 1.47(a) application using the declaration filed 05 February 2010. The application has an international filing date of 24 July 2008 under 35 U.S.C. 363, and a date of 05 February 2010 under 35 U.S.C. 371(c).

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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MAR 01 2011

PCT LEGAL ADMINISTRATION

PLAMEN PANOV
16 TIBRADDEN GROVE
GREENHILLS
DUBLIN, 12 IRELAND

In re Application of O'SULLIVAN et al.
Application No.: 12/733,083
PCT No.: PCT/IE08/00076
Int. Filing Date: 24 July 2008
Priority Date: 09 August 2007
Attorney Docket No.: 514810.6
For: A TRANSPORT MANAGEMENT SYSTEM

Dear Mr. Panov:

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

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

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

Carella Byrne
5 Becker Farm Road
Roseland NJ 07068

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United States Patent and Trademark Office
Washington, D.C. 20231
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Carmen Patti Law Group, LLC
One North LaSalle Street
44th Floor
Chicago IL 60602

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NOV 08 2010

PCT LEGAL ADMINISTRATION

In re Application of :
DROBNIK, et al. : DECISION ON PETITION
Serial No.: 12/733,097 :
PCT No.: PCT/US2008/010011 : UNDER 37 CFR 1.47(a)
Int. Filing Date: 22 August 2008 :
Priority Date: 24 August 2007 :
Atty Docket No.: BCR-128 PCT/US/2 :
For: PACKAGING SYSTEM FOR BRACHY-THERAPY IMPLANT AND CUTTING THEREOF :

This decision is in response to applicant's renewed petition under 37 CFR 1.47 filed 16 September 2010 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 16 July 2010, applicant was mailed a decision dismissing applicant's petition under 37 CFR 1.47(a). Applicant was afforded two months to file any request for reconsideration and advised that this period could be extended pursuant to 37 CFR 1.136(a).

On 16 September 2010, applicant filed the present renewed petition.

DISCUSSION

As detailed in the decision mailed 16 July 2010, a petition under 37 CFR 1.47(a) must be accompanied by (1) the fee under 37 CFR 1.17(g), (2) factual proof that the missing joint investor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the missing inventor, and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and on behalf of the non-signing joint inventor. Applicant previously satisfied items 2 and 4.

With the filing of the renewed petition and accompanying documentation applicant has satisfied the two additional items and it is proper to grant applicant's renewed petition at this time.

CONCLUSION

For the reasons above, applicant's renewed petition under 37 CFR 1.47(a) and request for status under 37 CFR1.42 are **GRANTED**.

The application has an international filing date of 22 August 2008 under 35 U.S.C. 363, and will be given a date of **01 June 2010** under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. Box 1450
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Mr. Michael Johnson
3008 Champaign Street
Charlotte, NC 28210

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NOV 08 2010

PCT LEGAL ADMINISTRATION

In re Application of
DROBNIK, et al.
Serial No.: 12/733,097
PCT No.: PCT/US2008/010011
Int. Filing Date: 22 August 2008
Priority Date: 24 August 2007
Atty Docket No.: BCR-128 PCT/US/2
For: PACKAGING SYSTEM FOR BRACHY-THERAPY IMPLANT AND CUTTING THEREOF

Dear Mr. Johnson:

You are named as an inventor in the above identified United States patent application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor. As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make your position of record in the application. Alternately, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. If you care to join in the application, the law firm of record (see below) would presumably assist you. Joining in the application would entail the filing of the appropriate oath or declaration by you pursuant to 37 CFR 1.63.

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

Counsel of Record:
Carmen Patti Law Group, LLC
One North LaSalle Street
44th Floor
Chicago IL 60602

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FEB 22 2011

PCT LEGAL ADMINISTRATION

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

In re Application of	:	
TANNER et al.	:	
Application No.: 12/733,139	:	DECISION
PCT No.: PCT/AU2008/001172	:	
Int. Filing Date: 13 August 2008	:	
Priority Date: 13 August 2007	:	
Attorney Docket No.: 78589-A-PCT-US/JPW/SS	:	
For: BARLEY WITH LOW LEVELS OF HORDEINS	:	

This decision is in response to applicants' renewed request for refund filed in the United States Patent and Trademark Office (USPTO) on 08 December 2010.

BACKGROUND

On 13 August 2008, applicant filed international application PCT/AU2008/001172, which designated the U.S. and claimed a priority date of 13 August 2007. A copy of the international application was communicated to the USPTO from the International Bureau on 19 February 2009. The thirty-month period for paying the basic national fee in the United States expired at midnight on 16 February 2010 (13 February 2010 being a Saturday and 15 February 2010 being a Federal holiday).

On 12 February 2010, applicant filed a submission for entry into the national stage in the United States which was accompanied by, *inter alia*, a TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A FILING UNDER 35 U.S.C. 371 (Form PTO-1390) and the U.S. Basic National Fee.

On 17 June 2010, applicants filed a request for a refund in the amount of $5,038.

On 08 July 2010, a decision was sent denying applicants' request for refund in the amount of $5,038 because "Box C was checked" on the transmittal letter (page 3) filed 12 February 2010 thereby authorizing the charging of excess claim fees.

On 08 December 2010, applicants filed the instant renewed request for refund.

DISCUSSION

The renewed request for refund requests a refund of $5,038 for charges made for excess claim fees. The renewed request urges that 37 CFR 1.117(a) states that if "an amendment canceling a claim is filed before an examination on the merits has been made of the application, the applicant may request a refund of any fee under § 1.16(h), (i), or (j) or under § 1.492(d), (e), or (f) paid on or after December 8, 2004, for such claim." However, 37 CFR 1.117 did not become effective. See 37 CFR 1.117 ("[Removed and reserved, 62 FR 53131, Oct. 10, 1997, effective Dec. 1, 1997; added, 72 FR 46716, Aug. 21, 2007 (implementation enjoined and never became effective); removed, 74 FR 52686, Oct. 14, 2009, effective Oct. 14, 2009 (to remove changes made by the final rules in 72 FR 46716 from the CFR)]").

Attention is also directed to MPEP 1893.01(c) which states in part:

> A preliminary amendment accompanying the initial national stage submission under 35 U.S.C. 371 that is effective to cancel claims and/or eliminate multiple dependent claims will be effective to reduce the number of claims to be considered in calculating extra claim fees required under 37 CFR 1.492(d)-(e) and/or eliminate the multiple dependent claim fee required under 37 CFR 1.492(f). A subsequently filed amendment canceling claims and/or eliminating multiple dependent claims will not entitle applicant to a refund of fees previously paid. See MPEP § 607 and § 608. (Emphasis added)

The excess claim fee charges were proper.

CONCLUSION

The request for refund under 37 CFR 1.26 is **REFUSED** for the reasons set forth above.

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

/Daniel Stemmer/

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

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/733,179	04/07/2010	Sung-Jun Park	8737.312.00	9514

30827 7590 08/17/2010
MCKENNA LONG & ALDRIDGE LLP
1900 K STREET, NW
WASHINGTON, DC 20006

EXAMINER	
ART UNIT	PAPER NUMBER
2473	

MAIL DATE	DELIVERY MODE
08/17/2010	PAPER

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

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

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

In re Application of: PARK, SUNG-JUN et al.
Application No. 12733179
Filed: April 7, 2010
For: METHOD OF ALLOCATING RADIO RESOUCES IN A WIRELESS COMMUNICATION SYSTEM

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

MAILED

AUG 17 2010

DIRECTOR OFFICE
TECHNOLOGY CENTER 2400

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed June 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 KIPO, or
(ii) validly claims priority to a PCT application that contains no priority claims,

Or

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

Or

(c) a so-called bypass application filed under 35 U.S.C. 111 (a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application
(i) validly claims priority to an application filed in the KIPO, or
(ii) validly claims priority to a PCT application that contains no priority claims, or
(iii) contains no priority claim.

Where the KIPO application that contains the allowable/patentable claims is not the same application for which priority is claimed in the U.S. application, applicant must identify the relationship between the KIPO application that contains the allowable/patentable claims and the KIPO priority application claimed in the U.S. application;

(2) Applicant must submit a copy of:
a. The allowable/patentable claim(s) from the KR application(s);
b. An English translation of the allowable/patentable claim(s), if the claims were published in a language other than English); and
c. A statement that the English translation is accurate;

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

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

(5) Applicant must submit:
a. A copy of all the office action(s) (which are relevant to patentability), excluding "Decision to Grant a Patent" from each of the KR application(s) containing the allowable/patentable claim(s);
b. An English language translation of the KIPO office action(s) (if the office action(s) are not in the English language); and
c. A statement that the English translation is accurate; and

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

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

Telephone inquiries concerning this decision should be directed to Hassan Kizou at 571-272-3088

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

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

/Hassan Kizou/

Hassan Kizou
Quality Assurance Specialist
Technology Center 2400

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.
12/733,183	02/16/2010	Sumiaki Yamasaki	0649-2298PUS1	7356

7590 10/24/2011

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

EXAMINER	
NAKARANI, DHIRAJLAL S	
ART UNIT	**PAPER NUMBER**
1787	
NOTIFICATION DATE	**DELIVERY MODE**
10/24/2011	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.

Mimi Farmer

Patent Publication Branch
Office of Data Management

- 9 SEP 2010

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P.O. Box 1450
Alexandria, VA 22313-1450
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ABELMAN, FRAYNE & SCHWAB
666 THIRD AVENUE, 10TH FLOOR
NEW YORK NY 10017

In re Application of	:	
ATASSI, Mohamed Radwan Rafaat	:	
Application No.: 12/733,210	:	DECISION
PCT No.: PCT/EG2005/000038	:	
Int. Filing Date: 30 November 2005	:	ON PETITION UNDER
Priority Date: None	:	
Docket No.: 210,374	:	37 CFR 1.137(b)
For: MIST FLUSHING SYSTEM FOR WATER CLOSETS	:	

This is a decision on applicants' renewed Petition to Revive an Unintentionally Abandoned Under 37 C.F.R. §1.137(b), filed in the above-captioned application on 18 June 2010.

BACKGROUND

On 20 April 2010, the Office mailed Decision On Petition Under 37 CFR 1.137(b), dismissing applicant's petition without prejudice.

On 18 June 2010, applicants filed a renewed petition to revive the international application under 37 CFR 1.137(b).

DISCUSSION

A petition to revive an abandoned application under 37 CFR 1.137(b) must be filed without intentional delay from the time the application became abandoned and/or applicant first became aware of the abandoned status of the application. A petition under 37 CFR 1.137(b) must be accompanied by (1) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional, (2) the required reply, (3) the petition fee required by law (37 CFR 1.17(m)), and (4) a terminal disclaimer and fee (if the international application was filed prior to June 8, 1995).

Items (2), (3) and (4) have been satisfied. The petition fee has been paid and the required reply furnished. A terminal disclaimer is not required as the application was filed on or after 08 June 1995.

Item (1) has now been satisfied. Applicant has now furnished an explanation of the delay from the attorney who had been instructed to file the application with a petition on 16 June 2008, he had a file created for the case on 20 May 2009, but as of August 2009 when he left the firm, the national phase entry and petition had not as yet been filed. The attorney indicates despite delays with the processing of the petition, it was his and his client's intention to file the national phase with a petition to revive.

CONCLUSION

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

This application is being referred to the National Phase Processing Branch of the Office of Patent Application Processing for further action consistent with this decision.

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Telephone: 571-272-3292

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Abelman, Frayne & Schwab
666 Third Avenue, 10th Floor
New York, New York 10017-5621

MAILED

APR 27 2011

PCT LEGAL ADMINISTRATION

In re Application of
MUNOZ et al.
Serial No.: 12/733,218
PCT No.: PCT/ES2008/070160
Int. Filing Date: 11 August 2008
Priority Date: 14 August 2007
Atty. Docket No.: 210,752
For: COMPACTED FOOD FOR ANIMALS

DECISION ON PETITION
UNDER 37 CFR 1.181

This decision is in response to applicant's "Petition under 37 CFR 1.181" filed 18 April 2011. No petition fee is required.

BACKGROUND

On 11 August 2008, applicants filed international application PCT/ES2008/070160 which claimed a priority date of 14 August 2007. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 26 February 2009. Accordingly, the thirty-month period for paying the basic national fee expired at midnight on 12 February 2010.

On 12 February 2010, applicant filed a Transmittal Letter (Form PTO-1390) requesting entry into the national stage in the United States of America under 35 U.S.C. 371. Filed with the Transmittal Letter were, *inter alia*, the requisite basic national fee and a copy of the international application.

On 09 March 2010, the United States Designated/Elected Office mailed a Notification of Missing Requirements (PCT/DO/EO/905) requiring submission of an oath or declaration in compliance with 37 CFR 1.497, an English translation of the international application, and the surcharge under 37 CFR 1.492(i). The notification was mailed to an address that was not the correspondence address listed on the Transmittal Letter filed 12 February 2010.

On 18 April 2011, applicant filed the present petition. The submission included an executed declaration and an English translation of the international application.

DISCUSSION

Applicant states in their present petition that Notification of Missing Requirements dated 09 March 201 was never received at Abelman Frayne and Schwab. Since the Notification of Missing Requirements was mailed to address that was not listed on the Transmittal Letter, the Notification of Missing Requirements (Form PCT/DO/EO/905) dated 09 March 2010 is hereby vacated.

CONCLUSION

The petition under 37 CFR 1.181 is **GRANTED**.

The correspondence address listed in the PALM database has been corrected to: Abelman, Frayne & Schwab, 666 Third Avenue, 10th Floor, New York, New York 10017-5621.

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/733,264	02/19/2010	Yoshiharu Namiki	053466-0486	5058

22428 7590 09/01/2010

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

EXAMINER	
GUMBS, KEEGAN ROSS	

ART UNIT	PAPER NUMBER
3751	

MAIL DATE	DELIVERY MODE
09/01/2010	PAPER

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

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

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Alexandria, VA 22313-1450
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FOLEY AND LARDNER LLP
SUITE 500
3000 K STREET NW
WASHINGTON DC 20007

In re Application of:
NAMIKI, YOSHIHARU et al
Serial No.: 12/733,264
Filed: Feb. 19, 2010
Docket: 053466-0486
Title: KNOCK-TYPE WRITING INSTRUMENT HAVING A SHOCK-RELAXING DEVICE

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 31, 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 is forwarded to the 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 Greg Huson, the SPE of Art Unit 3751, and 571-272-4887 for Class 401/104 and also accessible in the PAIR system at http://www.uspto.gov/ebc.index.html.

Petition is **granted**.

/Henry C. Yuen/

_____

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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Peter A. Shaddock II
Bowman Green Hampton & Kelly, PLLC
501 Independence Parkway, Suite 201
Chesapeake VA 23320-5173

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DEC 28 2010

PCT LEGAL ADMINISTRATION

In re Application of :
ROSE, et al. : DECISION ON PETITION
Serial No.: 12/733,337 :
PCT No.: PCT/US2008/010053 : UNDER 37 CFR 1.47(a)
Int. Filing Date: 25 August 2008 :
Priority Date: 24 August 2007 :
Atty Docket No.: 729-414 :
For: TOURNIQUET SYSTEM :

This decision is in response to applicant's petition under 37 CFR 1.47(a) filed 23 November 2010 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 25 August 2008, applicant filed international application PCT/US2008/010053 which claimed priority to a previous application filed 24 August 2007. Pursuant to 37 CFR 1.495, the thirty-month period for paying the basic national fee in the United States was set to expire at midnight on 24 February 2010.

On 24 February 2010, applicant filed a transmittal letter for entry into the national stage in the United States, which was accompanied by the requisite basic national fee as required by 35 U.S.C. 371(c)(1).

On 26 May 2010, applicant was mailed a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) informing applicant of the need to provide an executed oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. Applicant was given two months to respond and advised that this time period could be extended with a proper petition and payment of fees.

On 23 November 2010, applicant filed the present petition under 37 CFR 1.47(a) accompanied by a petition for a four-month extension of time. With payment of the four-month extension of time, applicant's present response is considered timely filed.

DISCUSSION

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

As to item 2, applicant has satisfied this item as to inventor Gantar. However, as to inventor Abrams, applicant has not included a copy of the email in which the inventor indicates his refusal to execute the declaration.

Regarding item 4, the currently filed declaration does not comply with 37 CFR 1.497(a).

Specifically, MPEP Section 201.03 states that:

An oath or declaration under 37 CFR 1.63 by each actual inventor must be presented. While each inventor need not execute the same oath or declaration, each oath or declaration executed by an inventor must contain a complete listing of all inventors so as to clearly indicate what each inventor believes to be the appropriate inventive entity. Where individual declarations are executed, they must be submitted as individual declarations rather than combined into one declaration.

The declaration executed by inventor Rose only contained pages one and two of the declaration and thus did not list the other inventors listed on pages three and four on the declaration. A compliant declaration signed by inventor Rose is required before the application can proceed.

For the reasons stated above, it is not possible to grant applicant's petition under 37 CFR 1.47(a) at this time.

CONCLUSION

Applicant's petition under 37 CFR 1.47(a) is **DISMISSED**.

Applicants are hereby afforded **TWO (2) MONTHS** from the mail date of this decision to file renewed petitions. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)." No additional petition fee is required. Extensions of time may be obtained under 37 CFR 1.136(a).

Any further correspondence with respect to this matter should be directed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration or electronically filed utilizing the USPTO's EFS-Web electronic filing system.

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UNITED STATES PATENT AND TRADEMARK OFFICE

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Washington, D.C. 20231
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APR 0 4 2011

PCT LEGAL ADMINISTRATION

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In re Application of :
ROSE, et al. : DECISION ON PETITION
Serial No.: 12/733,337 :
PCT No.: PCT/US2008/010053 : UNDER 37 CFR 1.47(a)
Int. Filing Date: 25 August 2008 :
Priority Date: 24 August 2007 :
Atty Docket No.: 729-414 :
For: TOURNIQUET SYSTEM :

This decision is in response to applicant's renewed petition under 37 CFR 1.47(a) filed 23 February 2011 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 28 December 2010, applicant was mailed a decision dismissing applicant's petition under 37 CFR 1.47(a). Applicant was afforded two months to file any request for reconsideration.

On 23 February 2011, applicant filed the present renewed petition under 37 CFR 1.47(a).

DISCUSSION

As detailed in the decision mailed 20 May 2010, a petition under 37 CFR 1.47(a) must be accompanied by (1) the fee under 37 CFR 1.17(g), (2) factual proof that the missing joint investor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the missing inventor, and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and on behalf of the non-signing joint inventor. Applicant previously satisfied items 1, 2 and 3 as to inventor Gantar and items 1 and 3 as to inventor Abrams.

With the filing of the renewed petition and supporting exhibits, applicant has satisfied the remaining items. However, while applicant has satisfied the items for granting the renewed petition under 37 CFR 1.47, it is not possible to proceed with the application at this time. A review of the international application finds that inventor Abrams was identified as Brian Adams. It does not appear a correction was made during the international phase pursuant to PCT Rule 92*bis*. Therefore, the filed declaration is not yet acceptable as there is a discrepancy in inventorship between the published international application and the filed declaration. This

discrepancy was discovered during the review of applicant's initial petition.

Section 1893.01(e) of the Manual Of Patent Examining Procedure ("MPEP") states the following:

Where ... the name of an inventor indicated in the international application during the international phase has changed such that the inventor's name is different from the corresponding name indicated in an oath or declaration submitted under 37 CFR 1.497, for example, on account of marriage, then a petition under 37 CFR 1.182 will be required to accept the oath or declaration with the changed name. See MPEP § 605.04(c). However, where the discrepancy between the name of the inventor indicated in the international application during the international phase and the name of the inventor as it appears in the oath or declaration submitted under 37 CFR 1.497 is the result of a typographical or transliteration error, then a petition under 37 CFR 1.182 will not be required. In such case, the Office should simply be notified of the error.

As the discrepancy is more than a mere typographical error, a petition under 37 CFR 1.182 is required.

CONCLUSION

Applicant's renewed petition under 37 CFR 1.47(a) is **DISMISSED**.

Applicants are hereby afforded **TWO (2) MONTHS** from the mail date of this decision to file renewed petitions. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a) and petition under 37 CFR 1.182" No additional petition fee is required for the renewed petition under 37 CFR 1.47. However, a $400.00 petition fee is required for the petition under 37 CFR 1.182. Extensions of time may be obtained under 37 CFR 1.136(a).

Any further correspondence with respect to this matter should be directed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration or electronically filed utilizing the USPTO's EFS-Web electronic filing system.

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MAILED

JUL 15 2011

PCT LEGAL ADMINISTRATION

In re Application of :
ROSE, et al. : DECISION ON PETITIONS
Serial No.: 12/733,337 :
PCT No.: PCT/US2008/010053 : UNDER 37 CFR 1.182
Int. Filing Date: 25 August 2008 :
Priority Date: 24 August 2007 : AND 37 CFR 1.47
Atty Docket No.: 729-414 :
For: TOURNIQUET SYSTEM :

This decision is in response to applicant's renewed petition under 37 CFR 1.47(a) and petition under 37 CFR 1.182 filed 05 July 2011 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 04 April 2011, applicant was mailed a decision indicating that applicant had satisfied all four items for proceeding pursuant to 37 CFR 1.47(a). The decision also noted that there was a discrepancy as to the last name of Abrams between the international application and the filed declaration. Applicant was afforded two months to file any request for reconsideration and advised that this period could be extended pursuant to 37 CFR 1.136(a).

On 05 July 2011, applicant filed the petition discussed herein accompanied by a petition for a one-month extension of time. 04 July 2011 being a Federal holiday, applicant's response is timely filed.

DISCUSSION

As detailed in the decision mailed 04 April 2011, Section 1893.01(e) of the Manual Of Patent Examining Procedure ("MPEP") states the following:

> Where ... the name of an inventor indicated in the international application during the international phase has changed such that the inventor's name is different from the corresponding name indicated in an oath or declaration submitted under 37 CFR 1.497, for example, on account of marriage, then a petition under 37 CFR 1.182 will be required to accept the oath or declaration with the changed name. See MPEP § 605.04(c).

Counsel has presently provided a signed statement confirming that the declaration filed 23 February 2011 lists the correct last name for inventor Abrams. Applicant has included

payment of the required petition fee. As such, it is proper to grant applicant's petition under 37 CFR 1.182 at this time.

CONCLUSION

For the reasons listed above, applicant's petitions under 37 CFR 1.182 and 37 CFR 1.47 are **GRANTED**.

The application has an international filing date of 25 August 2008 under 35 U.S.C. 363, and will be given a date of **23 February 2011** under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).

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

This application is being returned to the DO/EO/US for processing in accordance with this decision. Specifically, the mailing of a Notification of Acceptance (Form PCT/DO/EO/903).

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UNITED STATES PATENT AND TRADEMARK OFFICE

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Mr. Mark D. Gantar
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In re Application of
ROSE, et al.
Serial No.: 12/733,337
PCT No.: PCT/US2008/010053
Int. Filing Date: 25 August 2008
Priority Date: 24 August 2007
Atty Docket No.: 729-414
For: TOURNIQUET SYSTEM

MAILED
JUL 15 2011
PCT LEGAL ADMINISTRATION

Dear Mr. Gantar:

You are named as an inventor in the above identified United States patent application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor. As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make your position of record in the application. Alternately, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. If you care to join in the application, the law firm of record (see below) would presumably assist you. Joining in the application would entail the filing of the appropriate oath or declaration by you pursuant to 37 CFR 1.63.

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Mr. Brian Abrams
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MAILED

JUL 15 2011

PCT LEGAL ADMINISTRATION

In re Application of
ROSE, et al.
Serial No.: 12/733,337
PCT No.: PCT/US2008/010053
Int. Filing Date: 25 August 2008
Priority Date: 24 August 2007
Atty Docket No.: 729-414
For: TOURNIQUET SYSTEM

Dear Mr. Abrams:

You are named as an inventor in the above identified United States patent application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor. As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make your position of record in the application. Alternately, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. If you care to join in the application, the law firm of record (see below) would presumably assist you. Joining in the application would entail the filing of the appropriate oath or declaration by you pursuant to 37 CFR 1.63.

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NEW YORK NY 10103-3198

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FEB 09 2011

PCT LEGAL ADMINISTRATION

In re Application of :
REICHENBACHKLINKE, Roland, et al. :
Application No.: 12/733,370 :
PCT No.: PCT/EP2009/009358 :
Int. Filing Date: 07 November 2009 :
Priority Date: 18 December 2008 :
Attorney Docket No.: BASF-215-US :
For: METHOD FOR BLOCKING :
SUBTERRANEAN FORMATIONS :

DECISION

This decision is in response to applicants' petition under 37 CFR 1.182, filed in the United States Patent and Trademark Office on 19 March 2010.

BACKGROUND

International application PCT/EP2009/009358 was filed on 07 November 2009, claiming a priority date of 18 December 2008. The thirty month period for payment of the basic national fee expired on 20 June 2011 (18 June 2011 is a Saturday).

On 25 February 2010, applicants filed national stage papers in the United States Designated/Elected Office (DO/EO/US) accompanied by *inter alia*, the basic national fee. The papers listed international application no. PCT/EP2009/064566.

On 19 March 2010, applicants filed this petition to correct the national stage information of this application to a national stage of PCT/EP2009/009358.

DISCUSSION

A national stage application is the national stage of only a single international application. To enter the national phase in the United States, applicant is required to state the international application number.

In the originally filed paperwork, applicants identified only one application number, PCT/EP2009/064566. However, applicants indicate that the application was withdrawn effective17 February 2010, prior to the national phase filing. Prior to the thirty month deadline for payment of the fee for international application PCT/EP2009/009358, applicants filed this petition to correct the indications in the filing to PCT/EP2009/009358.

As the correction was received prior to the expiration of thirty months, the indications will be corrected in the file and the file will be processed as a national stage entry of PCT/EP2009/009358.

CONCLUSION

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

This application is being forwarded to the National Phase Processing Branch of the Office of Patent Application Processing for further action consistent with this decision.

/Erin P. Thomson/

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UNITED STATES PATENT AND TRADEMARK OFFICE

09 SEP 2010

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COLLARD & ROE, P.C.
1077 NORTHERN BOULEVARD
ROSLYN NY 11576

In re Application of:
FALCH, Meinhard, et al.
U.S. Application No.: 12/733,384
PCT No.: PCT/EP2008/058259
International Filing Date: 27 June 2008
Priority Date: 28 August 2007
Attorney Docket No.: FALCH ET AL- 2 PCT
For: REFRIGERNENT COMPRESSOR

DECISION ON PETITION UNDER 37 CFR 1.47(a)

This decision is issued in response to applicants' "Petition Under 37 CFR § 1.47(a) For Application To Be Made By The Other Inventor On Behalf Of A Nonsigning Joint Inventor Who Refuses To Join In The Application" filed 28 July 2010. Applicants have paid the required petition fee.

BACKGROUND

On 27 June 2008, applicants filed international application PCT/EP2008/058259. The international application claimed a priority date of 28 August 2007, and it designated the United States. On 12 March 2009, the International Bureau (IB) communicated a copy of the international application to the United States Patent and Trademark Office (USPTO). The deadline for submission of the basic national fee was thirty months from the priority date, i.e., 28 February 2010.

On 26 February 2020, applicants' filed a Transmittal Letter for entry into the national stage in the United States accompanied by, among other materials, payment of the basic national fee and an English translation of the international application.

On 29 March 2010, the United States Designated/Elected Office (DO/EO/US) issued a "Notification Of Missing Requirements" (Form PCT/DO/EO/905) requiring submission of an oath or declaration in compliance with 37 CFR 1.497 and the surcharge for filing the oath or declaration later than thirty months after the priority date.

On 28 July 2010, applicants filed a response to the Notification Of Missing Requirements (with required two-month extension fee). The response included payment of the required surcharge, a partially executed declaration, and the petition under 37 CFR 1.47(a) considered herein. The petition requests acceptance of the application without the signature of co-inventor Meinhard FALCH, whom applicants assert has refused to execute the application.

DISCUSSION

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

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

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

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

Here, applicants have filed a declaration executed by one of the two inventors of record, and the declaration includes an unsigned signature block for the non-signing inventor, Meinhard FALCH. This declaration may be accepted as having been executed by the signing inventor on his own behalf and on behalf of the non-signing inventor. Item (3) is therefore satisfied.

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

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

Here, as evidence of the inventor's refusal to execute the declaration, applicants have provided a statement from Herwig Kulmer, with accompanying exhibits. The statement provides the required firsthand showing that a request for signature was delivered to the non-signing inventor; however, the statement does not indicate that a copy of the complete application (specification, claims, and drawings) was included with such request, as required. Before it can be concluded that the inventor has refused to execute the application, applicants must provide adequate supplemental materials, including a firsthand statement (with documentary support) confirming that a request for signature, accompanied by a copy of the complete application, has been delivered to the non-signing inventor at his last known address, and that the inventor has refused to provide the requested signature in response to such request.

Based on the above, item (4) of a grantable petition under 37 CFR 1.47(a) is not satisfied on the present record.

CONCLUSION

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

If reconsideration on the merits of the petition is desired, a proper response must be filed within **TWO (2) MONTHS** of the mail date of the present decision. Any request for reconsideration should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)" and must include the additional materials required to satisfy item (4) of a grantable petition, as discussed above and in the MPEP. No additional petition fee is required.

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

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

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PCT LEGAL ADMINISTRATION

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ROSLYN NY 11576

In re Application of:
FALCH, Meinhard, et al.
U.S. Application No.: 12/733,384
PCT No.: PCT/EP2008/058259
International Filing Date: 27 June 2008
Priority Date: 28 August 2007
Attorney Docket No.: FALCH ET AL- 2 PCT
For: COOLANT COMPRESSOR

DECISION ON RENEWED PETITION UNDER 37 CFR 1.47(a)

In a decision mailed by this Office on 09 September 2010, applicants' petition under 37 CFR 1.47(a) for acceptance of the application without the signature of co-inventor Meinhard FALCH was dismissed without prejudice based on applicants' failure to satisfy the requirements of a grantable petition.

On 09 March 2011, applicants filed a "Renewed Petition Under 37 C.F.R. § 1.47(a)" (with required four-month extension fee). The renewed petition was accompanied by a copy of a declaration executed by both of the inventors of record, including the previously non-signing inventor who was the subject of applicants' petition under 37 CFR 1.47(a), Meinhard FELCH.

In view of applicants' submission of a fully executed declaration in compliance with 37 CFR 1.497, applicants' petition under 37 CFR 1.47(a) for acceptance of the application without the signature of co-inventor Meinhard FALCH is appropriately **DISMISSED AS MOOT**.

This application is being forwarded to the National Stage Processing Branch of the PCT Operations Division for further processing in accord with this decision. The date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) is 09 March 2011.

/RichardMRoss/

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UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/733,474	09/07/2010	Benoit Labarthe	20111-136	7059

7590 12/09/2010

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CANADA

EXAMINER	
MARTIN, PAUL C	

ART UNIT	PAPER NUMBER
1657	

MAIL DATE	DELIVERY MODE
12/09/2010	PAPER

DECISION DISMISSING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment will not be recognized

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

The petition is dismissed.

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

1. ☐ The petition was not filed in sufficient time to permit the appropriate officials to recognize the abandonment before an examination has been made of the application. See 37 CFR 1.138(d).
2. ☐ The petition was not signed by a party authorized by 37 CFR 1.33(b)(1), (3) or (4).
3. ☑ The application is not an application filed under 35 U.S.C. 111(a) on or after December 8, 2004.
4. ☐ The petition for express abandonment under 1.138(d) is dismissed because the applicant did not pay any search fee and excess claims fees in the above-identified application.

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

Patent Publication Branch
Office of Data Management

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APR 27 2011

PCT LEGAL ADMINISTRATION

In re Application of	:	DECISION ON
SWIETLIK et al	:	
Application No. 12/733,481	:	
PCT No.: PCT/GB2008/003015	:	
Int. Filing Date: 04 September 2008	:	
Priority Date: 04 September 2007	:	PETITION UNDER
Attorney's Docket No.: 2010 USN 268	:	
For: A DOWNHOLE DEVICE	:	37 CFR 1.137 (b)

This decision is in response to applicant's' "PETITION FOR REVIAVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)," filed on 23 February 2011.

BACKGROUND

On 04 September 2008, this international application was filed, claiming an earliest priority date of 04 September 2007. The deadline for paying the basic national fee in the United States under 35 U.S.C. 371 and 37 CFR 1.495 was 04 March 2010.

On 03 March 2010, applicant filed a Transmittal letter for entry into the national stage in the United States Patent and Trademark Office (USPTO), which was accompanied by, the basic national fee, and executed declaration.

On 09 April 2010, the United States Designated/Elected Office mailed a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that the oath or declaration complying with 37 CFR 1.497(a) and (b), identifying the application by the International application number and International filing date... is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68.... The first inventor did not initial the correction made to his address" The notification set a two months time limit or 32 months from the priority date for the application, whichever is later to respond, and that failure to properly respond would result in abandonment.

On 07 February 2011, the United States Patent and Trademark Office mailed the Notification of Abandonment (PCT/DO/EO/909) since no reply to the Notification of Missing requirements mailed 4/09/10. Reply mailed 4/19/10 did not contain an executed Declaration.

On 23 February 2011, applicants filed the instant petition under 37 CFR 1.137(b), and a second properly executed declaration.

DISCUSSION

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

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

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

DECISION

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

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for continued processing. The 35 USC 371(c)(1),(c)(2), and (c)(4) date of this application is **23 February 2011.**

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Facsimile: (571) 273-0459

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

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

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

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

Application No.:	12/733,535	Filing Date:	March 26, 2010
First Named Inventor:	Hisashi MASUMURA et al.		
Attorney Docket No.:	144667		
Title of the Invention:	POLISHING HEAD AND POLISHING APPARATUS HAVING THE SAME		

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

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

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

The corresponding PCT application number(s) is/are: PCT/JP2008/002962

The international date of the corresponding PCT application(s) is/are: October 20, 2008

I. **List of Required Documents:**

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

☒ Is attached.

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

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

☒ Is attached.

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

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

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

PTO/SB/20PCT-JP (05-10)
Approved for use through 01/31/2012. OMB 0651-0058
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

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

Application No.:	12/733,535
First Named Inventor:	Hisashi MASUMURA 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 March 5, 2010

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

☐ Are attached.

☒ Have already been filed in the above-identified U.S. application on March 5, 2010

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1-8 are canceled		
9, 10, 16 and 17	1, 2, 5 and 6	Claims 9, 10, 16 and 17 of the U.S. application correspond identically to claims 1, 2, 5 and 6, respectively, of the PCT application indicated as having novelty, inventive step and industrial applicability in the PCT application.
11 and 12	3	Claims 11 and 12 of the U.S. application correspond to claim 3 of the PCT application indicated as having novelty, inventive step and industrial applicability in the PCT application. Claim 3 of the PCT application is a multiple dependent claim depending from claims 1 and 2. Claim 11 of the U.S. application depends from claim 9 (corresponding to PCT application claim 1). Claim 12 of the U.S. application depends from claim 10 (corresponding to PCT application claim 2). Claims 11 and 12 are thus individually dependent claims corresponding to multiple dependent claim 3 of the PCT application.
13-15	4	Claims 13-15 of the U.S. application correspond to claim 4 of the PCT application indicated as having novelty, inventive step and industrial applicability in the PCT application. Claim 4 of the PCT application is a multiple dependent claim depending from claims 2 and 3. Claim 13 of the U.S. application depends from claim 10 (corresponding to PCT application claim 2). Claim 14 of the U.S. application depends from claim 11 (corresponding to PCT application claim 3). Claim 15 of the U.S. application depends from claim 12 (corresponding to PCT application claim 3). Claims 13-15 are thus individually dependent claims corresponding to multiple dependent claim 4 of the PCT application.

18-26	7	Claims 18-26 of the U.S. application correspond to claim 7 of the PCT application indicated as having novelty, inventive step and industrial applicability in the PCT application. Claim 7 of the PCT application is a multiple dependent claim depending from each of claims 1-6. Claim 18 of the U.S. application depends from claim 9 (corresponding to PCT application claim 1). Claim 19 of the U.S. application depends from claim 10 (corresponding to PCT application claim 2). Claim 20 of the U.S. application depends from claim 11 (corresponding to PCT application claim 3). Claim 21 of the U.S. application depends from claim 12 (corresponding to PCT application claim 3). Claim 22 of the U.S. application depends from claim 13 (corresponding to PCT application claim 4). Claim 23 of the U.S. application depends from claim 14 (corresponding to PCT application claim 4). Claim 24 of the U.S. application depends from claim 15 (corresponding to PCT application claim 4). Claim 25 of the U.S. application depends from claim 16 (corresponding to PCT application claim 5). Claim 26 of the U.S. application depends from claim 17 (corresponding to PCT application claim 6). Claims 18-26 are thus individually dependent claims corresponding to multiple dependent claim 7 of the PCT application.
27 and 28	8	Claims 27 and 28 of the U.S. application correspond to claim 8 of the PCT application indicated as having novelty, inventive step and industrial applicability in the PCT application. Claim 8 of the PCT application depends from multiple dependent claim 7. Claim 27 of the U.S. application depends from claim 21 (corresponding to PCT application claim 7). Claim 28 of the U.S. application depends from claim 26 (corresponding to PCT application claim 7). Claims 27 and 28 thus corresponding to dependent claim 8 of the PCT application.

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

Signature	Date February 16, 2011
Name (Print/Typed) William P. Berridge	Registration Number 30,024
Name (Print/Typed) Christopher W. Brown	Registration Number 38,025

OLIFF & BERRIDGE, PLC
P.O. Box 320850
Alexandria, Virginia 22320-4850
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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.

PATENT COOPERATION TREATY

From the INTERNATIONAL BUREAU

PCT

NOTIFICATION CONCERNING TRANSMITTAL OF COPY OF INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY (CHAPTER I OF THE PATENT COOPERATION TREATY)
(PCT Rule 44bis.1(c))

To:

YOSHIMIYA, Mikio
1st Shitaya Bldg. 8F
6-11, Ueno 7-chome
Taito-ku, Tokyo 110-0005
JAPON

Date of mailing *(day/month/year)* 14 May 2010 (14.05.2010)	
Applicant's or agent's file reference 07F00079WO	IMPORTANT NOTICE
International application No. PCT/JP2008/002962	International filing date *(day/month/year)* 20 October 2008 (20.10.2008)
Priority date *(day/month/year)* 31 October 2007 (31.10.2007)	
Applicant SHIN-ETSU HANDOTAI CO., LTD. et al	

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

The International Bureau of WIPO
34, chemin des Colombettes
1211 Geneva 20, Switzerland

Facsimile No. +41 22 338 82 70

Authorized officer
Masashi Honda

e-mail: pt08.pct@wipo.int

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY
(Chapter I of the Patent Cooperation Treaty)

(PCT Rule 44*bis*)

Applicant's or agent's file reference 07F00079WO	FOR FURTHER ACTION	See item 4 below
International application No. PCT/JP2008/002952	International filing date *(day/month/year)* 20 October 2008 (20.10.2008)	Priority date *(day/month/year)* 31 October 2007 (31.10.2007)
International Patent Classification (8th edition unless older edition indicated) See relevant information in Form PCT/ISA/237		
Applicant SHIN-ETSU HANDOTAI CO., LTD.		

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

2. This REPORT consists of a total of 4 sheets, including this cover sheet.

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

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

☒	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 04 May 2010 (04.05.2010)
The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland Facsimile No. +41 22 338 82 70	Authorized officer Masashi Honda e-mail: pt08.pct@wipo.int

Form PCT/IB/373 (January 2004)

特許協力条約

発信人　日本国特許庁（国際調査機関）

代理人
好宮幹夫
様

あて名
〒110-0005
日本国東京都台東区上野７丁目６番１１号第一下谷ビルＢＦ

PCT
国際調査機関の見解書
（法施行規則第40条の2）
〔PCT規則43の2.1〕

発送日 （日.月.年）	09. 12. 2008
出願人又は代理人 の書類記号　07F00079WO	今後の手続きについては、下記2を参照すること。

国際出願番号	国際出願日	優先日
PCT／JP2008／002962	（日.月.年）　20. 10. 2008	（日.月.年）　31. 10. 2007

国際特許分類（ＩＰＣ）Int.Cl. B24B37/04(2006.01)i, B24B41/06(2006.01)i, H01L21/304(2006.01)i

出願人（氏名又は名称）
信越半導体株式会社

1．この見解書は次の内容を含む。
- ☑ 第Ⅰ欄　見解の基礎
- ☐ 第Ⅱ欄　優先権
- ☐ 第Ⅲ欄　新規性、進歩性又は産業上の利用可能性についての見解の不作成
- ☐ 第Ⅳ欄　発明の単一性の欠如
- ☑ 第Ⅴ欄　PCT規則43の2.1(a)(i)に規定する新規性、進歩性又は産業上の利用可能性についての見解、それを裏付けるための文献及び説明
- ☐ 第Ⅵ欄　ある種の引用文献
- ☐ 第Ⅶ欄　国際出願の不備
- ☐ 第Ⅷ欄　国際出願に対する意見

2．今後の手続き
国際予備審査の請求がされた場合は、出願人がこの国際調査機関とは異なる国際予備審査機関を選択し、かつ、その国際予備審査機関がＰＣＴ規則66.1の2(b)の規定に基づいて国際調査機関の見解書を国際予備審査機関の見解書とみなさない旨を国際事務局に通知していた場合を除いて、この見解書は国際予備審査機関の最初の見解書とみなされる。

この見解書が上記のように国際予備審査機関の見解書とみなされる場合、様式ＰＣＴ／ＩＳＡ／２２０を送付した日から３月又は優先日から２２月のうちいずれか遅く満了する期限が経過するまでに、出願人は国際予備審査機関に、適当な場合は補正書とともに、答弁書を提出することができる。

さらなる選択肢は、様式ＰＣＴ／ＩＳＡ／２２０を参照すること。

3．さらなる詳細は、様式ＰＣＴ／ＩＳＡ／２２０の備考を参照すること。

見解書を作成した日 27. 11. 2008	
名称及びあて先 日本国特許庁（ＩＳＡ／ＪＰ） 郵便番号１００－８９１５ 東京都千代田区霞が関三丁目４番３号	特許庁審査官（権限のある職員）　3C　3747 橋本　卓行 電話番号　03－3581－1101　内線　3324

様式PCT／ISA／237（表紙）（2007年4月）

国際調査機関の見解書

国際出願番号 PCT/JP2008/002962

第Ⅰ欄　見解の基礎

1．言語に関し、この見解書は以下のものに基づき作成した。

☑ 出願時の言語による国際出願

☐ 出願時の言語から国際調査のための言語である＿＿＿＿＿＿＿＿ 語に翻訳された、この国際出願の翻訳文

（PCT規則12.3(a)及び23.1(b)）

2．☐ この見解書は、PCT規則 91 の規定により国際調査機関が認めた又は国際調査機関に通知された明らかな誤りの訂正を考慮して作成した（PCT規則 43 の 2.1(b)）。

3．この国際出願で開示されたヌクレオチド又はアミノ酸配列に関して、以下に基づき見解書を作成した。

a．タイプ　☐ 配列表

☐ 配列表に関連するテーブル

b．フォーマット　☐ 紙形式

☐ 電子形式

c．提出時期　☐ 出願時の国際出願に含まれていたもの

☐ この国際出願と共に電子形式により提出されたもの

☐ 出願後に、調査のために、この国際調査機関に提出されたもの

4．☐ さらに、配列表又は配列表に関連するテーブルを提出した場合に、出願後に提出した配列表しくは追加して提出した配列が出願時に提出した配列と同一である旨、又は、出願時の開示を超える事項を含まない旨の陳述書の提出があった。

5．補足意見：

国際調査機関の見解書

国際出願番号 PCT/JP2008/002952

第Ⅴ欄 新規性、進歩性又は産業上の利用可能性についてのPCT規則43の2.1(a)(i)に定める見解、それを裏付ける文献及び説明

1. 見解

新規性（N）	請求の範囲	1-8	有
	請求の範囲		無
進歩性（IS）	請求の範囲	1-8	有
	請求の範囲		無
産業上の利用可能性（IA）	請求の範囲	1-8	有
	請求の範囲		無

2. 文献及び説明

請求の範囲1－8
国際調査報告で引用されたいずれの文献にも記載も示唆もなく、また当業者にとって自明な事項でもない。

PATENT COOPERATION TREATY

From the INTERNATIONAL BUREAU

PCT

NOTIFICATION OF TRANSMITTAL
OF COPIES OF TRANSLATION
OF THE INTERNATIONAL PRELIMINARY REPORT
ON PATENTABILITY
(CHAPTER I OR CHAPTER II
OF THE PATENT COOPERATION TREATY)

(PCT Rules 44*bis*.3(c) and 72.2)

To:

YOSHIMIYA, Mikio
1st Shitaya Bldg. 8F
6-11, Ueno 7-chome
Taito-ku, Tokyo 110-0005
JAPON

Date of mailing *(day/month/year)* 10 June 2010 (10.06.2010)	
Applicant's or agent's file reference 07F00079WO	**IMPORTANT NOTIFICATION**
International application No. PCT/JP2008/002962	International filing date *(day/month/year)* 20 October 2008 (20.10.2008)
Applicant	SHIN-ETSU HANDOTAI CO., LTD. et al

1. **Transmittal of the translation to the applicant.**

☑ The International Bureau transmits herewith a copy of the English translation of the international preliminary report on patentability (Chapter I).

☐ The International Bureau transmits herewith a copy of the English translation of the international preliminary report on patentability (Chapter II).

2. **Transmittal of the copy of the translation to the designated or elected Offices.**

The International Bureau notifies the applicant that copies of that translation have been transmitted to the following designated or elected Offices requiring such translation:

EP

The following designated or elected Offices, having waived the requirement for such a transmittal at this time, will receive copies of that translation from the International Bureau only upon their request:

AE, AG, AL, AM, AO, AP, AT, AU, AZ, BA, BB, BG, BH, BR, BW, BY, BZ, CA, CH, CN, CO, CR, CU, CZ, DE, DK, DM, DO, DZ, EA, EC, EE, EG, ES, FI, GB, GD, GE, GH, GM, GT, HN, HR, HU, ID, IL, IN, IS, KE, KG, KM, KN, KP, KR, KZ, LA, LC, LK, LR, LS, LT, LU, LY, MA, MD, ME, MG, MK, MN, MW, MX, MY, MZ, NA, NG, NI, NO, NZ, OA, OM, PG, PH, PL, PT, RO, RS, RU, SC, SD, SE, SG, SK, SL, SM, ST, SV, SY, TJ, TM, TN, TR, TT, TZ, UA, UG, US, UZ, VC, VN, ZA, ZM, ZW

3. **Reminder regarding translation into (one of) the official language(s) of the elected Office(s).**

The applicant is reminded that, where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary report on patentability (Chapter II).

It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned within the applicable time limit (Rule 74.1). See Volume II of the PCT Applicant's Guide for further details.

The International Bureau of WIPO
34, chemin des Colombettes
1211 Geneva 20, Switzerland

Facsimile No. +41 22 338 82 70

Authorized officer
Masashi Honda

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P "ENT 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 07F00079WO	**FOR FURTHER ACTION**	See item 4 below
International application No. PCT/JP2008/002962	International filing date *(day/month/year)* 20 October 2008 (20.10.2008)	Priority date *(day/month/year)* 31 October 2007 (31.10.2007)
International Patent Classification (8th edition unless older edition indicated) See relevant information in Form PCT/ISA/237		
Applicant SHIN-ETSU HANDOTAI CO., LTD.		

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

2. This REPORT consists of a total of 4 sheets, including this cover sheet.

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

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

☒	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 01 June 2010 (01.06.2010)
The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland Facsimile No. +41 22 338 82 70	Authorized officer Masashi Honda e-mail: pt08.pct@wipo.int

Form PCT/IB/373 (January 2004)

PATENT COOPERATION TREATY

TRANSLATION

PCT

From the
INTERNATIONAL SEARCHING AUTHORITY

To:

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43*bis*.1)

Applicant's or agent's file reference 07F00079WO	Date of mailing *(day/month/year)* **FOR FURTHER ACTION** See paragraph 2 below
International application No. PCT/JP2008/002962	International filing date *(day/month/year)* 20.10.2008
Priority date *(day/month/year)* 31.10.2007	
International Patent Classification (IPC) or both national classification and IPC	
Applicant SHIN-ETSU HANDOTAI CO., LTD.	

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

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

2. **FURTHER ACTION**

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

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

For further options, see Form PCT/ISA/220.

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

Name and mailing address of the ISA/JP Facsimile No.	Date of completion of this opinion	Authorized officer Telephone No.

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/JP2008/002962

Box No. I Basis of this opinion

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

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

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

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

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

   a. type of material

      ☐ a sequence listing

      ☐ table(s) related to the sequence listing

   b. format of material

      ☐ on paper

      ☐ in electronic form

   c. time of filing/furnishing

      ☐ contained in the international application as filed

      ☐ filed together with the international application in electronic form

      ☐ furnished subsequently to this Authority for the purposes of search

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

5. Additional comments:

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/JP2008/002962

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

1. Statement

Novelty (N)	Claims	1-8	YES
	Claims		NO
Inventive step (IS)	Claims	1-8	YES
	Claims		NO
Industrial applicability (IA)	Claims	1-8	YES
	Claims		NO

2. Citations and explanations:

Claims 1-8

The invention as in claims 1-8 is neither disclosed or suggested in any of the documents cited in the ISR, nor would it be obvious to a person skilled in the art.

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Hisashi MASUMURA et al.

Application No.: 12/733,535

Filed: March 26, 2010

Group Art Unit:

Examiner:

Docket No.: 144667

For: POLISHING HEAD AND POLISHING APPARATUS HAVING THE SAME

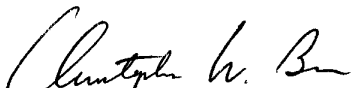
TRANSMITTAL OF CLAIMS AND TRANSLATION, AND AFFIRMATION OF ACCURACY OF TRANSLATION OF CLAIMS

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

Sir:

Attached hereto is a copy of the Japanese language claims of corresponding PCT application PCT/JP2008/002962 indicated to have novelty, inventive step and industrial applicability in the IPRP. Also attached is an English-language translation of the claims. On information and belief, the English-language translation is an accurate translation of the PCT application claims.

Respectfully submitted,



William P. Berridge
Registration No. 30,024

Christopher W. Brown
Registration No. 38,025

WPB:CWB/rav

Date: February 16, 2011

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

請求の範囲

[1] 少なくとも、研磨ヘッド本体の下部に、略円盤状の中板と、該中板に保持され少なくとも中板の下面部と側面部とを覆うラバー膜と、前記ラバー膜の周囲に設けられた円環状のガイドリングとを具備し、

前記中板と前記ラバー膜で囲まれた第１の密閉空間部を有し、第１の圧力調整機構で前記第１の密閉空間部の圧力を変化させることができるように構成され、

前記ラバー膜の下面部にワークの裏面を保持し、該ワークの表面を定盤上に貼り付けた研磨布に摺接させて研磨する研磨ヘッドにおいて、

前記ラバー膜は、前記中板に保持される末端部分がＯリング状に形成され、前記中板は、上下に２枚に分割可能に形成されたものであって、

前記中板と前記ラバー膜は、前記中板の少なくとも下面部の全面と側面部との間に隙間を有するものであり、前記ラバー膜は前記中板に、前記ラバー膜のＯリング状の末端部分を前記分割された中板に挟み込むことで保持されるものであることを特徴とする研磨ヘッド。

[2] 前記中板は、前記研磨ヘッド本体から分離されており、該中板の高さ方向の位置を前記研磨ヘッド本体から独立して調整する第１の高さ調整機構を具備するものであることを特徴とする請求項１に記載の研磨ヘッド。

[3] 前記研磨ヘッド本体は、前記中板から分離されており、該研磨ヘッド本体の高さ方向の位置を前記中板から独立して調整する第２の高さ調整機構を具備するものであって、該第２の高さ調整機構は前記研磨布と前記ガイドリングとの隙間の距離を前記ワークの厚みの２５～４５%の幅に保つものであることを特徴とする請求項１または請求項２に記載の研磨ヘッド。

[4] 前記第１の高さ調整機構および前記第２の高さ調整機構は、ボールネジを用いたものであることを特徴とする請求項２または請求項３に記載の研磨ヘ

ッド。

[5] 前記中板と前記研磨ヘッド本体とを連結する弾性膜と、前記研磨ヘッド本体に取り付けられたストッパーとを具備し、

前記中板と前記研磨ヘッド本体と前記弾性膜で囲まれた第２の密閉空間部を有し、第２の圧力調整機構で前記第２の密閉空間部の圧力を変化させることができるように構成され、

前記第１の高さ調整機構が、前記ストッパーであることを特徴とする請求項２に記載の研磨ヘッド。

[6] 前記ストッパーは、圧電素子であることを特徴とする請求項５に記載の研磨ヘッド。

[7] ワークの表面を研磨する際に使用する研磨装置であって、少なくとも、定盤上に貼り付けられた研磨布と、該研磨布上に研磨剤を供給するための研磨剤供給機構と、前記ワークを保持するための研磨ヘッドとして、請求項１ないし請求項６のいずれか１項に記載の研磨ヘッドを具備することを特徴とする研磨装置。

[8] 前記研磨ヘッド本体から前記研磨布までの距離を非接触で検出するセンサーと、前記第１の高さ調整機構と、前記第２の高さ調整機構とを具備し、

前記第１の高さ調整機構は、前記センサーにて検出された前記研磨ヘッド本体から前記研磨布までの距離に応じて前記中板および前記ラバー膜の高さ方向の位置を調整し、前記第２の高さ調整機構は、前記センサーにて検出された前記研磨ヘッド本体から前記研磨布までの距離に応じて前記研磨布と前記ガイドリングとの隙間の高さ方向の位置を調整するものであることを特徴とする請求項７に記載の研磨装置。

CLAIMS

1. A polishing head having at least:

an approximately discoid mid plate;

a rubber film held by the mid plate, the rubber film covering at least a lower face portion and a side face portion of the mid plate; and

an annular guide ring provided in a periphery of the rubber film at a lower portion of a polishing head body,

the polishing head in which there exists a first sealed space portion surrounded by the mid plate and the rubber film, a pressure of the first sealed space portion can be changed by a first pressure adjustment mechanism, a back face of a work is held on a lower face portion of the rubber film, and a surface of the work is brought into sliding contact with a polishing pad attached onto a turn table for performing polishing, wherein

an end portion of the rubber film held by the mid plate is formed in O-ring shape, the mid plate is formed to be capable of vertically splitting in two pieces, the mid plate and the rubber film have a space at least throughout a whole surface of the lower face portion and the side face portion of the mid plate, and the rubber film is held by pinching the O-ring end portion of the rubber film between the split mid plate.

2. The polishing head according to claim 1, wherein the mid plate is separated from the polishing head body; the polishing head comprises a first height adjustment mechanism for adjusting a position in a height direction

of the mid plate with being independent from the polishing head body.

3. The polishing head according to claim 1 or claim 2, wherein the polishing head body is separated from the mid plate; the polishing head comprises a second height adjustment mechanism for adjusting a position in a height direction of the polishing head body with being independent from the mid plate; the second height adjustment mechanism maintains a distance of a space between the polishing pad and the guide ring within a range of 25 - 45 % of a thickness of the work.

4. The polishing head according to claim 2 or claim 3, wherein the first height adjustment mechanism and the second height adjustment mechanism use a ball screw.

5. The polishing head according to claim 2 comprises: an elastic film for connecting the mid plate with the polishing head body; and a stopper attached to the polishing head body, wherein there exists a second sealed space portion surrounded by the mid plate, the polishing head body and the elastic film; a pressure of the second sealed space portion can be changed by a second pressure adjustment mechanism; and the first height adjustment mechanism is the stopper.

6. The polishing head according to claim 5, wherein the stopper is a piezoelectric device.

7. A polishing apparatus used for polishing a surface of a work at least comprising: a polishing pad attached onto a turn table; a polishing agent supply mechanism

for providing a polishing agent to the polishing pad; and a polishing head for holding the work, which is the polishing head according to any one of Claims 1 to 6.

8. The polishing apparatus according to claim 7 comprises: a sensor for detecting a distance between the polishing head body and the polishing pad without contact; the first height adjustment mechanism; and the second height adjustment mechanism, wherein the first height adjustment mechanism adjusts a position in a height direction of the mid plate and the rubber film according to the distance between the polishing head body and the polishing pad detected by the sensor; and the second height adjustment mechanism adjusts a position in a height direction of the space between the polishing pad and the guide ring according to the distance between the polishing head body and the polishing pad detected by the sensor.

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.
12/733,535	03/26/2010	Hisashi Masumura	144667	9785

25944 7590 02/18/2011

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

EXAMINER	
HAIL, JOSEPH J	

ART UNIT	PAPER NUMBER
3723	

NOTIFICATION DATE	DELIVERY MODE
02/18/2011	ELECTRONIC

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

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

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

OfficeAction25944@oliff.com
jarmstrong@oliff.com

UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, VA 22313-1450
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OLIFF & BERRIDGE, PLC
P.O. BOX 320850
ALEXANDRIA VA 22320-4850

In re Application of	:	
MASUMURA, HISASHI et al	:	DECISION ON REQUEST TO
Application No. 12/733,535	:	PARTICIPATE IN PATENT
Filed: March 26, 2010	:	PCT/PROSECUTION HIGHWAY
Attorney Docket No. 144667	:	PROGRAM AND PETITION
For: POLISHING HEAD AND POLISHING APPARATUS HAVING THE SAME	:	TO MAKE SPECIAL 37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed Feb. 7, 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. This application will be forwarded to an examiner for examination.

Telephone inquiries concerning this decision should be directed to Henry C. Yuen at 571-272-4856. All other inquiries concerning the examination or status of the application should be directed to Joseph Hail, SPE of Art Unit 3723, and 571-272-4485 for Class 451/64 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

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.
12/733,535	03/26/2010	Hisashi Masumura	144667	9785

25944 7590 02/23/2011

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

EXAMINER	
HAIL, JOSEPH J	
ART UNIT	**PAPER NUMBER**
3723	

NOTIFICATION DATE	DELIVERY MODE
02/23/2011	ELECTRONIC

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

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

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

OfficeAction25944@oliff.com
jarmstrong@oliff.com

UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, VA 22313-1450
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OLIFF & BERRIDGE, PLC
P.O. BOX 320850
ALEXANDRIA VA 22320-4850

In re Application of	:	
MASUMURA, HISASHI et al	:	DECISION ON REQUEST TO
Application No. 12/733,535	:	PARTICIPATE IN PATENT
Filed: March 5, 2010	:	PCT/PROSECUTION HIGHWAY
Attorney Docket No. 144667	:	PROGRAM AND PETITION
Title: POLISHING HEAD AND POLISHING	:	TO MAKE SPECIAL UNDER
APPARATUS HAVING THE SAME	:	37 CFR 1.102(a)

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

The request and petition are granted.

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

In light of the petition being properly submitted, the request to participate in the PPH program and the petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

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

This application will be forwarded and docketed to an examiner for examination commensurate with the petition 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 Joseph Hail, the SPE of Art Unit 3723, and 571-272-4485 for Class 451/64 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

Doc Code: PPH.PCT.632
Document Description: Petition to make special under PCT-Patent Prosecution Highway

PTO/SB/30PCT-EP (05-10)
Approved for use through 01/31/2012. OMB 0651-0055
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

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

Application No:	12/733,553	Filing date:	March 8, 2010
First Named Inventor:	Michael KOBLINGER		
Title of the Invention:	Printing Couple, Printing Press and Methods for Operating a Printing Couple		

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

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

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

The corresponding PCT application number(s) is/are: PCT/EP2008/060643

The international filing date of the corresponding PCT application(s) is/are: August 13, 2008

I. List of Required Documents:

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

☐ is attached

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

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

☐ is attached

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

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

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

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

(continued)

Application No.	12/733,553
First Named Inventor	Michael KOBLINGER

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

☐ Is attached

■ Has already been filed in the above-identified U.S. application on March 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 March 8, 2010

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
70 - 73	1 - 4	Direct correspondence
74 - 76	7 - 9	U.S. claims amended to remove multiple dependencies
77	10	Direct correspondence
78	11	U.S. claim amended to remove multiple dependencies
79	12	Direct correspondence
80 - 88	13 - 21	U.S. claims amended to remove multiple dependencies
89	22	Direct correspondence
90, 91	23, 24	U.S. claims amended to remove multiple dependencies
92	25	Direct correspondence
93 - 95	26 - 28	U.S. claims amended to remove multiple dependencies
96	29	Direct correspondence
97 - 99	30 - 32	U.S. claims amended to remove multiple dependencies
100, 101	33, 34	Direct correspondence

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

Signature /Douglas R Hanscom/	Date June 17, 2011
Name (Print/Typed) Douglas R. Hanscom	Registration Number 26600

KARIN T. DUNN

GERMAN TRANSLATION AND LANGUAGE SERVICES
Certified by the American Translators Association

4706 OLDE FORGE CT., FAIRFAX, VA 22032
TELEPHONE, FAX: 703-426-1422 · DUNN6FAM@MSN.COM

Date: February 22nd, 2010

DECLARATION

The undersigned, Karin T. Dunn, hereby states that she is well acquainted with both the English and German languages and that the attached is a true translation to the best of her knowledge and ability of the German text of PCT/EP2008/060643, filed on 8/13/2008 and published on 3/19/2009 under No. WO 2009/033909 A1. The undersigned further states that the prosecution documents associated with PCT/EP2008/060643 and translated by her are also true translations to the best of her knowledge and ability.

The undersigned declares that the above statement is true and that this statement was made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or document or any patent resulting therefrom.

Karin T. Dunn

Translation of the pertinent portions of a **Notification of the Transmittal of the International Preliminary Report on Patentability** in accordance with Rule 71.1 PCT, mailed on 7 December, 2009

2. This report comprises a total of 7 pages including this cover sheet.

3. Enclosures are also included with the report; these include

   A total of 11 pages *(sent to the applicant and to the International Authority)*, which include

   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.

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

Box I Basis of the Report

Box III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability

Box V Reasoned statement according to Article 35(2) with regard to novelty, inventive step and industrial applicability; citations and explanations to support such statement

Box I Basis of the Report

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

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

2. With regard to the **elements** of the international application, this report is based on

   the description, pages

3-23	as originally filed/furnished
1, 1a, 2	received with the letter dated 12 March 2009

   the claims, No.

1-34	received with the letter dated 12 March 2009

   the drawings, pages

1/16-16/16	as originally filed/furnished

Box III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability

1. 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:

   Claims 5-6

   because:

   the claims, or said claims Nos. 5-6, are so inadequately supported by the description that no meaningful opinion could be formed *(specify)*:

   see supplementary pages

Box V. Reasoned statement according to Article 35(2) with regard to novelty, inventive step and industrial applicability; citations and explanations to support such statement

1. Statement

Novelty (N)	Yes:	Claims 1-4, 7-34
	No:	Claims
Inventive Step (IS)	Yes:	Claims 1-4, 7-34
	No:	Claims
Industrial Applicability (IA)	Yes:	Claims 1-4, 7-34
	No:	Claims

2. Citations and Explanations (Rule 70.7):
see supplementary pages

INTERNATIONAL PRELIMINARY REPORT REGARDING PATENTABILITY (SUPPLEMENTARY PAGES)

Re Item III

The revisions filed with the letter dated 12 March 2009 introduce facts of the case that extend beyond the disclosure content of the international application as of the original filing date, in violation of Article 34(2)(b) PCT. This involves the following revisions to claims 5 and 6.

The characterizing features of claim 5, respectively 6, are more generally worded than the content of the specification (see page 17, paragraph 2, especially the characterizing feature of self-locking, and page 17, third paragraph, in which multiple characterizing features are necessary for the alternative actuation of the retaining means)

Re Item V.

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

Reference is made to the following documents:

D1 US 3 659 525 A (WOESSNER RICHARD ET AL) 2 May 1972 (05/02/1972)

D3 EP 1 481 803 A (ROLAND MAN DRUCKMASCH [DE]) 1 December 2004 (12/01/2004)

D4 WO 2005/108079 A (KOENIG & BAUER AG [DE]; SCHAEFER KARL ROBERT [DE]) 17 November 2005 (11/17/2005), cited in the application

1. Claims 1 and 4

1.1 Document D1 is considered the closest prior art in relation to the subject of claim 1. It discloses (references in parentheses refer to this document) a printing couple of a printing press comprising at least one forme cylinder (11), which has on its outer surface at least one axially extending opening into a channel (12), in which multiple retaining means (30, 31) for retaining ends of one or more printing formes are arranged, spaced from one another in the axial direction, wherein on both sides of a center plane that bisects the forme cylinder perpendicular to its axis of rotation retaining means are provided, wherein in a first operating mode, a first retaining means arranged on a first side of the center plane, adjoining said center plane, is arranged to work together with an adjoining retaining means on the other side of the center plane to cooperate with a same first printing forme, and in a second operating mode said retaining means is arranged to work together with a retaining means that lies farther toward the outside on the same first side of the plane to cooperate with a second printing forme which occupies an axial

position that is different from the axial position of the first printing forme (see especially figures 1 through 3 and column 3, lines 25-36).

1.2 The subject of claim 1 differs from the known printing couple in that the first retaining means, which lies closest to the center plane on the first half of the cylinder, can be controlled via an actuating means, mechanically independently of at least two retaining means arranged in the same channel on both sides of this first retaining means, and in that control means are provided, via which the first actuating means, which cooperates with the first retaining means that is closest to the center plane, can be alternatively assigned by means of circuitry to an actuating means of the retaining means of the same channel, which retaining means lies on the other side of the center plane, or to an actuating means of the retaining means of the same channel, which retaining means lies farther toward the outside on the same first side of the plane.

1.3 Document D1 is viewed as the closest prior art in relation to the subject of claim 4. It discloses (references in parentheses refer to this document) a printing couple of a printing press comprising at least one forme cylinder (11), which has on its outer surface at least one axially extending opening in a channel (12), in which a plurality of retaining means (30, 31) for holding ends of one or more printing formes are arranged, spaced from one another in the axial direction, said retaining means being actuable via actuating means, wherein retaining means are provided on both sides of a center plane, which bisects the center plane of the forme cylinder perpendicular to its axis of rotation, and wherein said forme cylinder has an uneven number N of sections in its longitudinal direction, wherein in a first operating mode each section can be covered with a printing forme that extends essentially over the length of the relevant section (see especially figures 1 through 3, and column 3, lines 25-36).

1.4 The subject of claim 4 thus differs from the known printing couple in that in the center section, on both sides of the center plane, at least one first retaining means is provided, which are actuable each independently of one another and independently of retaining means arranged in the channel closer toward the end surface, via respectively assigned first actuating means, and in that control means are provided, via which a first actuating means, which cooperates with a first retaining means, can be alternatively assigned by means of circuitry, with the actuating means of the first retaining means arranged in the same section on the other side of the center plane (H) or with an actuating means of a retaining means of a section that is different from the center section, which retaining means lies closer to the closest end surface of the cylinder.

1.5 The object to be attained consists in devising a printing couple and a method for operating a printing couple, which provides the operator with a high measure of product versatility at low cost.

Because the retaining means can be operated in the different operating mode, it is possible to mount uneven numbers and even numbers of printing formes side by side on the forme cylinder.

The solution proposed for attaining this object in claims 1 and 4 and the corresponding method of claim 33 of the present application is therefore based upon an inventive step (Article 33(3) PCT).

The printing couple shown in D1 has a device for controlling register. Although D3 and D4 show device with independent operation of retaining means (via pneumatic actuating means), a combination of D1 with either D3 or D4 is not obvious (two different objects).

1.6 Claims 2, 3, and 4-32, or 34, respectively, are dependent upon claim 1, 4 or 33, and thus also fulfill the requirements of the PCT with regard to novelty and inventive step.

Claims

1. Printing couple of a printing press comprising at least one forme cylinder (04), which has on its outer surface at least one axially extending opening (19) into a channel (20) in which multiple retaining means (22) for holding ends of one or more printing formes (17; 18; 18') are arranged, spaced from one another in the axial direction, wherein on both sides of a center plane (H), which bisects the forme cylinder (04) perpendicular to its axis of rotation, retaining means (22) are provided, wherein a first retaining means (22.a; 22.b), arranged on a first side of the center plane (H) and adjoining this center plane (H), in a first operating mode (I) is arranged to work together with a retaining means (22.a; 22b) on the other side of the center plane (H) and adjoining said plane to cooperate with a same first printing forme (17; 17'), and in a second operating mode (II) is arranged to work together with a retaining means (22) that lies farther to the outside, on the same first side of the plane (H), to cooperate with a second printing forme (18; 18') that occupies an axial position that is different from the axial position of the first printing forme (17; 17'), characterized in that the first retaining means (22.a; 22.b) that is closest to the center plane (H) on the first cylinder half can be actuated mechanically independently of at least two retaining means (22) arranged on both sides of this first retaining means (22a; 22b) in the same channel (20), via an actuating means (21), and in that control means (24, 28) are provided, with which the first actuating means (21.3a; 21.3b), which cooperates with the first retaining means (22) that is closest to the center plane (H), can be alternatively assigned via circuit technology to an actuating means (21) of the retaining means (22) of the same channel (20), which retaining means lies on the other side of the center plane (H), or to an actuating means (21) of the retaining means (22) of the same channel (20), which retaining means lies farther toward the outside on the same first side of the plane (H).

2. Printing couple of claim 1, characterized in that the forme cylinder (04) has an uneven

number N of sections (A; B; C; D; E) in the longitudinal direction, which sections can be covered with one printing forme (17; 17') each in the longitudinal direction in the first operating mode.

3. Printing couple of claim 2, characterized in that in a first operating mode (I) each section (A; B; C; D; E) can be covered with one printing forme (17; 17') in the longitudinal direction, in that in the center section (C) at least one first retaining means (22a; 22b) is provided on both sides of the center plane (H), with said means being actuable independently of one another via respectively assigned actuating means (21.3a; 21.3b).

4. Printing couple of a printing press comprising at least one forme cylinder (04), which has on its outer surface at least one axially extending opening (19) into a channel (20) in which multiple retaining means (22), actuable via actuating means, for holding ends of one or more printing formes (17; 18; 18') are arranged, spaced from one another in the axial direction, wherein on both sides of a center plane (H), which bisects the forme cylinder (04) perpendicular to its axis of rotation, retaining means (22) are provided, and wherein the forme cylinder (04) has an uneven number N of sections (A; B; C; D; E) in the longitudinal direction, wherein in a first operating mode (I) each section (A; B; C; D; E) can be covered with one printing forme (17; 17') that extends essentially over the length of the relevant section (A; B; C; D; E), characterized in that in the center section (C), on both sides of the center plane (H), at least one first retaining means (22a; 22b) is provided, which are actuable via respectively assigned first actuating means (21.3a; 21.3b), independently of one another and independently of retaining means (22) arranged closer to the end surface in the channel (20), and in that control means (24, 28) are provided, with which a first actuating means (21.3a; 21.3b), which cooperates with a first retaining means (22a; 22b), can be alternatively assigned, via circuitry, with

the actuating means (21.3b; 21.a) of the first retaining means (22b; 22a) arranged on the other side of the center plane (H) in the same section (C), or with an actuating means (21) of a retaining means (22) of a section (A; B; D; E) that is different from the center section (C), said retaining means lying closer to the closest cylinder end surface.

5. Printing couple of claim 1 or 4, characterized in that the retaining means (22) are embodied such that when the actuating means (21) are not actuated the retaining means are in the clamping position as a result of prestressing, and when the actuating means (21) are actuated the retaining means are in the opened position.

6. Printing couple of claim 1 or 4, characterized in that the retaining means (22) can be switched alternatively to the clamping position or the opened position by means of the assigned actuating means (21).

7. Printing couple of claim 2 or 4, characterized in that at least one retaining means (22) or a group of retaining means (22) is provided in the channel (20) of each section (A; B; C; D; E).

8. Printing couple of claim 2, 4, or 7, characterized in that with the exception of the retaining means (22.a; 22.b) of the center section of the uneven number N of sections (A; B; C; D; E), the retaining means (22) are actuable individually via actuating means (21) or, if multiple retaining means (22) are provided for each section (A; B; D; E), as a group via actuating means (21) for the relevant section (A; B; D; E).

9. Printing couple of claim 1 or 4, characterized in that the length (L) of the usable surface of the forme cylinder (04) corresponds to an uneven number n of sections (A; B; C; D; E) of printed pages of a first format (F1; f1) arranged side by side, and/or in a first operating mode (I) is or can be covered on its outer surface with an uneven number n, especially n

= 5, of printed pages of a first format (F1; f1) side by side.

10. Printing couple of claim 9, characterized in that in the first operating mode (I) the forme cylinder (04) is or can be covered with n printing formes (17) side by side on its outer surface, each forme supporting one printed page of the first format (F1; f1) along its width.

11. Printing couple of claim 1 or 4, characterized in that the length (L) of the usable surface of the forme cylinder (04) corresponds to an even number n' of printed pages of a first format (F1; f1) arranged side by side, and/or in one operating mode (I) is or can be covered with an even number n', especially n = 6, of printed pages of a first format (F1; f1), side by side on its outer surface.

12. Printing couple of claim 11, characterized in that in the first operating mode (I) the forme cylinder (04) is or can be covered with n'/2 printing formes (17) side by side on its outer surface, each forme supporting two printed pages of the first format (F1; f1) side by side along its width.

13. Printing couple of claim 1 or 4, characterized in that in a second operating mode (II) forme cylinder (04) is or can be covered with an even number M, especially M = 2, of printing formes (18; 18') of a second format (F2) side by side in the longitudinal direction on its outer surface.

14. Printing couple of claim 1 or 4, characterized in that in a second operating mode (II) forme cylinder (04) is or can be covered with an even number m of printed pages of a second format (F2) side by side on its outer surface.

15. Printing couple of claim 1 or 4, characterized in that in one operating mode (II) the forme cylinder (04) is or can be covered with two printing formes (17) side by side on its outer surface, with each forme supporting multiple printed pages of a second format (F2), especially at least three, along its width.

16. Printing couple of claim 1 or 4, characterized in that the channel (20) and its opening (19) extends over the entire usable surface length of the forme cylinder (04).

17. Printing couple of claim 1, 4, 9 or 11, characterized in that a printing blanket on the outer surface of the transfer cylinder (06) extends over the entire length (L) of the usable surface of the transfer cylinder (06).

18. Printing couple of claim 1, 4 or 11, characterized in that on the outer surface of the transfer cylinder (06) two printing blankets, each extending over half the length (L) of the usable surface of the transfer cylinder (06), are arranged side by side in the longitudinal direction.

19. Printing couple of claim 1, 4 or 15, characterized in that each channel (20) in N sections (A; B; C; D; E) of the forme cylinder (04), said sections being essentially equal in length, has at least one retaining means (22), which can be actuated mechanically independently of the retaining means (22) of the respective other sections (A; B; C; D; E).

20. Printing couple of any one or more of the preceding claims, characterized in that the actuating means (21) is embodied as a reversibly deformable hollow element that can be pressurized with pressure medium.

21. Printing couple of any one or more of the preceding claims, characterized in that the control means (24, 28) comprise an electronic control circuit (28) and actuable switching elements (24).

22. Printing couple of claim 21, characterized in that the actuable switching elements (24) are arranged fixed on the cylinder.

23. Printing couple of claim 2 or 4, characterized in that a number of at least N + 1 retaining means (21) that are actuable mechanically independently of one another are provided over the length of the forme cylinder (04).

24. Printing press comprising at least one printing couple of any one or more of claims 1 to 22, wherein the printing couple has a forme cylinder (04) with the length (L) of its usable surface corresponding to an uneven number N of sections (A; B; C; D; E) for holding printing formes (17; 17') to be arranged side by side in a first operating mode (I), with together an uneven number of n or an even number of n' printed pages of a first format (F1; f1) side by side.

25. Printing press of claim 24, characterized in that downstream of the printing couple, a longitudinal cutting device (11) has with a number i of blades that are movable crosswise to the direction of travel of the web, which number corresponds to the whole number ratio of the quotients of n and 2 or n' and 2.

26. Printing press of claim 24 or 25, characterized in that a turning device (12) having a plurality of turner bars is situated downstream of the printing couple, especially downstream of the longitudinal cutting device (11), said turning device being embodied as movable along a press center plane (M) and/or crosswise to said press center plane (M).

27. Printing press of claim 24, 25 or 26, characterized in that a former assembly (13) having at least one fold former (14; 14') is situated downstream of the printing couple, especially downstream of the turning device (12), and is oriented such that the feed direction to the fold former or formers (14; 14') and projected into the horizontal plane is perpendicular to a press center plane (M), which intersects the printing couple cylinders (04; 06) of the printing couple perpendicular to their axes of rotation.

28. Printing press of any one or more of claims 24 to 27, characterized in that multiple blanket-to-blanket printing groups, each having two printing couples, are arranged one above the other, and form a printing unit (02).

29. Printing press of claim 29, characterized in that the printing unit (02) is embodied to be separable with respect to its side frames that support the printing couple cylinders (04; 06).

30. Printing press of one or more of claims 24 to 29, characterized in that a dryer (16) is situated downstream of the printing couple or the printing unit (02).

31. Printing press of one or more of claims 24 to 30, characterized in that in the first operating mode, the printing couple is operated using coldset inks.

32. Printing press of one or more of claims 24 to 31, characterized in that in a second operating mode the printing unit (02) is operated using heatset inks and the printed web passes through an activated dryer (16).

33. Method for operating a printing couple of a printing press comprising at least one forme cylinder (04), wherein a plurality of retaining means (22) spaced from one another axially are provided in an axially extending channel of the forme cylinder (04), on both sides of a center plane (H) which bisects the forme cylinder (04) perpendicular to its axis of rotation, characterized in that for changing printing formes, in a first operating mode (I) a first actuating means (21.3a; 21.3b), which cooperates with a first retaining means (22) that is closest to the center plane (H), is actuated together in a first group (I-3) with a second actuating means (21) of a second retaining means (22) of the same channel (20), said retaining means lying closer to the remote end surface of the cylinder, and in a second operating mode (II) is actuated together in a second group (II-1; II-2) with a third actuating means (21) of a third retaining means (22) of the same channel (20), said retaining means lying closer to the closest end surface of the cylinder, wherein in the first operating mode (I) the first group (I-3) is formed without the third actuating means (21) and in the second operating mode (II) the second group (II-1; II-2) is formed without the third actuating means (21).

34. Method of claim 33, characterized in that in the first operating mode (I) the surface of the forme cylinder (04) is covered with an uneven number N of printing formes (17;

17') having print images of a first format (F; f1), side by side in the longitudinal direction, and in a second operating mode (II) is covered with an even number M of printing formes (18; 18') having print images of a second format (F2), which is different from the first format (F1; f1).

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/733,553	03/08/2010	Michael Koblinger	W1.2956 PCT-US	1543

23294 7590 06/27/2011

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EXAMINER	
NGUYEN, JUDY	
ART UNIT	PAPER NUMBER
2854	
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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JONES, TULLAR & COOPER, P.C.
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ARLINGTON VA 22202

In re Application of
KOBLINGER et al.
Application No.: 12/733,553
Filed: 08 March 2010
Attorney Docket No.: W1.2956 PCT-US
For: PRINTING COUPLE, PRINTING PRESS, AND METHODS FOR OPERATING A PRINTING COUPLE

: 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 17 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

Doc Code: PPH.PET.652
Document Description: Petition to make special under PCT-Patent Pros Hwy
PTO/SB/20PCT-JP (05-10)
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REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE JAPAN PATENT OFFICE (JPO) AND THE USPTO

Application No.:	12/733,554	Filing Date:	March 8, 2010
First Named Inventor:	Tomohiro KANAYA et al.		
Attorney Docket No.:	144713		
Title of the Invention:	FLUID FILLED TYPE VIBRATION DAMPING DEVICE		

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

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

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

The corresponding PCT application number(s) is/are: PCT/JP2009/003592

The international date of the corresponding PCT application(s) is/are: July 29, 2009

I. **List of Required Documents:**

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

☐ Is attached.

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

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

☐ Is attached.

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

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

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

PTO/SB/20PCT-JP (05-10)
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REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM BETWEEN THE JPO AND THE USPTO
(continued)

Application No.:	12/733,554
First Named Inventor:	Tomohiro KANAYA 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 March 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 March 8, 2010

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
17	1	U.S. Claim 17 Sufficiently Corresponds to PCT Claim 1
18	2	U.S. Claim 18 Sufficiently Corresponds to PCT Claim 2
19	3	U.S. Claim 19 Sufficiently Corresponds to PCT Claim 3
20	4	U.S. Claim 20 Sufficiently Corresponds to PCT Claim 4
21	5	U.S. Claim 21 Sufficiently Corresponds to PCT Claim 5
22	6	U.S. Claim 22 Sufficiently Corresponds to PCT Claim 6
23	7	U.S. Claim 23 Sufficiently Corresponds to PCT Claim 7
24	8	U.S. Claim 24 Sufficiently Corresponds to PCT Claim 8
25	9	U.S. Claim 25 Sufficiently Corresponds to PCT Claim 9
26	10	U.S. Claim 26 Sufficiently Corresponds to PCT Claim 10
27	11	U.S. Claim 27 Sufficiently Corresponds to PCT Claim 11
28	12	U.S. Claim 28 Sufficiently Corresponds to PCT Claim 12
29	13	U.S. Claim 29 Sufficiently Corresponds to PCT Claim 13
30	14	U.S. Claim 30 Sufficiently Corresponds to PCT Claim 14
31	15	U.S. Claim 31 Sufficiently Corresponds to PCT Claim 15
32	16	U.S. Claim 32 Sufficiently Corresponds to PCT Claim 16

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

Signature	Date June 17, 2011
Name (Print/Typed) James A. Oliff	Registration Number 47,075
Name (Print/Typed) Adam D. Brooke	Registration Number 58,922

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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 the latest international work products (WO/ISA, WO/IPEA, or IPER) of the corresponding PCT application

- Not attached - Already Filed

I. List of Required Documents

b. A copy of all claims which were indicated as having novelty, inventive step and industrial applicability of the corresponding PCT application

- Not attached - Already Filed

I. List of Required Documents

c. English translation of the document in a. is not provided because the document is in the English language.

English translation of the document in b. is provided along with a statement that the English translation is accurate.

- An English language translation of the claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application

- Statement that the English Translation is accurate for the claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application

English Translation of All Claims which were Indicated as Having Novelty, Inventive Step, and Industrial Applicability in the Corresponding PCT Application

1. A fluid-filled type vibration damping device wherein a first mounting member is positioned spaced apart from a one opening side of a cylindrical portion of a second mounting member having the cylindrical portion, with the first mounting member and the second mounting member being linked by a main rubber elastic body, and a pressure-receiving chamber in which part of a wall is constituted by the main rubber elastic body and filled with a non-compressible fluid and an equilibrium chamber in which part of a wall is constituted by a flexible film and filled with the non-compressible fluid are formed such that the pressure-receiving chamber and the equilibrium chamber are connected through an orifice passage, the fluid-filled type vibration damping device being characterized in that:
the first mounting member is secured on a primary vibration system side while the second mounting member is secured on a vehicle body side;
another opening side of the cylindrical portion of the second mounting member is closed off by a cover member to form the pressure-receiving chamber between opposing faces of the cover member and the main rubber elastic body;
the flexible film is arranged so as to cover an outside of the main rubber elastic body, forming the equilibrium chamber at an opposite side of the main rubber elastic body from the pressure-receiving chamber;
a low-frequency orifice passage and a high-frequency orifice passage which are tuned to mutually different frequency ranges are formed as the orifice passage;
a first moveable member that limits a fluid flow amount is disposed on a fluid channel through the high-frequency orifice passage, with the first moveable member being supported by a first support member that is elastically linked to the second mounting member via the main rubber elastic body; and
a fluid channel through the low-frequency orifice passage is situated away from the placement location of the first moveable member.

2. The fluid-filled type vibration damping device according to claim 1, wherein the high-frequency orifice passage is provided in the first mounting member, and the first support member is constituted by the first mounting member.

3. The fluid-filled type vibration damping device according to claim 2, wherein the high-frequency orifice passage is provided as a passage of tunnel form passing through an interior of the first mounting member and communicating at one end with the pressure-receiving chamber while communicating at the other end with the equilibrium chamber, with the first moveable member situated accommodated on the high-frequency orifice passage so as to be oriented orthogonal to a lengthwise direction of the channel.

4. The fluid-filled type vibration damping device according to claim 1, wherein a medial support member is attached to the main rubber elastic body in a medial section thereof in a direction of linking the first mounting member and the second mounting member such that the medial support member extends so as to encircle an outer perimeter of the first mounting member; the first moveable member is supported by the medial support member; a middle chamber filled with a non-compressible fluid is formed between the first moveable member and

the first mounting member; the pressure-receiving chamber is formed between the first moveable member and the cover member; and the pressure-receiving chamber and the equilibrium chamber communicate by the high-frequency orifice passage via the middle chamber.

5. The fluid-filled type vibration damping device according to any one of claims 1-4, wherein the low-frequency orifice passage is formed by a construction that extends in a circumferential direction along the cylindrical portion of the second mounting member.

6. The fluid-filled type vibration damping device according to any one of claims 1-4, wherein at least a portion of the first mounting member is constituted as an insertion portion to be inserted into the cylindrical portion of the second mounting member, with the insertion portion of the first mounting member and the cylindrical portion of the second mounting member being linked by the main rubber elastic body; a plurality of fluid chambers are formed in the main rubber elastic body at both sides of the insertion portion of the first mounting member in an axis-perpendicular direction of the cylindrical portion; and a first connecting passage is formed connecting these fluid chambers to one another.

7. The fluid-filled type vibration damping device according to claim 6, wherein the insertion portion of the first mounting member has large-diameter circular post shape; two axial direction through-holes of mutually different diameter are provided passing in an axial direction through the insertion portion, with the small-diameter axial direction through-hole constituting the low-frequency orifice passage and the large-diameter axial direction through-hole constituting the high-frequency orifice passage; and an additional axis-perpendicular direction through-hole is provided passing through the insertion portion in the axis-perpendicular direction in a zone thereof away from the two axial direction through-holes, with the axis-perpendicular direction through-hole constituting the first connecting passage.

8. The fluid-filled type vibration damping device according to claim 6, wherein the insertion portion of the first mounting member has large-diameter circular post shape; the low-frequency orifice passage is constituted by a tunnel-like passage that extends in the circumferential direction while the outside peripheral section of the insertion portion slopes in the axial direction; the high-frequency orifice passage is constituted by an axial direction through-hole passing in the axial direction through the insertion portion; and the first connecting passage is constituted by an axis-perpendicular direction through-hole passing through the insertion portion in the axis-perpendicular direction in a zone thereof away from these orifice passages.

9. The fluid-filled type vibration damping device according to any one of claims 6-8, wherein the first connecting passage includes a low-frequency first connecting passage and a high-frequency first connecting passage that is tuned to a higher frequency range than the low-frequency first connecting passage; a second moveable member that limits the fluid flow amount through the high-frequency first connecting passage is disposed on a fluid channel of the high-frequency first connecting passage; and the second moveable member is supported by a second support member that is elastically linked to the second mounting member by the main rubber elastic body.

10. The fluid-filled type vibration damping device according to claim 6, wherein the first connecting passage includes a low-frequency first connecting passage and a high-frequency first connecting passage that is tuned to a higher frequency range than the low-frequency first connecting passage; the second moveable member that limits the fluid flow amount through the high-frequency first connecting passage is disposed on the fluid channel of the high-frequency first connecting passage; the second moveable member is supported by the second support member that is elastically linked to the second mounting member by the main rubber elastic body; the insertion portion of the first mounting member has large-diameter circular post shape with two axial direction through-holes of mutually different diameter provided passing in the axial direction through the insertion portion, the small-diameter axial direction through-hole constituting the low-frequency orifice passage and the large-diameter axial direction through-hole constituting the high-frequency orifice passage; two axis-perpendicular direction through-holes of mutually different diameter are provided passing through the insertion portion in the axis-perpendicular direction in a zone thereof away from the two axial direction through-holes, with the small-diameter axis-perpendicular direction through-hole constituting the low-frequency first connecting passage, and the large-diameter axis-perpendicular direction through-hole constituting the high-frequency first connecting passage.

11. The fluid-filled type vibration damping device according to any one of claims 7-10, wherein the first connecting passage is formed in a zone away from the low-frequency orifice passage and the high-frequency orifice passage in the first mounting member.

12. The fluid-filled type vibration damping device according to claim 6, wherein at least a portion of the first mounting member is constituted as the insertion portion to be inserted into the cylindrical portion of the second mounting member, with the insertion portion of the first mounting member and the cylindrical portion of the second mounting member being linked by the main rubber elastic body; at least one fluid chamber is formed in the main rubber elastic body between the opposing faces of the insertion portion and the cylindrical portion; and a second connecting passage is formed connecting the fluid chamber to the equilibrium chamber.

13. The fluid-filled type vibration damping device according to claim 12, wherein the plurality of fluid chambers are formed at both sides of the insertion portion of the first mounting member in the axis-perpendicular direction; the fluid chambers are respectively connected to the equilibrium chamber by the second connecting passage; and the first connecting passage is formed connecting the plurality of fluid chambers to one another.

14. The fluid-filled type vibration damping device according to claim 13, wherein an orifice fitting is attached fitting diametrically between the second mounting member and an outside peripheral mating attachment fitting that has been vulcanization bonded to the outside peripheral face of the main rubber elastic body; the orifice fitting is furnished with a first circumferential groove that opens onto the outside peripheral face thereof and that extends in a helical pattern in the circumferential direction while sloping in the axial direction to connect the pressure-receiving chamber and the equilibrium chamber, and a second circumferential groove that extends in the circumferential direction for a length approximately half the circumference and connects a pair of fluid chambers; the openings of the first and second circumferential grooves are covered by the second mounting member, whereby the low-frequency orifice passage is

constituted by the first circumferential groove and the first connecting passage is constituted by the second circumferential groove; the insertion portion of the first mounting member has large-diameter circular post shape; the high-frequency orifice passage is constituted by an axial direction through-hole that passes in the axial direction through the insertion portion; and a pair of the second connecting passages are constituted by a pair of through-holes that pass through the insertion portion in a zone away from the high-frequency orifice passage and that respectively connect the pair of fluid chambers with the equilibrium chamber.

15. The fluid-filled type vibration damping device according to claim 14, wherein the second connecting passage is formed in a zone of the first mounting member away from the low-frequency orifice passage and the high-frequency orifice passage.

16. The fluid-filled type vibration damping device according to any one of claims 1-15, wherein the device is applied as an engine mount wherein the primary vibration system is a power unit.

CERTIFICATION OF ENGLISH LANGUAGE TRANSLATION OF CLAIM

I, Chihiro Yamazaki, hereby declare and state that I am knowledgeable of each of the Japanese and English languages.

I hereby certify that the English language translation of the claims within the Request for Participation in the PCT-PPH Pilot Program is a complete and accurate translation of the claims in the PCT/JP2009/003592 application.

June 17, 2011
Date

Chihiro Yamazaki
Signature

Chihiro Yamazaki
Typed Name

I. List of Required Documents

d. Information Disclosure Statement listing the documents cited in the International work products (WO/ISA, WO/IPEA, or IPER) of the corresponding PCT application

- Not attached - Already Filed

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/733,554	03/08/2010	Tomohiro Kanaya	144713	6541

25944 7590 08/01/2011

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

EXAMINER	
SICONOLFI, ROBERT	
ART UNIT	**PAPER NUMBER**
3657	

NOTIFICATION DATE	DELIVERY MODE
08/01/2011	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):

OfficeAction25944@oliff.com
jarmstrong@oliff.com

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JUL 29 2011

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

In re application of Kanaya et al. Application No. 12/733,554 Filed: March 08, 2010 For: FLUID FILLED TYPE VIBRATION DAMPING 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 June 17, 2011, to make the above-identified application special.

The request and petition are **GRANTED**.

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

(1) The U.S. application must disclose an eligible relationship to one or more PCT applications filed in the JPO or USPTO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the PCT application(s) latest international work product (the written opinion or the IPER) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the PCT application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of the latest international work product from the PCT application containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;
(6) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

In light of the preliminary amendment filed on June 17, 2011 and the petition being properly submitted via EFS-Web as is required, the request to participate in the PPH program complies with the above requirements, the above-identified application has been accorded "special" status.

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

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

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: 7/28/11

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IVAN MESZLENYI
20 Garnett Janes Road
Suite 908
TORONTO ON M8V 3Z1 CA CANADA

MAILED

SEP 06 2011

OFFICE OF PETITIONS

In re Application of :
Ivan Meszlenyi :
Application No. 12/733,587 : DECISION ON PETITION
Filed: March 10, 2010 :
Attorney Docket No. :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed August 22, 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 April 25, 2011, as required by the Notice of Allowance and Fee(s) Due, mailed January 24, 2011. Accordingly, the date of abandonment of this application is April 26, 2011. A Notice of Abandonment was mailed on May 9, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of $755 and the publication fee of $300, (2) the petition fee of $810, and (3) a proper statement of unintentional delay. Accordingly, the issue and publication fees are 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 Data Management for further processing into a patent.

/Kimberly A. Inabinet/

Kimberly A. Inabinet
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/733,592	03/10/2010	Götz Günther	P73440US0	2848

136 7590 05/27/2011

JACOBSON HOLMAN PLLC
400 SEVENTH STREET N.W.
SUITE 600
WASHINGTON, DC 20004

EXAMINER	
ART UNIT	PAPER NUMBER
1772	

MAIL DATE	DELIVERY MODE
05/27/2011	PAPER

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, VA 22313-1450
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JACOBSON HOLMAN PLLC
400 SEVENTH STREET N.W.
SUITE 600
WASHINGTON DC 20004

Applicant: Günther et al.
Appl. No.: 12/733,592
Filing Date: March 10, 2010
Title: DEVICE AND METHOD FOR TREATING A MEDICAL FLUID AND MEDICAL CASSETTE
Attorney Docket No.: P73440US0
Pub. No.: US 2010/0200486 A1
Pub. Date: August 12, 2010

This is a decision on the request for republication of patent application publication under 37 CFR 1.221(a), filed on May 4, 2011, for the above-identified application.

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

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

The applicant did not supply a copy of the application in compliance with the Office electronic filing system, as required by 37 CFR 1.221(a) because **the applicant submitted the papers as a "Document for an existing application", which are entered into the application file, and not as a "Pre-Grant Publication" submission**. It is also noted that the applicant did not incorporate amendments into the specification and claims and instead provided both the original specification and claims, and amendments. 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

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27 SEP 2010

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KRIEGSMAN & KRIEGSMAN
30 TURNPIKE ROAD, SUITE 9
SOUTHBOROUGH MA 01772

In re Application of:
BANKS, Mark, et al.
U.S. Application No.: 12/733,634
PCT No.: PCT/US2008/010660
International Filing Date: 11 September 2008
Priority Date: 11 September 2007
Attorney Docket No.: 82572PCT/US
For: INSULATED PALLET SHIPPER AND METHODS OF MAKING AND USING THE SAME

DECISION ON REQUEST UNDER 37 CFR 1.497(d)

This decision is issued in response to the "Request To Add Inventors Under 37 CFR 1.497(d)" filed by applicants on 13 September 2010. Applicants have paid the required $130 processing fee.

BACKGROUND

On 11 September 2008, applicants filed international application PCT/US2008/010660. The application claimed a priority date of 11 September 2007, and it designated the United States. The deadline for submission of the basic national fee was thirty months from the priority date, i.e., 11 March 2010. The published international application identified three applicant/inventors for the United States.

On 11 March 2010, applicants filed a Transmittal Letter for entry into the national stage in the United States accompanied by, among other materials, payment of the basic national fee.

On 26 May 2010, the United States Designated/Elected Office (DO/EO/US) issued a "Notification Of Missing Requirements" (Form PCT/DO/EO/905) requiring submission of an oath or declaration incompliance with 37 CFR 1.497 and the surcharge for filing the oath or declaration later than thirty months after the priority date.

On 28 July 2010, applicants filed a response to the Notification Of Missing Requirements that included payment of the required surcharge and a declaration executed by the three inventors of record and two additional persons.

On 09 August 2010, the DO/EO/US issued a "Notification Of Defective Response" (Form PCT/DO/EO/916) indicating that the declaration filed on 28 July 2010 was defective

because it included two inventors not of record herein, and because the declaration document appeared to be an unacceptable compilation of multiple documents.

On 13 September 2010, applicants filed the "Request To Add Inventors Under 37 CFR 1.497(d)" considered herein, accompanied by a revised declaration. The submission requests that Jeffrey D. SIMPSON and Richard M. FORMATO be added as additional inventors of record herein.

DISCUSSION

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

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

The declaration filed by applicants names an inventive entity different than that set forth in the international application. Specifically, Jeffrey D. SIMPSON and Richard M. FORMATO have been added as additional inventors. Accordingly, applicants must satisfy the requirements of 37 CFR 1.497(d) before such declaration can be accepted.

The present submission includes the required statements of non-deceptive intent from the two persons to be added as inventors, as well as the required processing fee. Requirements (A) and (B) are therefore satisfied. In addition, applicants have submitted the consent of the assignee to the requested change in inventorship, and such consent has been provided in compliance with 37 CFR 3.73(b). Requirement (C) is therefore also satisfied. .

Based on the above, applicants have satisfied the requirements of a grantable request to correct the inventors of record under 37 CFR 1.497(d).

It is noted that applicants' present submission includes a single, complete declaration executed by all of the five inventors, resolving the compilation defect present in the previously filed declaration document.

CONCLUSION

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

The inventorship of record herein is corrected to add Jeffrey SIMPSON and Richard FORMATO as additional inventors of record.

In view of the correction of inventorship, the revised declaration filed on 13 September 2010 is acceptable in compliance with 37 CFR 1.497(a) and (b).

This application is being referred to the National Stage Processing Branch of the Office Of PCT Operations for further processing in accordance with this decision. The date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) is 13 September 2010.

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

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

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

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

Application No.:	12/733,658	Filing Date:	March 12, 2010
First Named Inventor:	Toshiyuki UENO et al.		
Attorney Docket No.:	144797		
Title of the Invention:	METAL-COATED CARBON MATERIAL AND CARBON-METAL COMPOSITE MATERIAL USING THE SAME		

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

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

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

The corresponding PCT application number(s) is/are: The above-identified application validly claims priority to PCT/JP2008/066679.

The filing date of the corresponding PCT application(s) is/are: September 16, 2008.

I. List of Required Documents:

a. **A copy of the latest International Work Product (WO/ISA, WO/IPEA, or IPER) in the above-identified corresponding PCT application(s)**

☐ Is attached.

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

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

☐ Is attached.

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

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

d. **(1) An information disclosure statement listing the documents cited in the International Work Product (WO/ISA, WO/IPEA, or IPER) of the corresponding PCT application**

☐ Is attached.

☒ Has already been filed in the above-identified U.S. application on July 20, 2010.

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

☐ Are attached.

☒ Have already been filed in the above-identified U.S. application on July 20, 2010.

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

PTO/SB/20JP (07-09)
Approved for use through 101/31/2012. 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 COORPERATION TREATY-PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE JPO AND THE USPTO

(continued)

Application No.:	12/733,658
First Named Inventor:	Toshiyuki UENO et al.

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in Corresponding PCT Application	Explanation regarding the correspondence
1	1	As amended by the Transmittal filed on March 12, 2010, U.S. claim 1 substantially corresponds to patentable PCT claim 1.
2 (canceled)	2 (canceled)	
3 (canceled)	3 (canceled)	
4	4	As amended by the Transmittal filed on March 12, 2010, U.S. claim 4 substantially corresponds to patentable PCT claim 4.
5	5	As set forth in the Transmittal filed on March 12, 2010, U.S. claim 5 substantially corresponds to patentable PCT claim 5.
6	6	As set forth in the Transmittal filed on March 12, 2010, U.S. claim 6 substantially corresponds to patentable PCT claim 6.
7 (canceled)	7 (canceled)	
8	8	As amended by the Transmittal filed on March 12, 2010, U.S. claim 8 substantially corresponds to patentable PCT claim 8.
9	9	As amended by the Transmittal filed on March 12, 2010, U.S. claim 9 substantially corresponds to patentable PCT claim 9.

III. Claims 1, 4-6 and 8-9 in the US application sufficiently correspond to the patentable claims 1, 4-6 and 8-9 in the corresponding PCT application.

IV. Payment of Fees:

The petition fee under 37 CFR 1.17(h) is no longer required for participation in Patent Prosecution Highway Program.

Signature	Date November 16, 2010
Name (Print/Typed) James A. Oliff	Registration Number 27,075
Name (Print/Typed) Aya Suzuki	Registration Number 64,621

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 the latest International Work Product (WO/ISA, WO/IPEA or IPER) in the corresponding PCT application(s)

- The latest work product in the international phase (International Preliminary Report on Patentability in PCT/JP2008/066679, dated September 30, 2009) issued by the JPO was submitted in an Information Disclosure Statement filed on July 20, 2010.

I. List of Required Documents

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)

- Claims 1, 4-6 and 8-9, which were indicated as having novelty, inventive step and industrial applicability by the JPO, were submitted in a Transmittal of Translation of the Annexes to the International Preliminary Report on Patentability filed on March 12, 2010.

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

- English translation of International Preliminary Report on Patentability was submitted in an Information Disclosure Statement filed on July 20, 2010.
- English translation of claims 1, 4-6 and 8-9, which were indicated as having novelty, inventive step and industrial applicability by the JPO was submitted in a Transmittal of Translation of the Annexes to the International Preliminary Report on Patentability filed on March 12, 2010.
- Statement that the English translation of the claims 1, 4-6 and 8-9, which were indicated as having novelty, inventive step and industrial applicability by the JPO is accurate is attached.

CERTIFICATION OF ENGLISH LANGUAGE TRANSLATION

I hereby declare and state that I am knowledgeable of each of the Japanese and English languages.

I hereby certify that the English language translation of the claims attached to a Transmittal of Translation of the Annexes to the International Preliminary Report on Patentability filed on March 12, 2010 is a complete and accurate translation of the claims of the PCT/JP2008/066679 application, which were indicated as having novelty, inventive step, and industrial applicability.

November 16, 2010
Date

Signature

Aya Suzuki
Typed Name

I. List of Required Documents

d. Information Disclosure Statement listing the documents cited in the International Work Product

- Was filed on July 20, 2010. See Information Disclosure Statement filed on July 20, 2010.

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/733,658	03/12/2010	Toshiyuki Ueno	144797	4852

25944 7590 02/11/2011

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

EXAMINER	
LYNCH, KRISTA L	
ART UNIT	PAPER NUMBER
1787	

NOTIFICATION DATE	DELIVERY MODE
02/11/2011	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):

OfficeAction25944@oliff.com
jarmstrong@oliff.com

UNITED STATES PATENT AND TRADEMARK OFFICE

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

FEB 11 2011

CT

In re application of Toshiyuki Ueno et al Serial No. 12/733,658 Filed: March 12, 2010 For: METAL-COATED CARBON MATERIAL AND CARBON-METAL COMPOSITE MATERIAL USING THE SAME	:	DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(a)

This is a decision on the request to participate in the PCT Patent Prosecution Highway (PCT-PPH) pilot program and the petition under 37 CFR 1.102(a), filed November 16, 2010, to make the above-identified application special.

The request and petition are **GRANTED**.

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

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

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

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

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

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

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

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

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

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

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

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

/Christine Tierney/

Christine Tierney
Quality Assurance Specialist
Technology Center 1700

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/733,665	03/12/2010	Mitsuhiro Naito	144339	3102

7590 08/09/2011

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

EXAMINER	
ABEL JALIL, NEVEEN	
ART UNIT	**PAPER NUMBER**
2165	
NOTIFICATION DATE	**DELIVERY MODE**
08/09/2011	ELECTRONIC

DECISION DISMISSING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment will not be recognized

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

The petition is dismissed.

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

1. ☐ The petition was not filed in sufficient time to permit the appropriate officials to recognize the abandonment before an examination has been made of the application. See 37 CFR 1.138(d).
2. ☐ The petition was not signed by a party authorized by 37 CFR 1.33(b)(1), (3) or (4).
3. ☑ The application is not an application filed under 35 U.S.C. 111(a) on or after December 8, 2004.
4. ☐ The petition for express abandonment under 1.138(d) is dismissed because the applicant did not pay any search fee and excess claims fees in the above-identified application.

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

Patent Publication Branch
Office of Data Management

FORM PET651D (Rev. 08/07)

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.:	12/733,697	Filing Date:	March 16, 2010
First Named Inventor:	Takaya SOMA et al.		
Attorney Docket No.:	144826		
Title of the Invention:	EXTERNALLY CHARGEABLE ELECTRIC/HYBRID VEHICLE		

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

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

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

The corresponding PCT application number(s) is/are: PCT/JP2008/068765

The international date of the corresponding PCT application(s) is/are: October 16, 2008

I. **List of Required Documents:**

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

☐ Is attached.

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

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

☐ Is attached.

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

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

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

PTO/SB/20PCT-JP (05-10)
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REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM BETWEEN THE JPO AND THE USPTO

(continued)

Application No.:	12/733,697
First Named Inventor:	Takaya SOMA 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 March 16, 2010

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

☐ Are attached.

☒ Have already been filed in the above-identified U.S. application on March 16, 2010

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1	1	US Claim 1 is substantially identical to PCT claim 1.
2	2	US Claim 2 is substantially identical to PCT claim 2.
3	3	US Claim 3 is substantially identical to PCT claim 3.
4	4	US Claim 4 is substantially identical to PCT claim 4.
5	5	US Claim 5 is substantially identical to PCT claim 5.
6	6	US Claim 6 is substantially identical to PCT claim 6.

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

Signature	Date August 2, 2010
Name (Print/Typed) James A. Oliff	Registration Number 27,075
Name (Print/Typed) Bjorn G. Anderson	Registration Number 63,398

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 the latest International Work Product (WO/IDA, WO/IPEA or IPER) in the corresponding PCT application(s)

- Not attached because the document is already in the U.S. application
- Identification and explanation of why claims are subject to any observation described in Box VIII is attached

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)

- Japanese claims in the corresponding PCT application as originally filed and indicated as having novelty, inventive step and industrial applicability are not attached because they are already in the U.S. application

The International Preliminary Report on Patentability for this application makes the following observations in Box VIII:

- Claim 1 recites a plurality of terms, "EV mode" and "HV mode," that are used for a similar travelling status, which makes the invention unclear
- It is unclear how the travelling mode determination of identical travel modes is carried out based on external charge power quantity

The observations apply to claim 1. Claims 2-6 are either dependent from claim 1 or a claim that is dependent from claim 1.

Applicants respectfully traverse the observations of Box VIII. In particular, the EV and HV modes are two different modes as defined in claim 1.

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

- Translation of the latest International Work Product is not attached because it is already in the U.S. application

- Translation of all claims in the corresponding PCT application as originally filed and indicated as having novelty, inventive step and industrial applicability are not attached because they are already in the U.S. application

- Statement that the English Translation of all claims in the corresponding PCT application as originally filed and indicated as having novelty, inventive step and industrial applicability is accurate is attached

CERTIFICATION OF ENGLISH LANGUAGE TRANSLATION OF THE CLAIMS

I hereby declare and state that I am knowledgeable of each of the Japanese and English language.

I hereby certify that the English language translation of the claims contain herein is a complete and accurate translation of the claims of the PCT/JP2008/068765 application which were indicated as having novelty, inventive step, and industrial applicability, also contained herein.

July 30, 2010

Date

Kazutaka IGUCHI

I. List of Required Documents

d. Information Disclosure Statement listing the documents cited in the International Work Product

- The references cited in the ISR were submitted in an Information Disclosure Statement filed on March 16, 2010

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/733,697	03/16/2010	Takaya Soma	144826	7170

25944 7590 09/23/2010

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

EXAMINER	
TRAN, KHOI H	

ART UNIT	PAPER NUMBER
3664	

NOTIFICATION DATE	DELIVERY MODE
09/23/2010	ELECTRONIC

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

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

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

OfficeAction25944@oliff.com
jarmstrong@oliff.com

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SEP 22 2010

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ALEXANDRIA VA 22320-4850

In re application of Soma et al. Application No. 12/733,697 Filed: March 16, 2010 For: EXTERNALLY CHARGEABLE ELECTRIC/HYBRID VEHICLE	:	**DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(d)**

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed August 02, 2010, to make the above-identified application special.

The request and petition are **DISMISSED**.

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

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of the latest Office action from each of the JPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;
(6) Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO Office action along with copies of documents except U.S. patents or U.S. patent application publications.

The request to participate in the PPH pilot program and petition fail to include:
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application along with an English translation thereof and a statement that the English translation is accurate; there is no copy of the allowable/patentable claims of the PCT/JP2008/068765 in the file. Note, applicant submitted a copy of the PCT/JP2008/068765; however, it is unclear if the allowable/patentable claims are disclosed in this document.
In any event, a copy of the allowable claims in PCT/JP2008/068765 and an English translation of these allowable claims are required.
(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). See number 2 above.

Applicant is given a time period of **ONE MONTH or THIRTY DAYS**, whichever is longer, to correct the deficiencies. **NO EXTENSION OF TIME UNDER 37 CFR 1.136 IS PERMITTED.** If the deficiencies are not corrected with the time period given, the application will await action in its regular turn. All replies to a decision to dismiss must be submitted by EFS-Web using the document description "Petition to make special under Patent Prosecution Highway."

Any inquiry regarding this decision should be directed to Mikado Buiz, Quality Assurance Specialist, at (571) 272-6578.

/ Mikado Buiz /

Mikado Buiz,
Quality Assurance Specialist
Technology Center 3600

MB/MB: 09/22/10

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OCT 0 1 2010

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In re application of
Soma et al
Application No. 12/733,697
Filed: March 16, 2010
For: EXTERNALLY CHARGEABLE ELECTRIC/HYBRID VEHICLE

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

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed August 2, 2010, to make the above-identified application special.

The request and petition are **GRANTED**.

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

(1) The U.S. application must disclose an eligible relationship to one or more PCT applications filed in the JPO, EPO or USPTO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the PCT application(s) latest international work product (the written opinion or the IPER) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the PCT application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of the latest international work product from the PCT application containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;
(6) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

In light of the petition being properly submitted via EFS-Web as is required, and the preliminary amendment of August 2, 2010, and the JP language claims from the PCT application (pages 23 -25) dated 3/16/10 was found. The WO is in the document 371P date 3/16/10. The accuracy statement is on page 7 of the PCT-PPH request filed 8/02/10, the request to participate in the PPH program complies with the above requirements, the above-identified application has been accorded "special" status.

Applicant is advised that in the future, it would be easier for us to find the documents if these documents attach to the PCT-PPH request.

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

The application is being forwarded to the examiner for action on the merits commensurate with this decision as soon as any pre-exam processing has been completed.

Any inquiry regarding this decision should be directed to Mikado Buiz, Quality Assurance Specialist, at (571) 272-6578.

/ Mikado Buiz /

Mikado Buiz,
Quality Assurance Specialist
Technology Center 3600

MB/MB: 09/30/10

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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FEB 22 2011

PCT LEGAL ADMINISTRATION

MINTZ, LEVIN, COHN, FERRIS, GLOVSKY
AND POPEO, P.C
ONE FINANCIAL CENTER
BOSTON MA 02111

In re Application of YOUNG
Application No.: 12/733,783
PCT No.: PCT/AU08/01189
Int. Filing: 15 August 2008
Priority Date: 28 August 2007
Attorney Docket No.: 27287-504N01US
For: METHOD FOR IMPROVING FLOTATION CELL PERFORMANCE

DECISION ON

PETITION TO REVIVE

UNDER 37 CFR 1.137(b)

This decision is issued in response to the "Petition Requesting Correction of Typographical Error Pursuant to 37 CFR 1.182" filed 19 October 2010, to change the first name of the third inventor of record from BRETON to BRENTON. Applicant's request for a two month extension of time is Granted.

On 15 August 2008, applicant filed international application PCT/US2008/01189. The application claimed an earlier priority date of 28 August 2007, and it designated the United States. The deadline for submission of the basic national fee was thirty months from the priority date, i.e., 28 February 2010. The published international application identified the third inventor as BRETON BURFORD.

On 18 March 2010, applicant filed a Transmittal Letter for entry into the national stage in the United States accompanied by, among other materials, payment of the basic national fee and an application data sheet (ADS). The ADS identified the third inventor as Breton Burford.

On 26 May 2010, applicant, *sua sponte.* filed an executed declaration and payment of the required surcharge. The declaration identified the third inventor as Brenton Burford.

On 09 July 2010, the United States Designated/Elected Office (DO/EO/US) issued a "Notification Of Missing Requirements" (Form PCT/DO/EO/905) requiring submission of an oath or declaration in compliance with 37 CFR 1.497(a) and (b). Specifically, it was noted the declaration submitted on 26 May 2010 listed the third inventor as Brenton Burford, rather than Breton Burford as listed on the published international application and ADS.

On 19 October 2010, applicant filed the correction of the inventor's name, notifying the Office that the correct inventor's name is Brenton Burford as indicated in the declaration filed 26 May 2010 rather than Breton Burford, as incorrectly indicated in the international application as the result of a typographical error.

Applicants' explanation of the difference in Brenton Burford's name is accepted and noted for the record.

For the reasons above, the Request is **GRANTED**. No petition fee is required.

This application is being forwarded to the National Stage Processing Branch of the International Division for further processing. The 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date is is 26 May 2010.

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

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WELSH FLAXMAN & GITLER
2000 DUKE STREET , SUITE 100
ALEXANDRIA, VA 22314

MAILED
JUN 17 2011
PCT LEGAL ADMINISTRATION

In re Application of SOLLINGER et al :
U.S. Application No.: 12/733,888 :
PCT Application No.: PCT/DE2008/001576 :
Int. Filing Date: 25 September 2008 : DECISION
Priority Date Claimed: 27 September 2007 :
Attorney Docket No.: A-11591 :
For: METHOD FOR APPLYING A LIQUID :
MEDICINAL TREATMENT... :

This is in response to applicant's correspondence filed 07 April 2011 pursuant to 37 CFR 1.28(c)

BACKGROUND

On 25 September 2008, applicant filed international application PCT/DE2008/001576, which claimed priority of an earlier Germany application filed 27 September 2007. A copy of the international application was communicated to the USPTO from the International Bureau on 02 April 2009. The thirty-month period for paying the basic national fee in the United States expired on 29 March 2010.

On 25 March 2010, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

On 07 April 2011, applicant filed the present request under 37 CFR 1.28(c).

DISCUSSION

Errors in small entity status may be excused in accordance with 37 CFR 1.28(c). In the present case, applicant has supplied the required itemization of fees and has paid the required deficiency. Accordingly, the error in small entity status is excused.

CONCLUSION

For the reasons above, the request under 37 CFR 1.28(c) is GRANTED.

The application is being forwarded to the DO/EO/US for any necessary fee adjustments and will be returned to the technology center thereafter.

Bryan Lin

Bryan Lin
PCT Legal Examiner
PCT Legal Office

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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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Decision Date : March 1, 2012

In re Application of :

Yoshitaka Mayuzumi

DECISION ON PETITION

UNDER CFR 1.313(c)(2)

Application No : 12733897

Filed : 26-Mar-2010

Attorney Docket No : 85769(47762)

This is an electronic decision on the petition under 37 CFR 1.313(c)(2), filed March 1, 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 1761 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	12733897
Filing Date	26-Mar-2010
First Named Inventor	Yoshitaka Mayuzumi
Art Unit	1761
Examiner Name	HAIDUNG NGUYEN
Attorney Docket Number	85769(47762)
Title	ZNO VAPOR DEPOSITION MATERIAL, PROCESS FOR PRODUCING THE SAME, AND ZNO FILM

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

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

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

Petition Fee

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

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

☐ Applicant(s) status remains as SMALL ENTITY.

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

Reason for withdrawal from issue

◯ One or more claims are unpatentable ◉ Consideration of a request for continued examination (RCE) (List of Required Documents and Fees) ◯ Applicant hereby expressly abandons the instant application (any attorney/agent signing for this reason must have power of attorney pursuant to 37 CFR 1.32(b)).
RCE request,submission, and fee. ☐ I certify, in accordance with 37 CFR 1.4(d)(4) that : The RCE request ,submission, and fee have already been filed in the above-identified application on ☒ Are attached.
THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES I certify, in accordance with 37 CFR 1.4(d)(4) that I am: ◉ An attorney or agent registered to practice before the Patent and Trademark Office who has been given power of attorney in this application. ◯ An attorney or agent registered to practice before the Patent and Trademark Office, acting in a representative capacity. ◯ A sole inventor ◯ A joint inventor; I certify that I am authorized to sign this submission on behalf of all of the inventors ◯ A joint inventor; all of whom are signing this e-petition ◯ The assignee of record of the entire interest that has properly made itself of record pursuant to 37 CFR 3.71

Signature	/James E. Armstrong IV/
Name	James E. Armstrong IV
Registration Number	42266

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JAY P. HENDRICKSON
1010 B STREET
SUITE 319
SAN RAFAEL, CA 94901

MAILED

OCT 07 2010

PCT LEGAL ADMINISTRATION

In re Application of	:	DECISION ON
Charles PLATT, et al.	:	
Application No.: 12/733,908	:	
PCT No.: PCT/US2008/011224	:	
Int. Filing Date: 26 September 2008	:	PETITION UNDER
Priority Date: 27 September 2007	:	
Attorney's Docket No.: N/A	:	
For: PORTABLE APPARATUS AND METHOD FOR	:	
... LUNGS OF A MAMMAL	:	37 CFR 1.137(b)

This decision is in response to applicant's "Petition For Revival Of An International Application For Patent Designating The U.S. Abandoned Unintentionally Under 37 CFR 1.137(b)," filed on 21 June 2010.

BACKGROUND

On 26 September 2008, this international application was filed, claiming an earliest priority date of 27 September 2007.

The deadline for paying the basic national fee in the United States under 35 U.S.C. 371 and 37 CFR 1.495 was 27 March 2010. This international application became abandoned with respect to the United States at midnight on 27 March 2010 for failure to pay the required basic national fee.

On 26 March 2010, applicant filed in the United States Patent and Trademark Office (PTO) a transmittal letter for entry into the national stage in the U.S. under 35 U.S.C. 371, which was accompanied by, *inter alia*, the copy of the international application. However, the national basic fee was not provided at such time.

On 2 June 2010, the United States Patent and Trademark Office mailed the Notification of Abandonment (PCT/DO/EO/909) since the applicant has failed to provide the full U.S. Basic National Fee by 30 months (37 CFR 1.495(b)(2)).

On 21 June 2010, applicant filed the instant petition under 37 CFR 1.137(b), which was accompanied by the petition fee and the basic national fee.

DISCUSSION

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

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

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

DECISION

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/733,933	06/03/2010	Tomoyuki Igawa	392.1045	3032

23280 7590 11/18/2010

Davidson, Davidson & Kappel, LLC
485 7th Avenue
14th Floor
New York, NY 10018

EXAMINER	
BRISTOL, LYNN ANNE	
ART UNIT	PAPER NUMBER
1643	
MAIL DATE	DELIVERY MODE
11/18/2010	PAPER

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

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

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NOV 1 8 2010

Davidson, Davidson & Kappel, LLC
485 7th Avenue
14th Floor
New York NY 10018

In re Application of	:	
IGAWA, TOMOYUKI et al	:	DECISION ON REQUEST TO
Application No. 12/733,933	:	PARTICIPATE IN PATENT
Filed: June 3, 2010	:	PROSECUTION HIGHWAY
Attorney Docket No. 392.1045	:	PROGRAM AND PETITION
	:	TO MAKE SPECIAL UNDER
	:	37 CFR 1.102(d)

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

The request and petition are **DISMISSED**.

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

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;
(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 office actions just prior to the "Decision to Grant" (the latest "Notification of Reasons for Refusal) 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 fails to comply with the requirement because:

The petition request does not include 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.

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 Ram R. Shukla at 571-272-0735.

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

Ram R. Shukla, Ph.D.
Supervisory Patent Examiner
TC 1600

RAM R. SHUKLA, PH.D.
SUPERVISORY PATENT EXAMINER

UNITED STATES PATENT AND TRADEMARK OFFICE

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TRASKBRITT, P.C.
P.O. BOX 2550
SALT LAKE CITY, UT 84110

MAILED
SEP 23 2011
OFFICE OF PETITIONS

Applicant: Vandendriessche, et al.
Appl. No.: 12/734,010
International Filing Date: October 8, 2008
Title: B CELL TOLERANCE INDUCTION
Attorney Docket: 2676-9993US
Pub. No.: US 2010/0322967 A1
Pub. Date: December 23, 2010

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on January 4, 2011, for the above-identified application.

The request is DISMISSED.

Applicant requests that the application be republished because the patent application publication contains material errors wherein the preliminary amendment filed with the application on April 2, 2010 was not included in the publication.

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

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

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

37 C.F.R. 1.215(a) states that the patent application publication may also be based upon amendments to the specification (other than the abstract or the claims) that are reflected in a substitute specification under § 1.125(b), amendments to the abstract under § 1.121(b), amendments to the claims that are reflected in a complete claim listing under § 1.121(c), and amendments to the drawings under §1.121(d), provided that such substitute specification or amendment is submitted in sufficient time to be entered into the Office file wrapper of the application before technical preparations for publication of the application have begun. (emphasis added) 37 CFR 1.215(c) states that applicant may file an amended copy of the application for publication purposes, but such amendments, including a substitute specification, must be submitted in compliance with the Office electronic filing system requirements, and within one month of the mailing date of the first Office communication that includes a confirmation number for the application, or fourteen months of the earliest filing date for which a benefit is sought under title 35, United States Code, whichever is later.

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

Applicants' request for a corrected patent application publication on January 4, 2011, may constitute a "failure to engage in reasonable efforts to conclude processing or examination of the application." See 1.704(c). This determination will be made on or after a mailing of a Notice of Allowance.

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

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

http://www.uspto.gov/patents/process/file/efs/guidance/index.jsp
OR
http://www.uspto.gov/ebc/portal/efs/pgpub_quickstart.pdf

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

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

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

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Nixon & Vanderhye, PC
901 North Glebe Road, 11th Floor
Arlington, VA 22203

MAILED

DEC 21 2010

PCT LEGAL ADMINISTRATION

In re Application of: BOVIN et al.
U.S. Application No. 12/734,072
PCT No.: PCT/NZ2008/000266
Int. Filing Date: 13 October 2008
Priority Date: 12 October 2007
Attorney Docket No.: LCM-5366-21
For: FUNCTIONAL LIPID CONSTRUCTS

DECISION ON REQUEST

This decision is issued in response to applicants' "Response to Decision on Request to Correct Inventorship to Add Omitted Inventor" filed 04 November 2010, which is being treated as a Petition under 37 CFR 1.497(d). The $130 petition fee under 37 CFR 1.17 has been previously submitted.

BACKGROUND

On 13 October 2008, applicants filed international application PCT/NZ2008/000266. The international application named Nicolai BOVIN, Stephen Micheal HENRY, Igor RODINOV, and Cristina-Simona WEINBERG as applicants/ inventors. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 16 April 2009. Pursuant to 37 CFR 1.495, the deadline for payment of the basic national fee was to expire 30 months from the international filing date, 12 April 2010.

On 08 April 2010, applicants filed a transmittal letter for entry into the national stage accompanied by, *inter alia:* the requisite basic national fee; a copy of the international application; and a request to correct inventorship under 37 CFR 1.497(d). In the "Decision on Request" dated 14 May 2010, applicants' request to add inventors under 37 CFR 1.497(d) was dismissed without prejudice.

On 04 November 2010, applicants filed "Response to Decision on Request to Correct Inventorship under 37 CFR 1.497(d)."

DISCUSSION

In the instant case, the international application named Nicolai BOVIN, Stephen Micheal HENRY, Igor RODINOV, and Cristina-Simona WEINBERG as applicants/inventors. Applicants request to add Alexander Borisovich TUZIKOV as an applicant/inventor. In order to correct an error in naming the inventor(s) made during the international stage in the national stage, a submission under 37 CFR 1.497(d) is required.

A submission under 37 CFR 1.497(d) to correct an error in naming inventorship requires: (1) a statement from each person being added or deleted as an inventor that the error in inventorship occurred without any deceptive intention on his or her part; (2) an oath or declaration by the actual inventor(s) as required by 37 CFR 1.497(a); (3) the fee set forth in 37 CFR 1.17(i); and (4) if an assignment has been executed by any of the original named inventors, the written consent of the assignee in compliance with 37 CFR 3.73(b).

Item (1) has been satisfied. Applicants have submitted a statement from the inventor (Alexander Borisovich TUZIKOV) being added, in which the inventor states that the earlier error in inventorship did not result from deceptive intent on his/her part.

As to item (2), a review of the declaration reveals that the declaration is defective. Specifically, said declaration is illegible. Therefore, a declaration executed by all inventors is required. A declaration which is legible and in proper form will satisfy the requirements under 37 CFR 1.497(a)-(b). It is noted that a newly executed declaration is not required. Item (2) has not been satisfied.

Item (3) has been satisfied. The required petition fee has been submitted.

Item (4) has been satisfied. Applicants provided the assignee's consent to the addition of Alexander Borisovich TUZIKOV as an inventor herein. Additionally, the assignee has established its ownership to the application in accordance with 37 CFR 3.73.

For the reasons discussed above, it is inappropriate, at this time, to grant applicants request for correction of inventorship.

CONCLUSION

For the reasons discussed above, applicants' request under 37 CFR 1.497(d) is **DISMISSED** without prejudice. A proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time may be obtained under 37 CFR 1.136(a).

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

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

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JUN 20 2011

PCT LEGAL ADMINISTRATION

In re Application of: BOVIN et al.
U.S. Application No. 12/734,072 :
PCT No.: PCT/NZ2008/000266 :
Int. Filing Date: 13 October 2008 :
Priority Date: 12 October 2007 : DECISION ON REQUEST
Attorney Docket No.: LCM-5366-21 :
For: FUNCTIONAL LIPID CONSTRUCTS :
:

In a decision mailed by this Office on 21 December 2010, applicant's request to correct inventorship was dismissed without prejudice for failure to satisfy all the requirements of 37 CFR 1.497(d).

On 18 May 2011, applicant filed the renewed request under 37 CFR 1.497(d) considered herein. Applicant's submissions satisfy the requirements of 37 CFR 1.497(d). Applicant has submitted a statement from the added inventor. The processing fee set in forth in 37 CFR §1.17 has been submitted. Applicnat's submission included the consent of the assignee to the requested correction of inventorship, in the form required under 37 CFR 1.497(d)(3) and 3.73(b).

Based on the above, applicant's request to add Alexander Borisovich TUZIKOV as an inventor is appropriately granted. Based on this correction, the declaration filed on 18 May 2011 (which named Nicolai BOVIN, Stephen Micheal HENRY, Igor RODINOV, Cristina-Simona WEINBERG, and Alexander Borisovich TUZIKOV) is acceptable under 37 CFR 1.497. Applicant's request to correct inventorship under 37 CFR 1.497(d) is **GRANTED.**

This application is being forwarded to the National Stage Processing Branch of the Office Of PCT Operations for further processing in accordance with this decision. The 35 U.S.C. 371(c) date is18 May 2011.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/734,093		Thomas Kubert	W1.2900 PCT-US	9137

23294 7590 08/09/2010
JONES, TULLAR & COOPER, P.C.
P.O. BOX 2266 EADS STATION
ARLINGTON, VA 22202

EXAMINER	
ART UNIT	PAPER NUMBER
2854	

MAIL DATE	DELIVERY MODE
08/09/2010	PAPER

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, VA 22313-1450
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JONES, TULLAR & COOPER, P.C.
P.O. BOX 2266 EADS STATION
ARLINGTON VA 22202

In re Application of
Thomas KUBERT
Application No.: 12/734,093
Filed: 09 April 2010
Attorney Docket No.: W1.2900 PCT-US
For: PRINTING UNIT COMPRISING AT LEAST AT LEAST TWO SIDE FRAME PARTS WHOSED DISTANCE RELATIVE TO EACH OTHER ...

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

This is a decision on the request to participate in the PCT Patent Prosecution Highway (PCT-PPH) pilot program and the petition under 37 CFR 1.102(d), filed 20 May 2010 and renewed on 16 July 2010, to make the above-identified application special.

The request and petition are **GRANTED**.

Discussion

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

(1) The U.S. application must 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 VII;

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

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

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

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

along with an English translation thereof and a statement that the English translation is accurate;

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

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

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/734,108		Eric Stephen Carlsgaard	TTEUS06071800 / THMT:0038	9172

EXAMINER

7590 06/21/2011

FLETCHER YODER P.C.
7915 FM 1960 RD. WEST
SUITE 330
HOUSTON, TX 77070

ART UNIT	PAPER NUMBER

MAIL DATE	DELIVERY MODE
06/21/2011	PAPER

DECISION DISMISSING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment will not be recognized

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

The petition is dismissed.

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

1. ☐ The petition was not filed in sufficient time to permit the appropriate officials to recognize the abandonment before an examination has been made of the application. See 37 CFR 1.138(d).
2. ☐ The petition was not signed by a party authorized by 37 CFR 1.33(b)(1), (3) or (4).
3. ☑ The application is not an application filed under 35 U.S.C. 111(a) on or after December 8, 2004.
4. ☐ The petition for express abandonment under 1.138(d) is dismissed because the applicant did not pay any search fee and excess claims fees in the above-identified application.

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

Patent Publication Branch
Office of Data Management

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	12734158
Filing Date	14-Apr-2010
First Named Inventor	Richard Woodland
Art Unit	3644
Examiner Name	TIMOTHY COLLINS
Attorney Docket Number	RWPCT-2
Title	Temporarily installed aircraft observer door plug, chair, sonotube ejection and control system

◉ Please withdraw me as attorney or agent for the above identified patent application and the practitioners of record associated with Customer Number: 89123

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	Richard Woodland
Address	41 Cactus Street
City	Homosassa
State	FL
Postal Code	34446
Country	US

I am authorized to sign on behalf of myself and all withdrawing practitioners.	
Signature	/Roddy Bullock/
Name	Roddy M Bullock
Registration Number	37290

UNITED STATES 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 18,2011

In re Application of :

Richard Woodland

Application No : 12734158

Filed : 14-Apr-2010

Attorney Docket No : RWPCT-2

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 18,2011

The request is **APPROVED.**

The request was signed by Roddy M Bullock (registration no. 37290) on behalf of all attorneys/agents associated with Customer Number 89123 . All attorneys/agents associated with Cusotmer Number 89123 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	Richard Woodland
Name2	
Address 1	41 Cactus Street
Address 2	
City	Homosassa
State	FL
Postal Code	34446
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	12734159
Filing Date	14-Apr-2010
First Named Inventor	Richard Woodland
Art Unit	3644
Examiner Name	TIMOTHY COLLINS
Attorney Docket Number	RW PCT-1
Title	AIRCRAFT BASED NON-DEDICATED SPECIAL MISSION POD MOUNTING APPARATUS

◉ Please withdraw me as attorney or agent for the above identified patent application and all the practitioners of record.

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

10.40(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	Richard Woodland
Address	41 Cactus Street
City	Homosassa
State	FL
Postal Code	34446
Country	US

I am authorized to sign on behalf of myself and all withdrawing practitioners.	
Signature	/Roddy M Bullock/
Name	Roddy M Bullock
Registration Number	37290

UNITED STATES 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 18,2011

In re Application of :

Richard Woodland

Application No : 12734159

Filed: 14-Apr-2010

Attorney Docket No : RW PCT-1

DECISION ON REQUEST TO WITHDRAW AS ATTORNEY/AGENT OF RECORD

This is an electronic decision on the Request to Withdraw as attorney or agent of record under 37 CFR.§ 1.36(b), filed October 18,2011

The request is **APPROVED**

The request was signed by Roddy M Bullock (registration no. 37290) on behalf of all the attorneys/agents of record. All attorneys/agents of record have been withdrawn.

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

Name	Richard Woodland
Name2	
Address 1	41 Cactus Street
Address 2	
City	Homosassa
State	FL
Postal Code	34446
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

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.
12/734,224	04/19/2010	Shiro Kato	2010_0312A	9972

513 7590 09/15/2010

WENDEROTH, LIND & PONACK, L.L.P.
1030 15th Street, N.W.,
Suite 400 East
Washington, DC 20005-1503

EXAMINER	
ART UNIT	PAPER NUMBER
1624	

NOTIFICATION DATE	DELIVERY MODE
09/15/2010	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):

ddalecki@wenderoth.com
eoa@wenderoth.com

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P.O. Box 1450
Alexandria, VA 22313-1450
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SEP 1 5 2010

WENDEROTH, LIND & PONACK, L.L.P.
1030 15th Street, N.W.,
Suite 400 East
Washington DC 20005-1503

In re Application of
KATO, SHIRO et. al.
Application No. 12/734,224
Filed: April 19, 2010
Attorney Docket No. 2010_0312A

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

This is a decision on the request to participate in the PCT-Patent Prosecution Highway (PPH) Pilot program and the petition under 37 CFR 1.102(d), filed May 7, 2010, to make the above-identified application special.

The request and petition are **GRANTED**.

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

(1) The U.S. application is a national stage entry of the corresponding JPO PCT application;
(2) The latest work product in the international phase of the PCT application corresponding to the US application, namely the WO/ISA, or the WO/IPEA, or the IPER, indicates at least one claim in the PCT claim has novelty, inventive step and industrial applicability.
(3) Applicant must submit a copy of the allowable/patentable claim(s) from the corresponding PCT application(s) along with an English translation thereof;
(4) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the PCT application;
(5) Examination of the U.S. application has not begun;
(6) Unless already filed in the U.S. application for which participation in the PCT-PPH pilot program is requested, applicant must submit a copy of the latest international work product, WO/ISA, or WO/IPEA or IPER, which indicated that the claim(s) has/have novelty, inventive step and industrial applicability along with an English translation thereof;
(7) Applicant must submit an IDS listing the documents cited international work product, WO/ISA, or WO/IPEA or IPER along with copies of documents except U.S. patents or U.S. patent application publications; and
(8) The required petition fee under 37 CFR 1.17(h).

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

Telephone inquiries concerning this decision should be directed to Ram R. Shukla at 571-272-0735.

All other inquiries concerning the examination or status of the application should be directed to Patent Application Information Retrieval (PAIR) system at the http://www.uspto.gov/ebc/index.html.

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

Ram R. Shukla, Ph.D.
Supervisory Patent Examiner
TC 1600

RAM R. SHUKLA, PH.D.
SUPERVISORY PATENT EXAMINER

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
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DAVID AND RAYMOND PATENT FIRM
108 N. YNEZ AVE., SUITE 128
MONTEREY PARK, CA 91754

MAILED
JAN 12 2011
PCT LEGAL ADMINISTRATION

In re Application of SUN et al :
U.S. Application No.: 12/734,248 :
PCT Application No.: PCT/CN2008/001603 :
Int. Filing Date: 10 September 2008 :
Priority Date Claimed: 15 September 2007 : DECISION
Attorney Docket No.: USP4475C/SZ518-GFE :
For: INTEGRATED COLLIGATION :
EVALUATING DEVICE FOR HUMAN :
BODY ENGINERY INDEXES :

This is in response to applicant's "Petition for Revival of an International Application for Patent Designating the U.S. Abandoned Unintentionally Under 37 CFR 1.137(b)" filed 19 April 2010.

BACKGROUND

On 10 September 2008, applicant filed international application PCT/CN2008/001603, which claimed priority of an earlier China application filed 15 September 2007. A copy of the international application was communicated to the USPTO from the International Bureau on 19 March 2009. The thirty-month period for paying the basic national fee in the United States expired on 15 March 2010.

On 16 March 2010, international application PCT/CN2008/001603 became abandoned as to the United States for failure to timely pay the basic national fee.

On 19 April 2010, applicant filed the present petition under 37 CFR 1.137(b).

DISCUSSION

Under 37 CFR 1.137(b), a petition requesting that an application be revived on the grounds of unintentional abandonment must be accompanied by: (1) the required reply unless previously filed, (2) the petition fee as set forth in 37 CFR 1.17(m), (3) a statement that the entire

delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional, and (4) a terminal disclaimer if the application was filed before 08 June 1995.

With regard to item (1), applicant has provided the required reply under 35 U.S.C. 371.

With regard to item (2), applicant has provided the required petition fee.

With regard to item (3), applicant has provided the required statement.

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

CONCLUSION

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

The application has an International Filing Date under 35 U.S.C. 363 of 10 September 2008, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 19 April 2010.

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

Bryan Lin
PCT Legal Examiner
PCT Legal Office

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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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THE MARBURY LAW GROUP, PLLC
11800 SUNRISE VALLEY DRIVE
SUITE 1000
RESTON VA 20191

MAILED

NOV 30 2011

OFFICE OF PETITIONS

In re Application of :
SAMUELSON et al. :
Application No. 12/734,252 : DECISION ON PETITION
Filed: 06/10/2010 :
Attorney Docket No. 7742-222 :

This is a decision on the petition under 37 CFR 1.182 filed October 19, 2011, to withdraw the recorded terminal disclaimer filed June 16, 2011.

Applicants assert that it is proper for the Office to withdraw the previously filed terminal disclaimer of June 16, 2011, because the double patenting rejection has been withdrawn. In support of the assertion, applicants quote, in pertinent part, page 2 of the Notice of Allowance mailed September 23, 2011, in which the Examiner states:

> However, as amended herein, the claims of this application are no longer obvious in view of the claims in US 7,528,002 and are no longer subject to an ODP rejection. **The double patenting rejection presented on 4/5/2011 is withdrawn.**
>
> It seems that the recorded terminal disclaimer is unnecessary. Applicant may want to consider filing a petition under 37 CFR 1.182. See MPEP § 1490(VII)(A).

As the Examiner concurs, the requested relief can be favorably considered. Accordingly, the petition is **granted**. The terminal disclaimer, filed June 16, 2011, is hereby withdrawn.

The Office notes that the current fee for filing a petition under 37 CFR 1.182 is $400.00; however, applicants paid a $130.00 petition fee. The Office will charge applicants' Deposit Account for the difference of $270.00, as authorized.

This matter is being referred to Technology Center Art Unit 2811 for correction of PALM and the file records consistent with this decision.

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

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MAILED

MAR 25 2011

PCT LEGAL ADMINISTRATION

KENYON & KENYON LLP
ONE BROADWAY
NEW YORK NY 10004

In re Application of :
BAYER, Michael, et al. :
Application No.: 12/734,270 : DECISION ON
PCT No.: PCT/EP2008/062948 :
Int. Filing Date: 26 September 2008 : REQUEST
Priority Date: 24 October 2007 :
Att. Docket No.: 10191/6384 : UNDER 37 CFR 1.42
For: BRUSH DEVICE HAVING A SPRING, :
FOR AN ELECTRICAL MACHINE :

This is a decision on applicant's submission of a declaration on 30 November 2010, containing an indication that an inventor is deceased. It has been treated as a request for status under 37 CFR 1.42.

BACKGROUND

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

On 30 November 2010, applicants filed a declaration of the inventors accompanied by the fee for a one month extension of time.

DISCUSSION

Under 35 U.S.C. §117, legal representatives of deceased inventors may make application for patent upon compliance with the requirements and on the same terms and conditions applicable to the inventor. The "legal representative (executor, administrator, etc.) of the deceased inventor may make the necessary oath or declaration, and apply for and obtain the patent." 37 CFR 1.42.

The 30 November 2010 declaration lists the inventors and their citizenships and the legal representative and the legal representative's citizenship, residence and postal address, satisfying 37 CFR 1.42 and 37 CFR 1.497(a)-(b).

CONCLUSION

For the above reasons, the request for status under 37 CFR 1.42 is **GRANTED**.

This application is being forwarded to the National Stage Processing Division of the Office of Patent Application Processing for further action consistent with this decision.

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Telephone: (571) 272-3292

United States Patent and Trademark Office

13 SEP 2010

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

Eamonn Trainor
Patent Attorney
P O Box 1996
Latham NY 12110

In re Application of :
Caballero Catoira :
Application No.: 12/734,346 :
PCT No.: PCT/ES2008/070196 :
Int. Filing Date: 24 October 2008 : DECISION
Priority Date: 25 October 2007 :
Attorney Docket No.: Eammon Trainor :
For: System For Remotely Obtaining Audiometric :
Measurements And Adjusting Hearing Aids Via... :

This is in response to the letter filed on 07 June 2010.

BACKGROUND

International application PCT/ES2008/070196 was filed on 24 October 2008, claimed an earlier priority date of 25 October 2007, and designated the United States. The International Bureau transmitted a copy of the published international application to the USPTO on 30 April 2009. The period for payment of the basic national fee in the United States expired as of midnight on 26 April 2010 (since 25 April 2010 was a Sunday). Applicants filed *inter alia* a basic national fee on 26 April 2010.

On 27 May 2010, a Notification of Missing Requirements (Form PCT/DO/EO/905) was mailed, requiring an English translation of the international application and noting that the "text in the drawings has not been properly translated."

On 20 August 2010, a Filing Receipt and a Notice of Acceptance (Form PCT/DO/EO/903) showing a 35 U.S.C. 371(c)(1), (2) and (4) date of "06/07/2010" were mailed.

DISCUSSION

Counsel requests that "listed item number 13 in my submission letter should be deleted. The Spanish language papers including the 5 drawings, which were also in Spanish, unfortunately do not belong to this application to enter the National Phase. The Spanish language papers and drawings belong to another altogether different patent application and I would like to withdraw them as a Preliminary Amendment."

Counsel is advised that the letter filed on 07 June 2010 has not been signed. As such, it would not be appropriate to treat its merits at this time. Counsel is required to submit a signed response. In the event that applicant in fact wishes that certain papers be removed from the application file, it would be appropriate to file a petition to expunge pursuant to 37 CFR 1.59. *See* MPEP 724.

Inspection of the Filing Receipt and Notice of Acceptance mailed on 20 August 2010 reveals that they reflect an incorrect "filing date"/completion date. As such, both forms are hereby **VACATED**.

DECISION

The request is **DISMISSED**, without prejudice, as described above.

A proper, signed response must be filed within either (1) **ONE (1) MONTH** from the mail date of this decision (**NOT** extendable under 37 CFR 1.136(a) **or** (2) the remaining period for response to the Notification of Missing Requirements mailed on 27 May 2010, as extended under 37 CFR 1.136(a), whichever expires later. Failure to timely file a proper response will result in **ABANDONMENT**.

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

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

United States Patent and Trademark Office

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

MAILED

JUN 16 2011

PCT LEGAL ADMINISTRATION

Eamonn Trainor
Patent Attorney
P O Box 1996
Latham NY 12110

In re Application of :
Caballero Catoira :
Application No.: 12/734,346 :
PCT No.: PCT/ES2008/070196 :
Int. Filing Date: 24 October 2008 : DECISION
Priority Date: 25 October 2007 :
Attorney Docket No.: Eammon Trainor :
For: System For Remotely Obtaining Audiometric :
Measurements And Adjusting Hearing Aids Via... :

This is in response to the petition under 37 CFR 1.59(b) filed 13 October 2010, to expunge information from the above identified application.

The petition is **GRANTED**.

On 26 April 2010, applicants filed a Transmittal Letter which itemized *inter alia* "a preliminary amendment" as item 13. Petitioner requests that the "item 13 documents" be expunged. 37 CFR 1.59(a) and (b) provide that

> (a)(1) Information in an application will not be expunged, except as provided in paragraph (b) of this section or § 41.7(a) of this title.
>
> (2) Information forming part of the original disclosure (i.e., written specification including the claims, drawings, and any preliminary amendment specifically incorporated into an executed oath or declaration under §§ 1.63 and 1.175) will not be expunged from the application file.
>
> (b) An applicant may request that the Office expunge information, other than what is excluded by paragraph (a)(2) of this section, by filing a petition under this paragraph. Any petition to expunge information from an application must include the fee set forth in § 1.17(g) and establish to the satisfaction of the Director that the expungement of the information is appropriate in which case a notice granting the petition for expungement will be provided.

The petition satisfies the requirements of 37 CFR 1.59(a)(2) because the original disclosure was that filed on the international filing date, and because the declaration executes international application PCT/ES2006/070196, rather than the application which is "attached hereto," and does not execute any amendments.

With respect to 37 CFR 1.59(b), petitioner refers to "documents listed as item 13," and to "Spanish language papers including 5 drawings." Petitioner's statements indicate that the specification, claims, abstract and drawings are to be expunged. The $200.00 petition fee under 37 CFR 1.17(g) has been paid. Petitioner argues that the documents in question are not material to the instant application, were not translated into English, were believed to be part of a different

application, and the failure to expunge them would lead to irreparable harm. Based on the totality of the circumstances presented, it would be appropriate to remove the papers as requested.

In a paper file, the unintentionally submitted papers 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/are to close the document and also remove such from the listing of "Public[ly available] Documents." It is agreed that it would be appropriate in this instance to close the "Spanish language papers" discussed above and also to remove said papers from the listing of publicly available documents in this IFW application.

As a condition of this favorable treatment, petitioner is required to maintain the material in question during the enforceable life of any patent arising from this application, or any patent claiming benefit of this application.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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Wenderoth, Lind & Ponack, L.L.P.
1030 15th Street, N.W.,
Suite 400 East
Washington DC 20005-1503

MAILED

NOV 19 2010

PCT LEGAL ADMINISTRATION

In re Application of:
KANASHIMA et al.
Application No.: 12/734,362
PCT No.: PCT/JP2008/069778
Int. Filing Date: 30 October 2008
Priority Date: 31 October 2007
Attorney Docket No.: 2010_0531A
For: POLYMER FOR DETECTION OF TARGET SUBSTANCE, AND METHOD FOR DETECTION OF TARGET SUBSTANCE

DECISION ON PETITION

This decision is issued in response to applicants' "Petition under 37 CFR 1.47(a)" filed 01 October 2010 to accept the application without the signature of joint-inventor, Takashi YAMADA.

BACKGROUND

On 30 October 2008, applicants filed international application PCT/JP2008/069778 which claimed a priority date of 31 October 2007. Pursuant to 37 CFR 1.495, the deadline for payment of the basic national fee in the United States was to expire 30 months from the priority date, 01 May 2010.

On 27 April 2010, applicants filed electronically a U.S. national stage application that included, among other materials, payment of the U.S. basic national fee; a translation of the international application; and a preliminary amendment.

On 01 July 2010, the United Stated Designated/Elected Office mailed a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497(a) and (b) must be filed. The notification set a two-month time limit in which to respond.

On 01 October 2010, applicants filed the present petition under 37 CFR 1.47(a) and one-month extension of time.

DISCUSSION

Applicants claim that co-inventor Takashi YAMADA refuses to cooperate in the above-captioned application.

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

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

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

The 37 CFR 1.47(a) applicants provided evidence that a complete copy of the subject application was sent to the last known address of the nonsigning inventor on 28 May 2010 via certified mail. The documents provided to Mr. YAMADA included instructions that the sign and return the declaration. Further, the subject petition noted that the documents were delivered on 03 June 2010. These materials provide the required firsthand statement regarding the delivery to the nonsigning inventor of a copy of the complete application, and the nonsigning inventor's refusal to execute the application, with documentary evidence supporting the statement. Item (2) is therefore satisfied.

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

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

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

Here, applicants have filed declarations executed by four of the five inventors and including an unsigned signature box identifying the nonsigning inventor (Takashi YAMADA). This declaration is treated as having been executed by the available inventors on their behalf and on behalf of the nonsigning inventor. Item (4) is therefore satisfied.

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

CONCLUSION

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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Takashi YAMADA
6-15-102 Tonomachi 2-chome
Kawasaki-ku
Kawasaki-shi, Kanagawa 2100855
Japan

MAILED

NOV 19 2010

PCT LEGAL ADMINISTRATION

In re Application of:
KANASHIMA et al.
Application No.: 12/734,362
PCT No.: PCT/JP2008/069778
Int. Filing Date: 30 October 2008
Priority Date: 31 October 2007
Attorney Docket No.: 2010_0531A
For: POLYMER FOR DETECTION OF TARGET SUBSTANCE, AND METHOD FOR DETECTION OF TARGET SUBSTANCE

Dear Takashi YAMADA:

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

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

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

Counsel of Record:
Wenderoth, Lind & Ponack, L.L.P.
1030 15th Street, N.W.,
Suite 400 East
Washington DC 20005-1503

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23432
COOPER & DUNHAM, LLP
30 Rockefeller Plaza
20th Floor
New York, NY 10112

MAILED

JAN 18 2011

PCT LEGAL ADMINISTRATION

In re Application of
TSUPRYK *et al*
U.S. Application No.: 12/734,365
PCT No.: PCT/US2008/012087
Int. Filing Date: 24 October 2008
Priority Date: 25 October 2007
Docket No.: 79817-A-PCT-US/JPW/WS
For: SINGLE PHOTON SPECTROMETER

DECISION

This decision is in response to the declaration submitted on 19 November 2010 which is treated as a petition under 37 CFR 1.42. No fee is required.

BACKGROUND

On 28 June 2010, a Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US) (Form PCT/DO/EO/905) was mailed indicating that a declaration in compliance with 37 CFR 1.497(a) and (b) and a surcharge fee was required. A two-month time limit was set for response.

On 19 November 2010, applicants filed the subject response which was accompanied by, *inter alia*, an executed declaration, a three-month extension and $1,110.00 extension fee and a $130.00 surcharge fee.

DISCUSSION

37 CFR 1.42 *When the Inventor is Dead*, states, in part:

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

Applicants have furnished a declaration executed by six of the seven named inventors, and by Tetyana Gudkova as the legal representative of a deceased inventor, Georgiy GUDKOV.

The citizenship and names of all the joint inventors (including the deceased inventor) are listed on the declaration pursuant to 37 CFR 1.497(a)(3) and 37 CFR 1.63(c)(1). Moreover, the citizenship, residence and address of the legal representative

is recorded on the declaration pursuant to 37 CFR 1.497(b)(2).

This declaration complies with 37 CFR 1.497(a) and (b).

CONCLUSION

The papers filed under 37 CFR 1.42 are **ACCEPTED**.

Applicants have completed the requirements for acceptance under 35 U.S.C. 371(c). The application has an international filing date of 24 October 2008, under 35 U.S.C. 363 and a 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date of 19 November 2010.

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

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

UNITED STATES PATENT AND TRADEMARK OFFICE

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.
12/734,414	04/28/2010	Tatsuya Kumagai	14696/6	2770

26646 7590 08/25/2011

KENYON & KENYON LLP
ONE BROADWAY
NEW YORK, NY 10004

EXAMINER	
KIECHLE, CAITLIN ANNE	
ART UNIT	PAPER NUMBER
1733	
MAIL DATE	DELIVERY MODE
08/25/2011	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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8/25/11

BC

In re application of	:	DECISION ON REQUEST TO
Tatsuya Kamuagai et al.	:	PARTICIPATE IN PATENT
Serial No. 12/734,414	:	PROSECUTION HIGHWAY
Filed: April 28, 2010	:	PROGRAM AND
Attorney Docket No.: 14696/6	:	PETITION TO MAKE SPECIAL
	:	UNDER 37 CFR 1.102(a)

This is a decision on the request for reconsideration to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a) to make the above-identified application special filed November 09, 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 independent claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s); and
b. Submit a claims correspondence table in English;

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

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

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

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

(6) Applicant must submit:

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

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

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

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

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

/Blaine Copenheaver/

Blaine Copenheaver
Quality Assurance Specialist
Technology Center 1700

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WENDEROTH, LIND & PONACK, L.L.P.
1030 15th Street, N.W.,
Suite 400 East
Washington DC 20005-1503

MAILED

MAR 15 2011

OFFICE OF PETITIONS

In re Application of :
Masato Yuno, et al. :
Application No. 12/734,418 : DECISION ON PETITION
Filed: July 28, 2010 :
Attorney Docket No. 2010_0379A :

This is a decision on the petition under 37 CFR 1.182, filed, February 2, 2010, to change the name of inventor "Kozo Satoshi Mita" to – Kozo Mita --.

The petition is **GRANTED**.

Office records have been updated to reflect the inventor's change of name. A corrected Filing Receipt, which reflects the inventor's change of name, accompanies this decision on petition.

Any questions concerning this matter may be directed to Terri Johnson at (571) 272-2991. Any questions concerning the examination procedures or status of the application should be directed to the Technology Center.

This application is being referred to Technology Center AU 3782 for further processing in due course.

/Terri Johnson/
Terri Johnson
Petitions Examiner
Office of Petitions

ATTACHMENT: Corrected Filing Receipt

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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
12/734,418	07/28/2010	3782	1214	2010_0379A	22	1

CONFIRMATION NO. 6669

CORRECTED FILING RECEIPT

513
WENDEROTH, LIND & PONACK, L.L.P.
1030 15th Street, N.W.,
Suite 400 East
Washington, DC 20005-1503

OC000000046541143

Date Mailed: 03/14/2011

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)

Masato Yuno, Tokyo, JAPAN;
Kaoru Watanabe, Tokyo, JAPAN;
Norio Akita, Tokyo, JAPAN;
Shigeki Matsui, Tokyo, JAPAN;
Satoshi Oosone, Tokyo, JAPAN;
Kozo Mita, Tokyo, JAPAN;

Power of Attorney: The patent practitioners associated with Customer Number 00513

Domestic Priority data as claimed by applicant

This application is a 371 of PCT/JP2008/069594 10/29/2008

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.)
JAPAN 2007-281591 10/30/2007
JAPAN 2007-281592 10/30/2007

If Required, Foreign Filing License Granted: 08/14/2010

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 12/734,418**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

MULTILAYERED LAMINATE FILM

Preliminary Class

383

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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www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/734,420	04/30/2010	Ben Slager	145271	4235

25944 7590 10/25/2011

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

EXAMINER	
BOURKE, ALLISON	
ART UNIT	**PAPER NUMBER**
1725	

NOTIFICATION DATE	DELIVERY MODE
10/25/2011	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):

OfficeAction25944@oliff.com
jarmstrong@oliff.com

UNITED STATES PATENT AND TRADEMARK OFFICE

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

October 24, 2011

In re application of	:	DECISION ON REQUEST TO
Ben Slager	:	PARTICIPATE IN PATENT
Serial No. 12/734,420	:	PROSECUTION HIGHWAY
Filed: April 30, 2010	:	PILOT PROGRAM AND
For: PHOTOVOLTAIC DEVICE	:	PETITION TO MAKE SPECIAL
	:	UNDER 37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program filed August 10, 2011.

The request and petition are **GRANTED**.

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

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the EPO, note where the EPO 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 EPO application with similar claims and the EPO priority application;

(2) Applicant must submit a copy of the allowable/patentable claim(s) from the EPO application(s);

(3) Applicant must 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 EPO application(s);

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

(5) Applicant must submit a copy of all the office action from each of the EPO application(s) containing the allowable claims that are the basis for the request; and

(6) Applicant must submit:

a. An IDS listing the documents cited by the EPO examiner in the EPO office action (unless already submitted in this application) and
b. Copies of documents except U.S. patents or U.S. patent application publications (unless already submitted in this application).

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

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

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

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

/Christine Tierney/

Christine Tierney
Quality Assurance Specialist
Technology Center 1700

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

PTO/SB/20PCT-JP (05-10)
Approved for use through 01/31/2012. OMB 0651-0058
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

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

Application No.:	12/734,423	Filing Date:	April 30, 2010
First Named Inventor:	Takao ABE		
Attorney Docket No.:	145411		
Title of the Invention:	APPARATUS AND METHOD FOR PRODUCING SINGLE CRYSTAL		

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

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

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

The corresponding PCT application number(s) is/are: PCT/JP2008/003542

The international date of the corresponding PCT application(s) is/are: December 1, 2008

I. **List of Required Documents:**

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

☐ Is attached.

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

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

☐ Is attached.

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

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

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

PTO/SB/20PCT-JP (05-10)
Approved for use through 01/31/2012. OMB 0651-0058
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

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

(continued)

Application No.:	12/734,423
First Named Inventor:	Takao ABE

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

☐ Is attached.

☒ Has already been filed in the above-identified U.S. application on April 30, 2010

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

☐ Are attached.

☒ Have already been filed in the above-identified U.S. application on April 30, 2010

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
15	1	The claims are substantially similar.
16	2	The claims are substantially similar.
17	3	The claims are substantially similar.
18-20	4	The claims are substantially similar, the only difference is dependence.
21-23	5	The claims are substantially similar, the only difference is dependence.
24, 25	6	The claims are substantially similar, the only difference is dependence.
26, 27	7	The claims are substantially similar, the only difference is dependence.
28	8	The claims are substantially similar.
29	9	The claims are substantially similar.
30	10	The claims are substantially similar.
31-33	11	The claims are substantially similar, the only difference is dependence.
34-36	12	The claims are substantially similar, the only difference is dependence.
37, 38	13	The claims are substantially similar, the only difference is dependence.
39, 40	14	The claims are substantially similar, the only difference is dependence.

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

Signature	Date November 10, 2010
Name (Print/Typed) William P. Berridge	Registration Number 30,024
Name (Print/Typed) Jennifer Kazanciyan	Registration Number 66,924

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.

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.
12/734,423	04/30/2010	Takao Abe	145411	4119

25944 7590 01/12/2011

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

EXAMINER	
RAO, G NAGESH	

ART UNIT	PAPER NUMBER
1714	

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):

OfficeAction25944@oliff.com
jarmstrong@oliff.com

UNITED STATES PATENT AND TRADEMARK OFFICE

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

BC

January 11, 2011

In re application of	:	DECISION ON REQUEST TO
Takao Abe	:	PARTICIPATE IN PATENT
Serial No. 12/734,423	:	PROSECUTION HIGHWAY
Filed: April 30, 2010	:	PROGRAM AND
For: APPARATUS AND METHOD FOR	:	PETITION TO MAKE SPECIAL
PRODUCING SINGLE CRYSTAL	:	UNDER 37 CFR 1.102(a)

This is a decision on the request for reconsideration to participate in the PCT Patent Prosecution Highway (PCT-PPH) pilot program and the petition under 37 CFR 1.102(a), filed November 10, 2010, to make the above-identified application special.

The request and petition are **GRANTED**.

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

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

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

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

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

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

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

product is not in the English language; and

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

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

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

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

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

/Blaine Copenheaver/

Blaine Copenheaver
Quality Assurance Specialist
Technology Center 1700

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

Paper No.

JAMES C. WRAY
1493 CHAIN BRIDGE ROAD
SUITE 300
MCLEAN VA 22101

MAILED

NOV 18 2010

OFFICE OF PETITIONS

In re Application of :
Kock et al. : DECISION ON PETITION
Application No. 12/734,429 :
Filed: July 12, 2010 :
Attorney Docket No. PATRADE :

This is a decision on the "PETITION UNDER 37 CFR 1.182 CHANGE OF INVENTOR'S NAME AND ADDRESS," filed September 20, 2010.

Petitioners state that the name of inventor Samuel Alberg Kock has changed to Samuel Alberg Thrysøe due to marriage. The petition includes the required petition fee of $400. The petition includes a declaration by inventor Kock attesting to the change of name by virtue of marriage to Thrysøe, a Danish marriage certificate and an English translation of said marriage.

MPEP 605.04(c) provides that:

> In cases where an inventor's name has been changed after the application has been filed and the inventor desires to change his or her name on the application, he or she must submit a petition under 37 CFR 1.182. Applicants are also strongly encouraged to submit an application data sheet (37 CFR 1.76) showing the new name. The petition should be directed to the attention of the Office of Petitions. The petition must include an appropriate petition fee and a statement signed by the inventor setting forth both names and the procedure whereby the change of name was effected, or a copy of the court order.

The instant petition does not include a statement signed by the inventor (in both names) and setting forth both names.

Accordingly, the petition is **DISMISSED**.

The inventor's name remains in the records of the Office as Samuel Alberg KOCK.

Petitioners are reminded that since amendments are not permitted after the payment of the issue fee (37 CFR 1.312), a petition under 37 CFR 1.182 to change the name of the inventor cannot be granted if filed after the payment of the issue

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

Nancy Johnson
Senior Petitions Attorney
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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MAR 13 2012

OFFICE OF PETITIONS

FERRELLS, PLLC
P.O. BOX 312
CLIFTON VA 20124-1706

In re Application of
Andreas Fischbach et al
Application No. 12/734,435
Filed: April 30, 2010
Attorney Docket No. 2007/WOO2 (OX-10-1)

: DECISION GRANTING PETITION
: UNDER 37 CFR 1.313(c)(2)

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

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on March 2, 2012 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

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.

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

[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).

This matter is being referred to Technology Center AU 1621 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

cc: Ferrells, PLLC
4400 Fair Lakes Court, Suite 201
Fairfax, VA 22033-3899

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

PTO/SB/20PCT-JP (05-10)
Approved for use through 01/31/2012. OMB 0651-0058
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

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

Application No.:	12/734,452	Filing Date:	May 3, 2010
First Named Inventor:	Koji KITAGAWA		
Attorney Docket No.:	145448		
Title of the Invention:	METHOD FOR SLICING WORKPIECE BY USING WIRE SAW AND WIRE SAW		

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

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

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

The corresponding PCT application number(s) is/are: PCT/JP2008/003540

The international date of the corresponding PCT application(s) is/are: December 1, 2008

I. **List of Required Documents:**

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

☐ Is attached.

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

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

☐ Is attached.

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

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

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

PTO/SB/20PCT-JP (05-10)
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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
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REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM BETWEEN THE JPO AND THE USPTO

(continued)

Application No.:	12/734,452
First Named Inventor:	Koji KITAGAWA

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

☐ Is attached.

☒ Has already been filed in the above-identified U.S. application on May 3, 2010

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

☐ Are attached.

☒ Have already been filed in the above-identified U.S. application on May 3, 2010

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
9	1	The claims are substantially similar.
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11	3	The claims are substantially similar, the only difference is dependence.
12	3	The claims are substantially similar, the only difference is dependence.
13	4	The claims are substantially similar, the only difference is dependence.
14	4	The claims are substantially similar, the only difference is dependence.
15	4	The claims are substantially similar, the only difference is dependence.
16	4	The claims are substantially similar, the only difference is dependence.
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18	6	The claims are substantially similar.
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20	7	The claims are substantially similar, the only difference is dependence.
21	8	The claims are substantially similar, the only difference is dependence.
22	8	The claims are substantially similar, the only difference is dependence.
23	8	The claims are substantially similar, the only difference is dependence.
24	8	The claims are substantially similar, the only difference is dependence.

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

Signature	Date November 10, 2010
Name (Print/Typed) William P. Berridge	Registration Number 30,024
Name (Print/Typed) Jennifer Kazanciyan	Registration Number 66,924

OLIFF & BERRIDGE, PLC
P.O. Box 320850
Alexandria, Virginia 22320-4850
Telephone: (703) 836-6400

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Please grant any extension necessary for entry of this filing; Charge any fee due to our Deposit Account No. 15-0461

Privacy Act Statement

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

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
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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.
12/734,452	05/03/2010	Koji Kitagawa	145448	9892

25944 7590 11/15/2010

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

EXAMINER	
HAIL, JOSEPH J	

ART UNIT	PAPER NUMBER
3723	

NOTIFICATION DATE	DELIVERY MODE
11/15/2010	ELECTRONIC

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

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

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

OfficeAction25944@oliff.com
jarmstrong@oliff.com

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In re Application of	:	
KITAGAWA, KOJI	:	DECISION ON REQUEST TO
Application No. 12/734,452	:	PARTICIPATE IN PATENT
Filed: May 3, 2010	:	PCT/PROSECUTION HIGHWAY
Attorney Docket No. 145448	:	PROGRAM AND PETITION
Title: METHOD FOR SLICING WORKPIECE BY USING WIRE SAW AND WIRE SAW	:	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 Nov. 10, 2010, to make the above-identified application special.

The request and petition are granted.

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

In light of the petition being properly submitted, the request to participate in the PPH program and the petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

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

This application will be forwarded and docketed to an examiner for examination commensurate with the petition 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 Joe Hail, the SPE of Art Unit 3723, and 571-272-4485 for Class 451/7 and also accessible in the PAIR system at http://www.uspto.gov/ebc.index.html.

Petition is **granted**.

/Henry C. Yuen/

_____

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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20th Floor
NEW YORK NY 10112

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NOV 04 2010

PCT LEGAL ADMINISTRATION

In re Application of :
CHO, Dong-Ock, et al. :
Application No.: 12/734,500 :
PCT No.: PCT/KR2008/001902 :
Int. Filing Date: 04 April 2008 :
Priority Date: 02 January 2008 :
Att. Docket No.: 6706/81605 :
For: PREPARATION PROCESS USEFUL :
IN SYNTHESIS OF ATORVASTATIN :

DECISION

Applicant's petition under 37 CFR 1.137(b), filed in the United States Patent and Trademark Office on 23 August 2010, is **GRANTED**.

Applicant states that the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional, as required by 37 CFR 1.137(b)(3). The appropriate national fee and petition fee have been submitted. A terminal disclaimer is not required as the application was filed on or after 08 June 1995. Accordingly, all requirements under 37 CFR 1.137(b) have been satisfied.

The fee for filing the search fee, examination fee or oath or declaration after 30 months will be charged to deposit account no. 03-3125, as authorized.

This application is being referred to the National Stage Processing Branch of the Office of Patent Application Processing for continued processing in accordance with this decision.

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Telephone: 571-272-3292

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

PTO/SB/20PCT-JP (05-10)
Approved for use through 01/31/2012. OMB 0651-0058
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
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REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE JAPAN PATENT OFFICE (JPO) AND THE USPTO

Application No.:	12/734,581	Filing Date:	May 11, 2010
First Named Inventor:	Koji KITAGAWA et al.		
Attorney Docket No.:	145502		
Title of the Invention:	METHOD FOR SLICING WORKPIECE BY USING WIRE SAW AND WIRE SAW		

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

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

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

The corresponding PCT application number(s) is/are: PCT/JP2008/003344

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

I. **List of Required Documents:**

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

☐ Is attached.

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

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

☐ Is attached.

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

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

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

PTO/SB/20PCT-JP (05-10)
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REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM BETWEEN THE JPO AND THE USPTO

(continued)

Application No.:	12/734,581
First Named Inventor:	Koji KITAGAWA 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 May 11, 2010

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

☐ Are attached.

☒ Have already been filed in the above-identified U.S. application on May 11, 2010

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
7	1	The claims are substantially similar.
8	2	The claims are substantially similar.
9	3	The claims are substantially similar, the only difference is dependence.
10	3	The claims are substantially similar, the only difference is dependence.
11	4	The claims are substantially similar.
12	5	The claims are substantially similar.
13	6	The claims are substantially similar, the only difference is dependence.
14	6	The claims are substantially similar, the only difference is dependence.

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

Signature	Date November 10, 2010
Name (Print/Typed) William P. Berridge	Registration Number 30,024
Name (Print/Typed) Jennifer Kazanciyan	Registration Number 66,924

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.

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.
12/734,581	05/11/2010	Koji Kitagawa	145502	8943

25944 7590 11/15/2010

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

EXAMINER	
ART UNIT	PAPER NUMBER
3723	

NOTIFICATION DATE	DELIVERY MODE
11/15/2010	ELECTRONIC

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

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

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

OfficeAction25944@oliff.com
jarmstrong@oliff.com

UNITED STATES PATENT AND TRADEMARK OFFICE

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ALEXANDRIA VA 22320-4850

In re Application of	:	
KITAGAWA, KOJI et al	:	DECISION ON REQUEST TO
Application No. 12/734,581	:	PARTICIPATE IN PATENT
Filed: May 11, 2010	:	PCT/PROSECUTION HIGHWAY
Attorney Docket No. 145502	:	PROGRAM AND PETITION
Title: METHOD FOR SLICING WORKPIECE BY USING WIRE SAW AND WIRE SAW	:	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 Nov. 10, 2010, to make the above-identified application special.

The request and petition are granted.

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

In light of the petition being properly submitted, the request to participate in the PPH program and the petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

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

This application will be forwarded and docketed to an examiner for examination commensurate with the petition 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 Joe Hail, the SPE of Art Unit 3723, and 571-272-4485 for Class 125/16 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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NOV 16 2011

OFFICE OF PETITIONS

HARNESS, DICKEY & PIERCE, P.L.C.
P.O. BOX 8910
RESTON VA 20195

Applicant: Dario Kriz
Appl. No.: 12/734,586
International Filing Date: October 24, 2008
Title: DEVICE FOR BIOCHEMICAL PROCESSING AND ANALYSIS OF A SAMPLE
Attorney Docket No.: 10400-000505/US
Pub. No.: US 20110104659 A1
Pub. Date: May 5, 2011

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on August 4, 2011, for the above-identified application.

The request is DISMISSED.

Applicant requests that the application be republished because the patent application publication contains an error in the title.

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

The request is untimely, as it is not filed within two months of May 5, 2011, the date of the patent application publication.

Also, it is noted that a request for a corrected Filing Receipt was submitted on March 24, 2011.

For reference, applicant is advised that a "request for republication of an application previously published" may be filed under 37 CFR 1.221(a). Such a request for republication "must include a copy of the application compliance with the Office's electronic filing system requirements and be accompanied by the publication fee set forth in § 1.18(d) and the processing fee set forth in

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

§ 1.17(i)." If the request for republication does not comply with the electronic filing system requirements, the republication will not take place and the publication fee set forth in § 1.18(d) will be refunded. The processing fee will be retained.

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

http://www.uspto.gov/patents/process/file/efs/guidance/index.jsp
OR
http://www.uspto.gov/ebc/portal/efs/pgpub_quickstart.pdf

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

Inquiries relating to this matter may be directed to Karen Creasy at (571) 272-3208.

/Christopher Bottorff/

Christopher Bottorff
Petitions Examiner
Office of Petitions

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901 NORTH GLEBE ROAD, 11TH FLOOR
ARLINGTON, VA 22203

MAILED
APR 20 2011
PCT LEGAL ADMINISTRATION

In re Application of BLUM :
U.S. Application No.: 12/734,638 :
PCT Application No.: PCT/IL2008/001499 : DECISION
Int. Filing Date: 13 November 2008 :
Priority Date Claimed: 14 November 2007 :
Attorney Docket No.: 4110-174 :
For: SYSTEM AND METHOD FOR ADAPTIVE RATE SHIFTING OF VIDEO/AUDIO STREAMING :

This is in response to applicant's petition under 37 CFR 1.47(b) filed on 01 February 2011.

BACKGROUND

On 13 November 2008, applicant filed international application PCT/IL2008/001499, which claimed priority of an earlier United States application filed 14 November 2007. A copy of the international application was communicated to the USPTO from the International Bureau on 22 May 2009. The thirty-month period for paying the basic national fee in the United States expired on 14 May 2010.

On 13 May 2010, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

On 09 July 2010, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905), which indicated that an oath or declaration in compliance with 37 CFR 1.497 must be filed.

On 01 February 2011, applicant filed the present petition under 37 CFR 1.47(b).

On 04 February 2011, applicant filed a declaration executed by the inventor.

DISCUSSION

The submission of a declaration executed by a previously nonsigning inventor obviates the need for relief under 37 CFR 1.47.

CONCLUSION

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

The application has an International Filing Date under 35 U.S.C. 363 of 13 November 2008, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 04 February 2011.

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

Bryan Lin

Bryan Lin
PCT Legal Examiner
PCT Legal Office

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

Doc Code: PPH.PCT.652
Document Description: Petition to make special under PCT-Patent Pros Hwy 0651-0058

PTO/SB/20PCT-JP (01-10)
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REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY-PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE JPO AND THE USPTO

Application No.:	12/734,674	Filing Date:	July 8, 2010
First Named Inventor:	Kayo YABUKI et al.		
Attorney Docket No.:	145561		
Title of the Invention:	MANUFACTURING METHOD OF SURFACE TREATED ZINC OXIDE PARTICLES, SURFACE TREATED ZINC OXIDE PARTICLES, DISPERSION LIQUID AND DISPERSION SOLID THEREOF, AND BASE MATERIAL COATED WITH ZINC OXIDE PARTICLES		

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

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

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

The corresponding PCT application number(s) is/are: The above-identified application validly claims priority to PCT/JP2008/067709.

The filing date of the corresponding PCT application(s) is/are: September 30, 2008.

I. **List of Required Documents:**

a. **A copy of the latest International Work Product (WO/ISA, WO/IPEA, or IPER) in the above-identified corresponding PCT application(s)**

☐ Is attached.

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

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

☒ Is attached.

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

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

d. **(1) An information disclosure statement listing the documents cited in the International Work Product (WO/ISA, WO/IPEA, or IPER) of the corresponding PCT application**

☐ Is attached.

☒ Has already been filed in the above-identified U.S. application on May 27, 2010.

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

☐ Are attached.

☒ Have already been filed in the above-identified U.S. application on May 27, 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.

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

(continued)

Application No.:	12/734,674
First Named Inventor:	Kayo YABUKI et al.

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in Corresponding PCT Application	Explanation regarding the correspondence
1	1	As amended by the Preliminary Amendment, U.S. claim 1 substantially corresponds to patentable PCT claim 1.
2	2	U.S. claim 2 substantially corresponds to patentable PCT claim 2.
3	3	U.S. claim 3 substantially corresponds to patentable PCT claim 3, with the exception that U.S. claim 3 is not multiple dependent.
4	4	U.S. claim 4 substantially corresponds to patentable PCT claim 4.
5	5	As amended by the Preliminary Amendment, U.S. claim 5 substantially corresponds to patentable PCT claim 5, with the exception that U.S. claim 5 is not multiple dependent.
6	6	As amended by the Preliminary Amendment, U.S. claim 6 substantially corresponds to patentable PCT claim 6, with the exception that U.S. claim 6 is not multiple dependent.
7	7	As amended by the Preliminary Amendment, U.S. claim 7 substantially corresponds to patentable PCT claim 7, with the exception that U.S. claim 7 is not multiple dependent.
8	8	As amended by the Preliminary Amendment, U.S. claim 8 substantially corresponds to patentable PCT claim 8, with the exception that U.S. claim 8 is not multiple dependent.
9	9	U.S. claim 9 substantially corresponds to patentable PCT claim 9.
10	10	U.S. claim 10 substantially corresponds to patentable PCT claim 10, with the exception that U.S. claim 10 is not multiple dependent.
11	11	As amended by the Preliminary Amendment, U.S. claim 11 substantially corresponds to patentable PCT claim 11, with the exception that U.S. claim 11 is not multiple dependent.
12	12	U.S. claim 12 substantially corresponds to patentable PCT claim 12.
13	13	U.S. claim 13 substantially corresponds to patentable PCT claim 13, with the exception that U.S. claim 13 is not multiple dependent.
14	14	As amended by the Preliminary Amendment, U.S. claim 14 substantially corresponds to patentable PCT claim 14, with the exception that U.S. claim 14 is not multiple dependent.
15	15	As amended by the Preliminary Amendment, U.S. claim 15 substantially corresponds to patentable PCT claim 15, with the exception that U.S. claim 15 is not multiple dependent.
16	16	U.S. claim 16 substantially corresponds to patentable PCT claim 16.
17	17	U.S. claim 17 substantially corresponds to patentable PCT claim 17.

III. Claims 1-17 in the US application sufficiently correspond to the patentable claims 1-17 in the corresponding PCT application.

IV. Payment of Fees:

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

PTO/SB/20JP (07-09)
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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
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Signature	Date September 13, 2010
Name (Print/Typed) James A. Oliff	Registration Number 27,075
Name (Print/Typed) Aya Suzuki	Registration Number 64,621

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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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 the latest International Work Product (WO/ISA, WO/IPEA or IPER) in the corresponding PCT application(s)

- WO/ISA (International Preliminary Report on Patentability issued by the International Bureau of WIPO and Written Opinion of the ISA (JPO) were submitted in an Information Disclosure Statement filed on May 27, 2010)

I. List of Required Documents

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)

- Claims 1-17 which were indicated as having novelty, inventive step and industrial applicability by the ISA (JPO).

請求の範囲

[1] 表面処理酸化亜鉛微粒子の製造方法であって、

酸化亜鉛微粒子を溶媒に分散した分散液と、ポリシロキサン結合を有し、かつ、少なくとも1つ以上の珪素原子が、シラノール基(Si－OH)、および／または、アルコキシシリル基(Si－OR、但し、Rはアルキル基)を有しているシリコーンレジンとを混合して、当該酸化亜鉛微粒子の表面に当該シリコーンレジンを吸着した表面処理酸化亜鉛微粒子前駆体と前記溶媒を含む混合液を得、当該混合液を加熱処理し乾固させて、乾固体を製造する第一工程と、

当該乾固体を解砕して、表面処理酸化亜鉛微粒子を製造する第二工程とを、

備えることを特徴とする表面処理酸化亜鉛微粒子の製造方法。

[2] 前記加熱処理の温度が、200℃以下であることを特徴とする請求項1に記載の表面処理酸化亜鉛微粒子の製造方法。

[3] 表面処理酸化亜鉛微粒子であって、請求項1または2のいずれかに記載の表面処理酸化亜鉛微粒子前駆体を経てさらに乾固体を経たことを特徴とする表面処理酸化亜鉛微粒子。

[4] 光触媒活性が不活化されていることを特徴とする請求項3に記載の表面処理酸化亜鉛微粒子。

[5] 粒子径が、1～800nmであることを特徴とする請求項3または4のいずれかに記載の表面処理酸化亜鉛微粒子。

[6] 前記シリコーンレジンの分子量が、100～100000であることを特徴とする請求項3から5のいずれかに記載の表面処理酸化亜鉛微粒子。

[7] 前記酸化亜鉛微粒子100質量部に対して、前記シリコーンレジンを5～200質量部含むことを特徴とする請求項3から6のいずれかに記載の表面処理酸化亜鉛微粒子。

[8] 請求項3から7のいずれかに記載の表面処理酸化亜鉛微粒子が、液体媒質中に分散していることを特徴とする酸化亜鉛微粒子分散液。

[9] 前記液体媒質が、樹脂を含有することを特徴とする請求項8に記載の酸化亜鉛微粒子分散液。

[10] 前記液体媒質が、有機溶媒であることを特徴とする請求項8または9のいずれかに記載の酸化亜鉛微粒子分散液。

[11] 請求項3から7のいずれかに記載の表面処理酸化亜鉛微粒子が、固体媒質中に分散していることを特徴とする酸化亜鉛微粒子分散体。

[12] 前記固体媒質が、樹脂またはガラスのいずれかであることを特徴とする請求項11に記載の酸化亜鉛微粒子分散体。

[13] 前記固体媒質が、厚さ0．1μm～50mmのフィルムまたはボードであることを特徴とする請求項11または12のいずれかに記載の酸化亜鉛微粒子分散体。

[14] 請求項3から7のいずれかに記載される表面処理酸化亜鉛微粒子が、前記固体媒質に分散しており、当該固体媒質が粉末であることを特徴とする酸化亜鉛微粒子分散体粉末。

[15] 基材表面に、請求項3から7のいずれかに記載の表面処理酸化亜鉛微粒子を含有する被膜が設けられていることを特徴とする酸化亜鉛微粒子被覆基材。

[16] 前記表面処理酸化亜鉛微粒子を含有する被膜が、前記表面処理酸化亜鉛微粒子のみで構成されていることを特徴とする請求項15に記載の酸化亜鉛微粒子被覆基材。

[17] 前記表面処理酸化亜鉛微粒子を含有する被膜が、前記表面処理酸化亜鉛微粒子と、樹脂またはガラスとを、含むことを特徴とする請求項15に記載の酸化亜鉛微粒子被覆基材。

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

- English translation of WO/ISA was submitted in an Information Disclosure Statement filed on May 27, 2010.
- Claims 1-17 which were indicated as having novelty, inventive step and industrial applicability by the JPO (English translation)
- Statement that the English translation of the claims 1-17 which were indicated as having novelty, inventive step and industrial applicability by the JPO is accurate.

English translation of claims which were indicated as having novelty, inventive step and industrial applicability by the JPO (PCT claims)

1. A manufacturing method of surface treated zinc oxide particles, comprising:

a first step of mixing a dispersion liquid with zinc oxide particles dispersed in a solvent, and silicone resin having polysiloxane bond with at least one or more silicon atoms having a silanol group (Si-OH) and/or alkoxy silyl group (Si-OR, wherein R is alkyl group); then obtaining a mixed solution containing a surface treated zinc oxide particles precursor, with the silicone resin adsorbed on a surface of the zinc oxide particle and the solvent, and drying and solidifying the mixed solution by applying heat treatment thereto, to thereby manufacture a dried body; and

a second step of pulverizing the dried body, to thereby manufacture the surface treated zinc oxide particles.

2. The manufacturing method of the surface treated zinc oxide particles according to claim 1, wherein temperature of the heat treatment is 200°C or less.

3. Surface treated zinc oxide particles, which are obtained through the surface treated zinc oxide particles precursor and further through the dried body according to either claim 1 or 2.

4. The surface treated zinc oxide particles according to claim 3, wherein photocatalytic activity is inactivated.

5. The surface treated zinc oxide particles according to claim 3 or 4, wherein a diameter of the particle is 1 to 800nm.

6. The surface treated zinc oxide particles according to any one of claims 3 to 5, wherein a molecular weight of the silicone resin is 100 to 100000.

7. The surface treated zinc oxide particles according to any one of claims 3 to 6, wherein 5 to 200 parts by weight of the silicone resin is contained, with respect to 100 parts by weight of the zinc oxide particles.

8. A zinc oxide particles dispersion liquid, wherein the surface treated zinc oxide particles according to any one of claims 3 to 7 are dispersed in a liquid medium.

9. The zinc oxide particles dispersion liquid according to claim 8, wherein the liquid medium contains resin.

10. The zinc oxide particles dispersion liquid according to claims 8 or 9, wherein the liquid medium is an organic solvent.

11. A zinc oxide particles dispersion, wherein the surface treated zinc oxide particles according to any one of claims 3 to 7 are dispersed in a solid medium.

12. The zinc oxide particles dispersion according to claim 11, wherein the solid medium is either resin or glass.

13. The zinc oxide particles dispersion according to claim 11 or 12, wherein the solid medium is a film or a board with a thickness of 0.1mm to 50mm.

14. Zinc oxide particles dispersion powders, wherein the surface treated zinc oxide particles according to any one of claims 3 to 7 are dispersed in a solid medium, and the solid medium is in a state of powders.

15. A base material coated with zinc oxide particles, wherein a coated film is provided on a surface of a base material, the coated film containing the surface treated zinc oxide particles according to any one of claims 3 to 7.

16. The base material coated with zinc oxide particles according to claim 15, wherein the coated film containing the surface treated zinc oxide particles are composed of only the surface treated zinc oxide particles.

17. The base material coated with zinc oxide particles according to claim 15, wherein the coated film containing the surface treated zinc oxide particles includes the surface treated zinc oxide particles, and resin or glass.

CERTIFICATION OF ENGLISH LANGUAGE TRANSLATION

I hereby declare and state that I am knowledgeable of each of the Japanese and English languages.

I hereby certify that the English language translation of the claims contained herein is a complete and accurate translation of the claims of the PCT/JP2008/067709 application, which were indicated as having novelty, inventive step, and industrial applicability.

September 13, 2010
Date

Signature

Aya Suzuki
Typed Name

I. List of Required Documents

d. Information Disclosure Statement listing the documents cited in the International Work Product

- Was filed on May 27, 2010.

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/734,674	07/08/2010	Kayo YABUKI	145561	7925

25944 7590 11/02/2010

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

EXAMINER	
LE, HOA T	

ART UNIT	PAPER NUMBER
1788	

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):

OfficeAction25944@oliff.com
jarmstrong@oliff.com

UNITED STATES PATENT AND TRADEMARK OFFICE

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

November 1, 2010

In re application of Kayo Yabuki et al. Serial No. 12/734,674 Filed: May 14, 2010 For: MANUFACTURING METHOD OF SURFACE TREATED ZINC OXIDE PARTICLES, SURFACE TREATED ZINC OXIDE PARTICLES, DISPERSION LIQUID AND DISPERSION SOLID THEREOF, AND BASE MATERIAL COATED WITH ZINC OXIDE PARTICLES	:	DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(a)

This is a decision on the request to participate in the PCT Patent Prosecution Highway (PCT-PPH) pilot program and the petition under 37 CFR 1.102(a), filed September 13, 2010, to make the above-identified application special.

The request and petition are **GRANTED**.

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

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

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

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

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

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

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

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

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

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

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

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

/Blaine Copenheaver/

Blaine Copenheaver
Quality Assurance Specialist
Technology Center 1700

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/734,694	09/29/2010	Yuuya Enomoto	86357(302716)	4342

21874 7590 11/16/2010

EDWARDS ANGELL PALMER & DODGE LLP
P.O. BOX 55874
BOSTON, MA 02205

EXAMINER	
CHOI, LING SIU	
ART UNIT	**PAPER NUMBER**
1762	
MAIL DATE	**DELIVERY MODE**
11/16/2010	PAPER

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

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

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United States Patent and Trademark Office
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www.uspto.gov

CST

November 15, 2010

In re application of	:	DECISION ON REQUEST TO
Yuuya Enomoto et al	:	PARTICIPATE IN PATENT
Serial No. 12/734,694	:	PROSECUTION HIGHWAY
Filed: September 29, 2010	:	PROGRAM AND
For: AQUEOUS PIGMENT DISPERSION	:	PETITION TO MAKE SPECIAL
AND AQUEOUS PIGMENT INK	:	UNDER 37 CFR 1.102(a)
FOR INKJET RECORDING	:	

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program filed August 30, 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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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/734,698	05/18/2010	Koji Yamamoto	MJS-4813-63	8251

7590 08/16/2011

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

EXAMINER	
AHMED, SAMIR ANWAR	
ART UNIT	**PAPER NUMBER**
2624	
MAIL DATE	**DELIVERY MODE**
08/16/2011	PAPER

DECISION DISMISSING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment will not be recognized

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

The petition is dismissed.

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

1. ☐ The petition was not filed in sufficient time to permit the appropriate officials to recognize the abandonment before an examination has been made of the application. See 37 CFR 1.138(d).
2. ☐ The petition was not signed by a party authorized by 37 CFR 1.33(b)(1), (3) or (4).
3. ☑ The application is not an application filed under 35 U.S.C. 111(a) on or after December 8, 2004.
4. ☐ The petition for express abandonment under 1.138(d) is dismissed because the applicant did not pay any search fee and excess claims fees in the above-identified application.

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

Nicole Farmer

Patent Publication Branch
Office of Data Management

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AUG 19 2011

PCT LEGAL ADMINISTRATION

TRASKBRITT, P.C.
P.O. BOX 2550
SALT LAKE CITY UT 84110

In re Application of :
VAN DONGEN, et al. :
Application No.: 12/734,707 : DECISION ON PETITION
PCT No.: PCT/US2008/050737 :
Int. Filing Date: 21 November 2008 : UNDER 37 CFR 1.181
Priority Date: 21 November 2007 :
Attorney Docket No.: 3403-8716.1US :
For: IMPROVED FRET-PROBES AND USE :
THEREOF :

This decision is in response to applicant's petition under 37 CFR 1.137(b) filed 16 May 2011 in the United States Patent and Trademark Office (USPTO). For the reasons discussed below the petition is being treated as a petition under 37 CFR 1.181 to withdraw the holding of abandonment. No petition fee is required and the $810.00 petition fee paid on 16 May 2011 will be refunded to applicant.

BACKGROUND

On 21 November 2008, applicant filed international application PCT/US2008/050737 which claimed priority to a previous application filed 21 November 2007. Pursuant to 37 CFR 1.495, the thirty-month period for paying the basic national fee in the United States was set to expire at midnight on 21 May 2010.

On 14 May 2010, applicant filed a transmittal letter for entry into the national stage in the United States, which was accompanied by the requisite basic national fee as required by 35 U.S.C. 371(c)(1); an Information Disclosure Statement; a preliminary amendment and an Application Data Sheet.

On 22 July 2010, applicant was mailed a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) informing applicant of the need to provide an executed oath or declaration of the inventor, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International Application number and international filing date. Applicant was also notified of the need to provide a copy of the sequence listing in computer readable form (CRF) and corresponding statement for entry. Applicant was given two months to respond.

On 21 September 2010, applicant filed an executed declaration of the inventors and a CRF of the sequence listing.

On 19 October 2010, applicant was mailed a "Notification of Defective Response" (Form PCT/DO/EO/916) instructing applicant that filed CRF of the sequence listing was not in compliance with 37 CFR 1.822 and/or 1.823. Applicant was afforded one month or the extendable time provide in the Form PCT/DO/EO/905 to provide a proper response to the notification.

On 22 October 2010, applicant responded with another CRF of the sequence listing and amendment for entry.

On 03 November 2010, applicant was mailed a Form PCT/DO/EO/922 requesting an additional CRF of the sequence listing and statement for entry. Applicant was afforded two months to file a response.

On 03 January 2011, applicant filed a response indicating that they had been informed by the authorized officer that applicant's filing of 22 October 2010 had not been processed prior to the mailing of the Form PCT/DO/EO/922 on 03 November 2010. Applicant's response did not include a another CRF of the sequence listing and amendment for entry.

On 15 April 2011, applicant was mailed a "Notification of Abandonment" (Form PCT/DO/EO/909) informing applicant that the above-captioned application was abandoned as to the U.S. National stage for failure to respond to the notice mailed 03 November 2010.

On 16 May 2011, applicant filed the petition discussed herein. For the reason discussed herein the petition is being treated under 37 CFR 1.181. As no petition fee is required, the $810.00 petition fee paid will be refunded to applicant.

DISCUSSION

A review of the form PCT/DO/EO/922 mailed 03 November 2010 finds that it merely indicates that, "A copy of the 'Sequence Listing' in computer readable form has been submitted..." The form does not specify to which CRF the notice is being directed. In addition, a review of the application file does not indicate that the CRF filed 22 October 2010 was ever reviewed and found to be non-compliant. (Alternatively, the image file wrapper for this application shows a five page "Computer Readable Form for Sequence Listing - Defective" paper dated 15 October 2010 for the CRF of the sequence listing filed 21 September 2010). This is consistent with applicant's contention that they were informed by the office that applicant's filing of 22 October 2010 had not been processed prior to the mailing of the Form PCT/DO/EO/922 on 03 November 2010.

As the record does not indicate that applicant's filing of 22 October 2010 was ever considered, the Form PCT/DO/EO/909 is hereby **VACATED**. This application is being returned to the Office of PCT Operations, National Stage Processing for consideration of applicant's filing

of 22 October 2010.

CONCLUSION

For the reasons detailed above, applicant's petition under 37 CFR 1.181 is **GRANTED**.

The Form PCT/DO/EO/909 mailed 15 April 2011 is hereby **VACATED**.

This application is being returned to the United States Designated/Elected Office (US/DO/EO) for consideration of applicant's filing of 22 October 2010.

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

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TRASKBRITT, P.C.
P.O. BOX 2550
SALT LAKE CITY, UT 84110

MAILED
MAR 08 2012
OFFICE OF PETITIONS

In re Application of Jacobus J M van Dongen et al. :
Application No. 12/734,707 :
Int'l Filing Date: November 21, 2008 : Decision on Request
Attorney Docket No. 3403-8716.1US :
Pub. No. US 2012/0003632 A1 :
Pub. Date: January 5, 2012 :

This is a decision on the request for a corrected patent application publication under 37 C.F.R. § 1.221(b) filed January 23, 2012.

The request is **dismissed**.

Applicants request the application be republished because of the mistakes in the patent application publication identified in the request.

37 C.F.R. § 1.221(b) states,

> [Relief under 37 C.F.R. § 1.221 is warranted] only when the Office makes a material mistake which is apparent from Office records.... Any request for corrected publication or revised patent application publication other than provided in paragraph (a) of this section must be filed within two months from the date of the patent application publication. This period is not extendable.

A mistake is only a "material" mistake if the mistake affects the public's ability to appreciate the technical disclosure of the patent application publication, determine the scope of the patent application publication, or determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent.[1]

Applicants assert the published title for the invention fails to include the word "Improved." The mistake in the title is not a material mistake as required under 37 C.F.R. § 1.221(b). Specifically, the mistake does not affect the public's ability to appreciate the technical disclosure

[1] *See* Changes to Implement Eighteen-Month Publication of Patent Applications; Final Rule, 65 Fed. Reg. 57023, 57038 (Sept. 20, 2000), 1239 Off. Gaz. Pat. Office 63, 75 (Oct. 10, 2000). *See also* Section 1130 of the Manual of Patent Examining Procedure (8th ed., Rev. 8, July 2010).

of the patent application publication, determine the scope of the patent application publication, or determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent.

Applicants assert the published assignee information incorrectly identifies the assignee as "Life Science Patents" instead of "Erasmus University Medical Center Rotterdam." The mistake in the name of the assignee is not a material mistake *and* is not an Office mistake. The mistake is not a material mistake because the mistake does not affect the public's ability to appreciate the technical disclosure of the patent application publication, determine the scope of the patent application publication, or determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent. *See* MPEP § 1121 ("Errors in assignee information printed on the publication are not considered material mistakes by the Office."). The mistake is not an Office mistake because the application data sheet filed May 14, 2010, clearly identifies the assignee as "Life Science Patents."

In view of the prior discussion, relief under 37 C.F.R. § 1.221(b) is unwarranted and the request is dismissed.

Applicants are advised that a "request for republication of an application previously published" may be filed under 37 C.F.R. § 1.221(a). The request must include a copy of the application, which complies with the Office's electronic filing system requirements, the publication fee set forth in 37 C.F.R. § 1.18(d), and the required processing fee set forth in 37 C.F.R. § 1.17(i).

If the request for republication does not comply with the electronic filing system requirements, the republication will not take place and the publication fee set forth in 37 C.F.R. § 1.18(d) will be refunded. However, the processing fee will be retained.

Guidance for filing a request for a Pre-Grant Publication, such as a request for republication, may be found at the links below:

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

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

Any request for republication under 37 C.F.R. § 1.221(a), must be submitted via the EFS system as a "Pre-Grant Publication" and questions or any request for reconsideration of the instant decision should be addressed as follows:

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

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

Christopher Bottorff
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

0 4 AUG 2010

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www.uspto.gov

MCGINN INTELLECTUAL PROPERTY LAW GROUP, PLLC
8321 OLD COURTHOUSE ROAD
SUITE 200
VIENNA VA 22182-3817

In re Application of:	:	
TABATA, Masahiro, et al.	:	DECISION REGARDING
U.S. Application No.: 12/734,721	:	SUBMISSION UNDER
PCT No.: PCT/JP2008/070984	:	37 CFR 1.42
Int. Filing Date: 19 November 2008	:	
Priority Date: 20 November 2007	:	
Attorney's Docket No.: NNN.1101	:	
For: SEALING DEVICE	:	

This decision is issued in response to applicants' submission on 19 May 2010 of a declaration executed on behalf of deceased inventor Kazutoshi YAMAMOTO by the deceased inventor's legal representative Kasumi YAMAMOTO, considered herein as a submission under 37 CFR 1.42.

BACKGROUND

On 19 November 2008, applicants filed international application PCT/JP2008/070984. The international application claimed a priority date of 20 November 2007, and it designated the United States. On 28 May 2009, the International Bureau (IB) communicated a copy of the international application to the United States Patent and Trademark Office (USPTO). The deadline for submission of the basic national fee was thirty months from the priority date, i.e., 20 May 2010.

On 19 May 2010, applicants filed a Transmittal Letter for entry into the national stage in the United States accompanied by, among other materials, an English translation of the international application, payment of the basic national fee, and a declaration executed by the surviving inventors and on behalf of deceased inventor Kazutoshi YAMAMOTO by the deceased inventor's legal representative Kasumi YAMAMOTO. The declaration is considered herein under 37 CFR 1.42 and 1.497.

DISCUSSION

37 CFR 1.42 states in part:

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

Section 409.01(a) of the MPEP states that the application can also be executed by all of the heirs of the deceased inventor, where no legal representative has been appointed or is required to be appointed by law.

37 CFR 1.497(b)(2) states the following:

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

Pursuant to 37 CFR 1.497(b)(2), the citizenship for **both** the deceased inventor and the legal representative must be identified on the declaration (as well as the mailing address and residence information of the legal representative and all other information required under 37 CFR 1.497).

Here, the declaration filed 19 May 2010 includes the required citizenship, residence, and mailing address for Kasumi YAMAMOTO, the person signing the declaration on behalf of deceased co-inventor Kazutoshi YAMAMOTO, and it expressly identifies this person as the "legal representative" of the deceased inventor. The declaration also includes the citizenship of the deceased inventor and all other information required under 37 CFR 1.497.

CONCLUSION

Applicants' request for status under 37 CFR 1.42 with respect to deceased inventor Kazutoshi YAMAMOTO is **GRANTED**.

The application is being referred to the National Stage Processing Branch of the Office of PCT Operations for further processing in accordance with this decision. The date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) is 19 May 2010.

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PCT LEGAL ADMINISTRATION

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

In re Application of: BLUM, David
U.S. Application No.: 12/734,724
PCT No.: PCT/IL2008/001512
International Filing Date: 18 November 2008
Priority Date: 20 November 2007
Attorney's Docket No.: JSP-4110-175
For: A METHOD AND SYSTEM FOR COMPRESSING DIGITAL VIDEO STREAMS

DECISION ON PETITION
(37 CFR 1.47(b))

This decision is issued in response to applicants' "Petition For Filing By Assignee Under Rule 47" filed 01 February 2011 and the supplemental materials filed by applicant on 04 February 2011 and 09 February 2011. Applicant has paid the applicable petition fee.

BACKGROUND

On 18 November 2008, applicant filed international application PCT/IL2008/001512. The international application claimed a priority date of 20 November 2007, and it designated the United States. On 28 May 2009, the International Bureau (IB) communicated a copy of the international application to the United States Patent and Trademark Office (USPTO). The deadline for submission of the basic national fee was thirty months from the priority date, i.e., 20 May 2010.

On 19 May 2010, applicant filed a Transmittal Letter for entry into the national stage in the United States accompanied by, among other materials, payment of the basic national fee.

On 01 July 2010, the United States Designated/Elected Office (DO/EO/US) mailed a "Notification Of Missing Requirements" (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497 was required.

On 01 February 2011, a response to the Notification Of Missing Requirements was filed (with required five-month extension fee). The response included the "Petition For Filing By Assignee Under Rule 47" considered herein. The petition requested acceptance of the application without the signature of the sole inventor.

On 04 February 2011, applicant filed a "Supplemental Response To The Notification Of Missing Requirements" that included a declaration executed by previously non-signing inventor, David BLUM.

On 09 February 2011, applicant filed a second "Supplemental Response To The Notification Of Missing Requirements" that included a revised declaration executed by previously non-signing inventor, David BLUM.

DISCUSSION

The supplemental materials filed by applicant on 04 February 2011 and 09 February 2011 include declarations executed by the sole inventor of record, DAVID BLUM, the previously non-signing inventor who was the subject of the petition under 37 CFR 1.47 filed on 01 February 2011. Based on the submission of a declaration in compliance with 37 CFR 1.497 executed by the previously non-signing inventor, applicant's petition under 37 CFR 1.47(b) seeking acceptance of the application without the signature of the inventor is now moot.

CONCLUSION

Applicant's petition under 37 CFR 1.47(b) is **DISMISSED AS MOOT** based on the submission of an executed declaration from the previously non-signing sole inventor.

The application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations for further processing in accordance with this decision. The date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) is 09 February 2011.

/RichardMRoss/

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NEW YORK NY 10168

PCT LEGAL ADMINISTRATION

In re Application of :
HARAZIM, Wolfgang :
Application No.: 12/734,760 :
PCT No.: PCT/DE2008/001671 :
Int. Filing Date: 14 October 2008 :
Priority Date: 15 October 2007 : DECISION
Attorney Docket No.: F-10327 :
For: THERMOHYDRAULIC METHOD :
FOR INCREASING THE PRESSURE :
OF DIVERSE WORKING FLUIDS :
AND APPLICATION THEREOF :

This decision is in response to applicants' submission of a petition under 37 CFR 1.182, filed with the United States Patent and Trademark Office on 16 August 2010 and the petition under 37 CFR 1.137(b) filed in the United States Patent and Trademark Office on 19 May 2010.

BACKGROUND

On 14 October 2008, Rerum Cognitio Forschungszentrum GmbH filed an international application, designating the United States, claiming a priority date of 15 October 2007. The application listed one inventor as "inventor only" and listed "Rerum Cognitio Forschungszentrum GmbH," as applicant for the purposes of "all designated states except US."

On 19 May 2010, applicant filed a transmittal letter to the United States Designated/Elected Office accompanied by the basic national fee and a petition to revive under 37 CFR 1.137(b).

On 30 June 2010, the Office mailed Notification of Missing Requirements (Form PCT/DO/EO/905) indicating an oath or declaration of the inventors in compliance with 37 CFR 1.497(a)-(b) and the surcharge for late filing of the search fee, examination fee or oath or declaration were required.

On 14 July 2010, applicants filed a declaration listing one inventor.

On 26 July 2010, the Office mailed Decision indicating that the application could not enter the United States as it lacked an applicant authorized to file in the United States.

On 28 July 2010, the Office mailed a Notification of Acceptance (Form PCT/DO/EO/903) and a filing receipt.

On 16 August 2010 and 17 August 2010, applicants filed a petition under 37 CFR 1.182 to change the designation of the inventor from "inventor only" to "applicant and inventor for the purposes of the US only."

DISCUSSION

Petition Under 37 CFR 1.182

The applicants and inventorship in an international application are set during the international phase. The applicants and inventors include those in the filed PCT and any changes made under PCT Rule 92*bis*. The sole applicant in the international application is "Rerum Cognitio Forschungszentrum GmbH ". The inventor is listed as "inventor only". The application failed to identify any applicants for the United States of America.

United States law requires that the international application be filed by someone qualified to file a national application in the United States. 35 USC 373. Applicants have now filed a petition under 37 CFR 1.182 to correct the status of the inventor to "applicant and inventor for the purposes of the US only" to satisfy 35 U.S.C. 373. The status will be corrected for the purposes of this national stage filing in the United States.

Petition Under 37 CFR 1.137(b)

A petition to revive an abandoned application under 37 CFR 1.137(b) must be filed without intentional delay from the time the application became abandoned and/or applicant first became aware of the abandoned status of the application. A petition under 37 CFR 1.137(b) must be accompanied by (1) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional, (2) the required reply, (3) the petition fee required by law (37 CFR 1.17(m)), and (4) a terminal disclaimer and fee (if the international application was filed prior to June 8, 1995).

Items (1), (2), and (3) have been satisfied. A terminal disclaimer is not required as the application was filed on or after 08 June 1995.

CONCLUSION

For the above reasons, applicant's petition under 37 CFR 1.137(b) and under 37 CFR 1.182 are **GRANTED**.

The Notification of Acceptance (Form PCT/DO/EO/905) mailed 28 July 2010, is **VACATED**.

This application is being referred to the national phase processing branch of the Office of Patent Application Processing for further action consistent with this decision, including mailing of a corrected Notification of Acceptance indicating that the 35 USC 371(c)(1), (c)(2) and (c)(4) and all 35 USC 371(c) requirements dates are 19 May 2010.

/Erin P. Thomson/

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Paul Milliken
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Massillon, Oh 44646-1576

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PCT LEGAL ADMINISTRATION

In re Application of
DEWHIRST Michael James
Application No.: 12/734,794
PCT No.: PCT/GB2008/003886
Int. Filing Date: 20 November 2008
Priority Date: 23 November 2007
For: A CONNECTOR FOR A COMPOSITE TUBULAR SHAFT

PETITION

UNDER 37 CFR 1.137(b)

This decision is in response to applicant's "PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 C.F.R. 1.137(b)" filed in the United States Patent and Trademark Office (USPTO) on 04 October 2011.

BACKGROUND

On 20 November 2008, applicant filed international application No. PCT/GB2008/003886 which claimed a priority date of 23 November 2007, and designated the United States. The deadline for submission of a copy of the international application (unless previously communicated by the International Bureau) and payment of the basic national fee was set to expire 30 months from the priority date, i.e. 23 May 2011.

On 22 May 2010, applicant filed a transmittal letter for entry into the national stage in the United States which was accompanied by, inter alia, the specification, claims and the basic national fee.

On 08 June 2010, the DO/EO/US mailed "Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US)" (Form PCT/DO/EO/905) requesting oath or declaration of the inventors executed in accordance to 37 CFR 1.66 or 37 CFR 1.68.

On 21 January 2011, the DO/EO/US mailed "Notification of Abandonment" for applicants' failure to provide the executed oath or declaration.

Application No.: 12/734,794

On 04 October 2011, applicant filed the present petition under 37 CFR 1.137(b) to revive the application with an executed declaration.

DISCUSSION

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

Regarding item (1), applicant has provided the required reply.

Regarding item (2), the $810 petition fee has been charged to the credit card.

Regarding item (3), the petition includes 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 under 37 CFR 1.137(b) was unintentional" satisfies the requirement.

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

CONCLUSION

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

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

/Boris Milef/

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PCT Special Programs Examiner
Office of PCT Legal Administration
Tel: (571) 272-4557
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Boris Milef
Senior PCT Legal Examiner
Office of PCT Legal Administration

2 AUG 2010

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ROYLANCE, ABRAMS, BERDO & GOODMAN, L.L.P.
1300 19TH STREET, N.W.
SUITE 600
WASHINGTON, DC 20036

In re Application of	:	DECISION ON
KUHNE	:	
Application No.: 12/734,819	:	PETITION UNDER
PCT No.: PCT/EP2008/010352	:	
Int. Filing Date: 05 December 2008	:	37 CFR § 1.47(b)
Priority Date: 06 December 2007	:	
Attorney Docket No.: 56740	:	
For: AXIAL PISTON MACHINE	:	

This is a decision on applicant's renewed petition under 37 CFR 1.47(b) filed in the United States Patent and Trademark Office (USPTO) on 26 May 2010. The petition is **DISMISSED** without prejudice.

BACKGROUND

On 05 December 2008, applicant filed international application PCT/EP2008/010352, which designated the US and claimed a priority date of 06 December 2007. A copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) from the International Bureau on 11 June 2009. The thirty-month period for paying the basic national fee in the United States expired at midnight on 07 June 2010 (06 June 2010).

On 26 May 2010, applicant filed a submission for entry into the national stage in the United States which was accompanied by, *inter alia*, the U.S. Basic National Fee and the instant petition under 37 CFR 1.47(b). The petition was accompanied by, *inter alia*, a declaration of the inventor and a statement of facts from Helmut Crazzolara with documents in support thereof.

DISCUSSION

A petition under 37 CFR 1.47(b) must be accompanied by: (1) the fee under 37 CFR 1.17(h), (2) factual proof that the inventor refuses to execute the application or cannot be reached

after diligent effort, (3) a statement of the last known address of the inventor, (4) an oath or declaration by the 37 CFR 1.47(b) applicant on behalf of and as agent for the non-signing inventor, (5) proof that the 37 CFR 1.47(b) applicant has sufficient proprietary interest in the application, and (6) a showing that such action is necessary to preserve the rights of the parties or to prevent irreparable damage.

Items (1), (3), and (6) have been met.

Item (2) has been met as well. A copy of a written refusal has been provided and it has been established that non-signing inventor Manfred Kuhne was presented with a copy of the application papers.

As to item (4), the declaration by the 37 CFR 1.47(b) applicant on behalf of and as agent for the non-signing inventor is not in compliance with 37 CFR 1.497(a)-(b) because it does not include the citizenship of the non-signing inventor.

Item (5) has not been met. MPEP § 409.03 which states in part:

> When an inventor has agreed in writing to assign an invention described in an application deposited pursuant to 37 CFR 1.47(b), a copy of that agreement should be submitted. If an agreement to assign is dependent on certain specified conditions being met, it must be established by a statement of facts by someone with first hand knowledge of the circumstances in which those conditions have been met. A typical agreement to assign is an employment agreement where an employee (nonsigning inventor) agrees to assign to his or her employer (37 CFR 1.47(b) applicant) all inventions made during employment. When such an agreement is relied on, it must be established by a statement of a person having firsthand knowledge of the facts that the invention was made by the employee while employed by the 37 CFR 1.47(b) applicant.
>
> If the invention has not been assigned, or if there is no written agreement to assign, the 37 CFR 1.47(b) applicant must demonstrate that he or she otherwise has a sufficient proprietary interest in the matter.
>
> A proprietary interest obtained other than by assignment or agreement to assign may be demonstrated by an appropriate legal memorandum to the effect that a court of competent jurisdiction (federal, state, or foreign) would by the weight of authority in that jurisdiction award title of the invention to the 37 CFR 1.47(b) applicant. The facts in support of any conclusion that a court would award title to the 37 CFR 1.47(b) applicant should be made of record by way of an affidavit or declaration of the person having firsthand knowledge of same. The legal memorandum should be prepared and signed by an attorney at law familiar with the law of the jurisdiction involved. A copy (in the English language) of a statute (if other than the United States statute) or a court decision (if other than a reported decision of a federal court or a decision reported in the United States Patents Quarterly) relied on to demonstrate a proprietary interest should be made of record.

Accordingly, it is not appropriate to accord the national stage application status under 37 CFR 1.47(b) at this time.

CONCLUSION

For the above reasons, applicants' petition under 37 CFR 1.47(b) is **DISMISSED**, without prejudice.

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

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

/Daniel Stemmer/

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In re Application of	:	DECISION ON
KUHNE	:	
Application No.: 12/734,819	:	PETITION UNDER
PCT No.: PCT/EP2008/010352	:	
Int. Filing Date: 05 December 2008	:	37 CFR § 1.47(b)
Priority Date: 06 December 2007	:	
Attorney Docket No.: 56740	:	
For: AXIAL PISTON MACHINE	:	

The NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) issued 25 August 2010 is **VACATED**. This Notification was sent in error; it fails to take into account the decision mailed 02 August 2010.

This is a decision on applicant's renewed petition under 37 CFR 1.47(b) filed in the United States Patent and Trademark Office (USPTO) on 24 September 2010. The petition is **DISMISSED** without prejudice.

BACKGROUND

On 05 December 2008, applicant filed international application PCT/EP2008/010352, which designated the US and claimed a priority date of 06 December 2007. A copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) from the International Bureau on 11 June 2009. The thirty-month period for paying the basic national fee in the United States expired at midnight on 07 June 2010 (06 June 2010).

On 26 May 2010, applicant filed a submission for entry into the national stage in the United States which was accompanied by, *inter alia*, the U.S. Basic National Fee and a petition under 37 CFR 1.47(b). The petition was accompanied by, *inter alia*, a declaration of the inventor and a statement of facts from Helmut Crazzolara with documents in support thereof.

On 02 August 2010, a decision was mailed dismissing without prejudice applicant's petition under 37 CFR 1.47(b).

On 24 September 2010, applicant filed the instant renewed petition under 37 CFR 1.47(b), which was accompanied by, *inter alia*, a second statement of facts from Helmut Crazzolara with documents in support thereof.

DISCUSSION

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

As noted in the decision issued 02 August 2010, items (1), (2), (3), and (6) have been met.

Item (4) has now been met as well.

Item (5) has not been met. The second statement of facts from Helmut Crazzolara is more akin to a legal memorandum than to a statement of facts. Regarding a legal memorandum, as noted in MPEP § 409.03 which states in part:

> A proprietary interest obtained other than by assignment or agreement to assign may be demonstrated by an appropriate legal memorandum to the effect that a court of competent jurisdiction (federal, state, or foreign) would by the weight of authority in that jurisdiction award title of the invention to the 37 CFR 1.47(b) applicant. The facts in support of any conclusion that a court would award title to the 37 CFR 1.47(b) applicant should be made of record by way of an affidavit or declaration of the person having firsthand knowledge of same. The legal memorandum should be prepared and signed by an attorney at law familiar with the law of the jurisdiction involved. A copy (in the English language) of a statute (if other than the United States statute) or a court decision (if other than a reported decision of a federal court or a decision reported in the United States Patents Quarterly) relied on to demonstrate a proprietary interest should be made of record.

Here, although the petition states that this second statement of facts is by "a person with first hand knowledge of the pertinent facts," it does not appear that Dr. Crazzolara has firsthand knowledge of the facts in support of the conclusion. Paragraph 3 of the statement indicates that Dr. Crazzolara "was advised that the inventor, Manfred Kuhne, was an employee of . . . when the invention was made" (emphasis added). Accordingly, it appears that Dr. Crazzolara does not

have firsthand knowledge of this fact. An affidavit or declaration by a person having firsthand knowledge that the invention was made by Mr. Kuhne while employed by the 37 CFR 1.47(b) applicant must be provided. The "Claim Declaration" and English translation thereof have been considered. However, it is not clear that the invention of the "Claim Declaration" and the invention of the present application are the same invention. *Cf. In Re Gray*, 115 USPQ 80 (Comm'r Pat. 1956) (An assignment of an application and any "reissue, division, or continuation of said application" does not itself establish an assignment of a continuation-in-part application.) See MPEP 409.03(f). Thus, the "Claim Declaration" is not sufficient to establish that Mr, Kuhne was employed by the 37 CFR 1.47(b) applicant when the invention was made.

Accordingly, it is not appropriate to accord the national stage application status under 37 CFR 1.47(b) at this time.

CONCLUSION

For the above reasons, applicants' petition under 37 CFR 1.47(b) is **DISMISSED**, without prejudice.

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

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

/Daniel Stemmer/

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

In re Application of	:	DECISION ON
KUHNE	:	
Application No.: 12/734,819	:	PETITION UNDER
PCT No.: PCT/EP2008/010352	:	
Int. Filing Date: 05 December 2008	:	37 CFR § 1.47(b)
Priority Date: 06 December 2007	:	
Attorney Docket No.: 56740	:	
For: AXIAL PISTON MACHINE	:	

This is a decision on applicant's renewed petition under 37 CFR 1.47(b) filed in the United States Patent and Trademark Office (USPTO) on 07 April 2011. The petition is **GRANTED**.

BACKGROUND

On 05 December 2008, applicant filed international application PCT/EP2008/010352, which designated the US and claimed a priority date of 06 December 2007. A copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) from the International Bureau on 11 June 2009. The thirty-month period for paying the basic national fee in the United States expired at midnight on 07 June 2010 (06 June 2010).

On 26 May 2010, applicant filed a submission for entry into the national stage in the United States which was accompanied by, *inter alia*, the U.S. Basic National Fee and a petition under 37 CFR 1.47(b). The petition was accompanied by, *inter alia*, a declaration of the inventor and a statement of facts from Helmut Crazzolara with documents in support thereof.

On 02 August 2010, a decision was mailed dismissing without prejudice applicant's petition under 37 CFR 1.47(b).

On 24 September 2010, applicant filed a renewed petition under 37 CFR 1.47(b), which was accompanied by, *inter alia*, a second statement of facts from Helmut Crazzolara with documents in support thereof.

On 14 February 2011, a decision was mailed dismissing without prejudice applicant's renewed petition under 37 CFR 1.47(b).

On 07 April 2011, applicant filed the instant renewed petition under 37 CFR 1.47(b) which was accompanied by a declaration of facts by Edgar Weishaupt, a third statement of facts by Helmut Crazzolara, and supporting documentation.

DISCUSSION

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

As noted in the decision issued 02 August 2010, items (1), (2), (3), and (6) have been met.

As noted in the decision mailed 14 February 2011, item (4) has been met.

Item (5) has now been met as well. The statements of Mr. Crazzolara establish that non-signing inventor Manfred Kuhne was obligated to assign inventions made while he was employed by Hydac System GmbH. The declaration of facts by Mr. Edgar Weishaupt establishes that the invention was made while Mr. Kuhne was employed by Hydac System GmbH. The copy of the assignment from Hydac System GmbH to Hydac Electronic GmbH establishes a chain of title from Hydac System GmbH to Hydac Electronic GmbH.

CONCLUSION

For the above reasons, applicants' renewed petition under 37 CFR 1.47(b) is **GRANTED**.

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

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

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application, including the accordation of a 35 U.S.C. §§371(c)(1), (c)(2), and (c)(4) date of **24 September 2010**.

/Daniel Stemmer/

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

JUN 20 2011

PCT LEGAL ADMINISTRATION

Mr. Manfred Kuhne
Wilhel-Granderath-Str. 13
41812 Erkelenz
Germany

In re Application of
KUHNE
Application No.: 12/734,819
PCT No.: PCT/EP2008/010352
Int. Filing Date: 05 December 2008
Priority Date: 06 December 2007
Attorney Docket No.: 56740
For: AXIAL PISTON MACHINE

Dear Mr. Kuhne:

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

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

/Daniel Stemmer/

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

ROYLANCE, ABRAMS, BERDO & GOODMAN, L.L.P.
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NIXON & VANDERHYE PC
901 NORTH GLEBE ROAD 11TH FLOOR
ARLINGTON VA 22203

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FEB 03 2011

OFFICE OF PETITIONS

In re Application of	:	
Ji, et al.	:	
Application No. 12/734,840	:	DECISION REFUSING STATUS
Filed: May 27, 2010	:	UNDER 37 CFR 1.47(a)
Attorney Docket No. PTB-4410-37	:	

This is in response to the petition under 37 CFR 1.47(a), filed December 30, 2010.

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

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

A grantable petition under 37 CFR 1.47(a) requires: (1) proof that the non-signing inventor(s) cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings); (2) an acceptable oath or declaration in compliance with 37 CFR 1.63; (3) the petition fee; and (4) a statement of the last known address of the non-signing inventor(s). The instant petition does not satisfy items (1) and (4).

The petition does not establish that Artes was presented with a copy of the application papers (specification, claims, drawings). Rather, the petition only establishes that Artes was forwarded

the Assignment and other documents. Petitioner is directed to the Manual of Patent Examining Procedure § 409.03(d), which states:

> 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 U.S.P.Q. 80 (Comm'r Pat. 1956).

On renewed petition, petitioner must establish that a copy of the application papers was forwarded to the non-signing inventor. If no response is received from the non-signing inventor, this will be construed as a refusal to sign. However, if the application papers are returned as undeliverable, then petitioner must undertake a search for the non-signing inventor. Any petition under Rule 47 must set forth the steps that were taken to locate the non-signing inventor, and not merely the conclusion that he could not be located.

With respect to item (4), the last known address should be an address at which the petitioner customarily receives mail. Here, the last known address presented on petition is an address from Artes' former employer. Accordingly, it can not be concluded that Artes customarily receives mail at this address any longer.

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

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

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

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

Cliff Congo
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MAILED
APR 25 2011
OFFICE OF PETITIONS

In re Application of	:	DECISION NOTING JOINDER
Ji, et al.	:	OF INVENTOR AND PETITION
Application No. 12/734,840	:	UNDER 37 CFR 1.47(a)
Filed: May 27, 2010	:	MOOT
Attorney Docket No. PTB-4410-37	:	

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

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

In view of the **joinder** of the previously non-signing inventor, further consideration under 37 CFR 1.47(a) is not necessary and the petition is considered to be **moot**. 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 further consideration under 37 CFR 1.47(a).

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

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

Cliff Congo
Petitions Attorney
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20110421

DATE : February 24, 2011

TO SPE OF : ART UNIT 2854

SUBJECT : Request for Certificate of Correction on Patent No.: 7861654

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:

/Judy Nguyen/
Supervisory Patent Examiner, Art Unit 2854

UNITED STATES PATENT AND TRADEMARK OFFICE

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Gordopn E Dower
2266 Sunrise Drive
Point Roberts WA 98281

MAILED

MAY 16 2011

OFFICE OF PETITIONS

In re Application of :
Gordon Ewbank Dower :
Application No. 12/734,852 : DECISION ON PETITION
Filed: May 27, 2010 : TO MAKE SPECIAL UNDER
Attorney Docket No. **DOW0229 US** : 37 CFR 1.102(c)(1)
:

This is a decision on the petition under 37 CFR 1.102(c)(1), filed April 26, 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) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a statement by the inventor. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to JoAnne Burke at 571-272-4584.

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

The application is being forwarded to the Technology Center Art Unit 2858 for action on the merits commensurate with this decision.

JoAnne Burke
Petitions Examiner
Office of Petitions

Copied from 12734854 on 06/08/2011

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TRASKBRITT, P.C.
P.O. BOX 2550
SALT LAKE CITY, UT 84110

MAILED
SEP 23 2011
OFFICE OF PETITIONS

Applicant: Marc Zabeau
Appl. No.: 12/734,869
International Filing Date: December 27, 2008
Title: MARKER ASSISTED DIRECTED EVOLUTION
Attorney Docket: 2676-8720.1US
Pub. No.: US 2010/0323353 A1
Pub. Date: December 23, 2010

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on December 29, 2010, for the above-identified application.

The request is DISMISSED.

Applicant requests that the application be republished because the patent application publication contains material errors wherein the preliminary amendment filed with the application on May 26, 2010 was not included in the publication.

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

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

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

37 C.F.R. 1.215(a) states that the patent application publication may also be based upon amendments to the specification (other than the abstract or the claims) that are reflected in a substitute specification under § 1.125(b), amendments to the abstract under § 1.121(b), amendments to the claims that are reflected in a complete claim listing under § 1.121(c), and amendments to the drawings under §1.121(d), provided that such substitute specification or amendment is submitted in sufficient time to be entered into the Office file wrapper of the application before technical preparations for publication of the application have begun. (emphasis added) 37 CFR 1.215(c) states that applicant may file an amended copy of the application for publication purposes, but such amendments, including a substitute specification, must be submitted in compliance with the Office electronic filing system requirements, and within one month of the mailing date of the first Office communication that includes a confirmation number for the application, or fourteen months of the earliest filing date for which a benefit is sought under title 35, United States Code, whichever is later.

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

Applicants' request for a corrected patent application publication on December 29, 2010, may constitute a "failure to engage in reasonable efforts to conclude processing or examination of the application." See 1.704(c). This determination will be made on or after a mailing of a Notice of Allowance.

It would greatly benefit the Office if **applicant did not provide copies of papers**, which were previously submitted and/or **a complete copy of the pre-grant publication**, as it unnecessarily increases the cost to the Office. See 37 CFR 1.4(b). A request for corrected publication need only point out what was printed incorrectly in the application, where the error occurs in the publication and where the correct text or drawing is found in the application papers. Marked up relevant copies of the applications papers and the pre-grant publication may facilitate processing of the request, where it is not readily apparent where the error occurs. If it is not clear why the error is a material error, further explanation may be warranted.

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

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

http://www.uspto.gov/patents/process/file/efs/guidance/index.jsp
OR
http://www.uspto.gov/ebc/portal/efs/pgpub_quickstart.pdf

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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PCT LEGAL ADMINISTRATION

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COLEMAN SUDOL SAPONE, P.C.
714 COLORADO AVENUE
BRIDGE PORT CT 06605-1601

In re Application of	:	
BELLUATI, et al.	:	DECISION ON PETITIONS
Application No.: 12/734,877	:	
PCT No.: PCT/EP2008/010685	:	UNDER 37 CFR 1.47(a)
Int. Filing Date: 16 December 2008	:	
Priority Date: 19 December 2007	:	AND 37 CFR 1.42
Atty. Docket No.: Z01-182	:	
For: APPARATUS AND METHOD FOR DISINFECTING WATER	:	

This decision is in response to the applicant's "PETITION UNDER 37 C.F.R. § 1.47(A)" filed 25 October 2010 in the United States Patent and Trademark Office (USPTO). For reasons discussed below, the papers are being treated as a petition under 37 CFR 1.47(a) and request for status under 37 CFR 1.42.

BACKGROUND

On 16 December 2008, applicant filed international application PCT/EP2008/010685 which claimed priority to an earlier application filed 19 December 2007. A copy of the international application was transmitted to the United States by the International Bureau on 25 June 2009. Pursuant to 37 CFR 1.495, the thirty-month period for paying the basic national fee in the United States expired at midnight on 19 June 2010.

On 27 May 2010, applicant filed a transmittal letter for entry into the national stage in the United States which was accompanied by the requisite basic national fee as required by 35 U.S.C. 371(c)(1); an Information Disclosure Statement; an Application Data Sheet and a preliminary amendment.

On 19 August 2010, applicant was mailed a "Notification of Missing Requirements" (Form PCT/DO/EO/905) informing applicant that an executed oath or declaration of the inventors in compliance with 37 CFR 1.497(a)-(b) was required. Applicant was afforded two months to file the required response and advised that this period could be extended pursuant to 37 CFR 1.136(a).

On 25 October 2010, applicant filed the present petition under 37 CFR 1.47(a) to accept the filed declaration without the signature of joint inventor Guiseppe Petrucci and deceased inventor Enrico Danesi. The petition contains certification under 37 CFR 1.8 that the petition was deposited for mailing on 19 October 2010 and is therefore considered timely filed.

DISCUSSION

I. Petition Under 37 CFR 1.47(a)

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

Regarding item (4), for the reasons discussed under "Request For Status Under 37 CFR 1.42" the filed declaration and power of attorney does not satisfy the provisions of 37 CFR 1.497.

For these reasons, it is not possible to grant applicant's petition at this time.

II. Request For Status Under 37 CFR 1.42

The Manual of Patent Examining Procedure (MPEP) section 409.03(c) explains that 37 CFR 1.47 does not apply to a deceased inventor:

> 37 CFR 1.47 should not be considered an alternative to 37 CFR 1.42 or 35 U.S.C. 117 since the language "cannot be found or reached after diligent effort" has no reasonable application to a deceased inventor. In re Application Papers Filed September 10, 1954, 108 USPQ 340 (Comm'r Pat. 1955). See 37 CFR 1.42 and MPEP § 409.01. However, 37 CFR 1.47 does apply where a known legal representative of a deceased inventor cannot be found or reached after diligent effort, or refuses to make application. In such cases, the last known address of the legal representative must be given (see MPEP § 409.03(e)).

37 CFR 1.42 When the Inventor is Dead, states, in part:

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

(See also, MPEP section 409.01(a).)

The filed declaration does not satisfy the requirements under 37 CFR 1.497(b). Specifically, the oath or declaration must provide the citizenship, residence, and mailing address of both the deceased inventor and the signing legal representative or heirs, as well as state that the individual signing the declaration is the legal representative or legal heir. The declaration filed on 25 October 2010 does not identify a legal representative nor heir(s) to the estate of Mr. Danesi. Accordingly, the declaration is not in compliance with 37 CFR 1.497(b).

CONCLUSION

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

In addition, applicant's request for status under 37 CFR 1.42 is **DISMISSED without prejudice**.

Any reconsideration on the merits of this petition must be filed within **TWO (2) MONTHS** from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petitions Under 37 CFR 1.47(a) and 37 CFR 1.42." Extensions of time may be obtained under 37 CFR 1.136(a).

Any further correspondence with respect to this matter should be directed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration or electronically filed utilizing the USPTO's EFS-Web electronic filing system.

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

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MAY 16 2011

PCT LEGAL ADMINISTRATION

COLEMAN SUDOL SAPONE, P.C.
714 COLORADO AVENUE
BRIDGEPORT CT 06605-1601

In re Application of :
BELLUATI, et al. :
Application No.: 12/734,877 :
PCT No.: PCT/EP2008/010685 :
Int. Filing Date: 16 December 2008 :
Priority Date: 19 December 2007 :
Atty. Docket No.: Z01-182 :
For: APPARATUS AND METHOD FOR DISINFECTING WATER :

DECISION ON PETITIONS

UNDER 37 CFR 1.47(a)

AND 37 CFR 1.42

This decision is in response to the applicant's "RENEWED PETITION UNDER 37 C.F.R. § 1.47(a) and § 37 CFR 1.42" filed 11 March 2011 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 01 December 2010, applicant was mailed a decision dismissing applicant's petitions under 37 CFR 1.42 and 37 CFR 1.47(a). Applicant was afforded two months to file any request for reconsideration and advised that this period could be extended pursuant to 37 CFR 1.136(a).

On 11 March 2011, applicant filed the present renewed petitions under 37 CFR 1.47(a) and 37 CFR 1.42 to accept the filed declaration without the signature of joint inventor Guiseppe Petrucci and deceased inventor Enrico Danesi accompanied by a petition for a two-month extension of time and payment of the extension of time fee. The response is timely filed.

DISCUSSION

I. Renewed Petition Under 37 CFR 1.47(a)

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

Regarding item (4), for the reasons discussed under "Request For Status Under 37 CFR 1.42" the filed declaration and power of attorney does not satisfy the provisions of 37 CFR 1.497.

For these reasons, it is not possible to grant applicant's petition at this time.

II. Renewed Request For Status Under 37 CFR 1.42

37 CFR 1.42 When the Inventor is Dead, states, in part:

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

(See also, MPEP section 409.01(a).)

The filed declaration does not satisfy the requirements under 37 CFR 1.497(b).

Applicant has presently submitted two declarations; one which lists inventor Danesi and his heirs (with all of the required citizenship and residence information) and a second declaration which lists the inventors on the application; absent the listing of inventor Danesi's heirs. The declaration listing the heirs of the deceased inventor must list all of the other inventors on the application. This supplemental declaration need not be executed by the other inventors. See MPEP section 603:

37 CFR 1.67 Supplemental oath or declaration.

(a) The Office may require, or inventors and applicants may submit, a supplemental oath or declaration meeting the requirements of § 1.63 or § 1.162 to correct any deficiencies or inaccuracies present in the earlier filed oath or declaration.

(1) Deficiencies or inaccuracies relating to all the inventors or applicants (§§ 1.42, 1.43, or § 1.47) may be corrected with a supplemental oath or declaration signed by all the inventors or applicants.

(2) Deficiencies or inaccuracies relating to fewer than all of the inventor(s) or applicant(s) (§§ 1.42, 1.43 or § 1.47) may be corrected with a supplemental oath or declaration identifying the entire inventive entity but signed only by the inventor(s) or applicant(s) to whom the error or deficiency relates.

CONCLUSION

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

In addition, applicant's request for status under 37 CFR 1.42 is **DISMISSED without prejudice**.

Any reconsideration on the merits of this petition must be filed within **TWO (2) MONTHS** from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petitions Under 37 CFR 1.47(a) and 37 CFR 1.42." Extensions of time may be obtained under 37 CFR 1.136(a).

Any further correspondence with respect to this matter should be directed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration or electronically filed utilizing the USPTO's EFS-Web electronic filing system.

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

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PCT LEGAL ADMINISTRATION

COLEMAN SUDOL SAPONE, P.C.
714 COLORADO AVENUE
BRIDGE PORT CT 06605-1601

In re Application of	:	
BELLUATI, et al.	:	
U.S. Application No.: 12/734,877	:	DECISION ON PETITIONS
PCT No.: PCT/EP2008/010685	:	
Int. Filing Date: 16 December 2008	:	UNDER 37 CFR 1.47(a)
Priority Date: 19 December 2007	:	
Attorney Docket No.: Z01-182	:	AND 37 CFR 1.42
For: APPARATUS AND METHOD FOR DISINFECTING WATER	:	

This decision is in response to applicant's renewed petition under 37 CFR 1.47(a) and 37 CFR 1.42 filed 15 August 2011 and supplemented on 17 August 2011 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 16 May 2011, applicant was mailed a decision dismissing applicant's petitions under 37 CFR 1.47 and 37 CFR 1.42. Applicant was afforded two months to file any request for reconsideration and advised that this period could be extended pursuant to 37 CFR 1.136(a).

On 15 August 2011, applicant filed the present renewed petitions accompanied by a petition for a one-month extension of time and payment of the appropriate extension of time fee.

On 17 August 2011, applicant filed additional papers which contained certification under 37 CFR 1.8 that they had been deposited for mailing on 12 August 2011. The responses are timely filed.

DISCUSSION

As detailed in the decision mailed 16 May 2011, a petition under 37 CFR 1.47(a) must be accompanied by (1) the fee under 37 CFR 1.17(g), (2) factual proof that the missing joint investor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the missing inventor, and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and on behalf of the non-signing joint inventor. Applicant previously satisfied items one through three.

With the filing of the renewed petition and accompanying exhibits applicant has satisfied the remaining item and it is therefore proper to grant applicant's renewed petition at this time.

Regarding the filed declaration, pursuant to 37 CFR 1.42, first sentence:

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

In the present case, the declaration identifies the heirs to the estate of deceased inventor Enrico Danesi. The declaration provides residence, citizenship and mailing address of both the deceased inventor and his heirs. The declaration has been signed by the inventors listed on the published international application on behalf of the heirs to the estate of inventor Danesi and Guiseppe Petrucci. As such, the declaration is in compliance with 37 CFR 1.42 and 37 CFR 1.497(a)-(b).

CONCLUSION

For the reasons above, applicant's petitions under 37 CFR 1.47(a) and 37 CFR 1.42 are **GRANTED**.

The application has an international filing date of 16 December 2008 under 35 U.S.C. 363, and will be given a date of **17 August 2011** under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).

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

This application is being returned to the DO/EO/US for processing in accordance with this decision. Specifically, the mailing of a Notification of Acceptance (Form PCT/DO/EO/903).

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Mr. Guiseppe Petrucci
Via S. Matteo, 4
Monterondo, I-00015
ITALY

MAILED
SEP 20 2011
PCT LEGAL ADMINISTRATION

In re Application of
BELLUATI, et al.
U.S. Application No.: 12/734,877
PCT No.: PCT/EP2008/010685
Int. Filing Date: 16 December 2008
Priority Date: 19 December 2007
Attorney Docket No.: Z01-182
For: APPARATUS AND METHOD FOR DISINFECTING WATER

Dear Mr. Petrucci:

You are named as an inventor in the above identified United States patent application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor. As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make your position of record in the application. Alternately, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. If you care to join in the application, the law firm of record (see below) would presumably assist you. Joining in the application would entail the filing of the appropriate oath or declaration by you pursuant to 37 CFR 1.63.

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

Counsel of Record:
COLEMAN SUDOL SAPONE, P.C.
714 COLORADO AVENUE
BRIDGE PORT CT 06605-1601
UNITED STATES OF AMERICA

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Ms. Guiseppina Peri
Via Santella, 72
Montichiari, I-25018
ITALY

MAILED

SEP 20 2011

PCT LEGAL ADMINISTRATION

In re Application of
BELLUATI, et al.
U.S. Application No.: 12/734,877
PCT No.: PCT/EP2008/010685
Int. Filing Date: 16 December 2008
Priority Date: 19 December 2007
Attorney Docket No.: Z01-182
For: APPARATUS AND METHOD FOR DISINFECTING WATER

Dear Ms. Peri:

You are named as the heir to an inventor in the above identified United States patent application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor. As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make your position of record in the application. Alternately, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. If you care to join in the application, the law firm of record (see below) would presumably assist you. Joining in the application would entail the filing of the appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Derek A. Putonen
Attorney Advisor
Office of PCT Legal Administration
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Counsel of Record:
COLEMAN SUDOL SAPONE, P.C.
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BRIDGE PORT CT 06605-1601
UNITED STATES OF AMERICA

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

PTO/SB/20PCT-JP (05-10)
Approved for use through 01/31/2012. OMB 0651-0058
U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

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

Application No:	12/734,880	Filing date:	May 28, 2010
First Named Inventor:	Takayoshi HIRAI		
Title of the Invention:	Carbon Nanotube Assembly and Process for Producing the Same		

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

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

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

The corresponding PCT application number(s) is/are: PCT/JP2008/064748

The international date of the corresponding PCT application(s) is/are: August 19, 2008

I. List of Required Documents:

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

☑ Is attached.

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

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

☐ Is attached.

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

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

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

PTO/SB/20PCT-JP (05-10)
Approved for use through 01/31/2012. OMB 0651-0058
U.S.Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

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

(continued)

Application No.:	12/734,880
First Named Inventor:	Takayoshi HIRAI

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
	1-16	Same as claims 1-16 in U.S. application with multiple dependencies retained

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

Signature /rjkubovcik/	Date March 28, 2011
Name (Print/Typed) Ronald J. Kubovcik	Registration Number 25,401

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.

1. An aggregate of carbon nanotubes satisfying all the following requirements (1) to (3):

(1) the volume resistivity is from 1×10^{-5} Ω·cm to 5×10^{-3} Ω·cm;

(2) at least 50 out of 100 carbon nanotubes are double-walled carbon nanotubes in observation by a transmission electron microscope; and

(3) the weight loss from 200°C to 400°C in thermogravimetry at a temperature rise of 10°C/min is from 5% to 20%.

2. The aggregate of carbon nanotubes of claim 1, wherein the average of outer diameter of carbon nanotubes is in a range of 1.0 nm to 3.0 nm, and the standard deviation of outer diameter is 1.0 nm or less.

3. The aggregate of carbon nanotubes of claim 1 or 2, wherein the largest peak of a DTA curve in differential thermal analysis at a temperature rise of 10°C/min is in a range of 650°C to 750°C.

4. The aggregate of carbon nanotubes of any one of claims 1 to 3, wherein a C-O group and a C=O group are present in the carbon nanotubes.

5. The aggregate of carbon nanotubes of any one of claims 1 to 4, wherein the ratio of oxygen atoms to carbon atoms in

the carbon nanotubes is 4% or more.

6. A molded article of carbon nanotubes being composed of the aggregate of carbon nanotubes of any one of claims 1 to 5.

7. A composition comprising the aggregate of carbon nanotubes of any one of claims 1 to 5.

8. The composition of carbon nanotubes of claim 7, wherein the aggregate of carbon nanotubes is dispersed in a liquid dispersion medium.

9. A molded article composed of the composition of carbon nanotubes of claim 7.

10. A composite where a conductive layer containing the composition of carbon nanotubes of claim 7 or 8 is formed on a substrate.

11. The composite of claim 10, wherein said substrate is a film.

12. The composite of claim 11 satisfying the following requirements of (1) and (2):

(1) the surface resistance is less than 1×10^4 Ω/□;

(2) the light transmittance of wavelength 550 nm satisfies the following requirement:

light transmittance of composite/light transmittance of substrate ≥0.85.

13. A method for producing the aggregate of carbon nanotubes of any one of claims 1 to 5 by heating an aggregate of carbon nanotubes including double-walled carbon nanotubes of 20 or more in the height ratio of G band to D band (G/D ratio) by Raman spectroscopic analysis of wavelength 633 nm in a nitric acid solution.

14. The method for producing the aggregate of carbon nanotubes of claim 13, wherein temperature in heating in said nitric acid solution is 70°C or more.

15. The method for producing the aggregate of carbon nanotubes of claim 13 or 14, wherein concentration of nitric acid in said nitric acid solution is 10 weight % or more.

16. The method for producing the aggregate of carbon nanotubes of claim 13, wherein the aggregate of carbon nanotubes including double-walled carbon nanotubes of 20 or more in said G/D ratio is one obtained in such manner that after a composition

of carbon nanotubes is produced by contacting a powdery catalyst supporting iron on magnesia and methane at 500-1200°C, the composition of carbon nanotubes is subjected to oxidation treatment in a gas phase.

特 許 協 力 条 約

発信人　日本国特許庁（国際調査機関）

出願人
東レ株式会社

様

あて名
〒103-8666
日本国東京都中央区日本橋室町２丁目１番１号

ＰＣＴ
国際調査機関の見解書
（法施行規則第40条の2）
〔ＰＣＴ規則43の2.1〕

発送日 (日.月.年)	２８．１０．２００８
出願人又は代理人 の書類記号　TP-08046-PCT	今後の手続きについては、下記２を参照すること。

国際出願番号	国際出願日	優先日
ＰＣＴ／ＪＰ２００８／０６４７４８	(日.月.年)　１９．０８．２００８	(日.月.年)　３０．１１．２００７

国際特許分類（ＩＰＣ）Int.Cl. C01B31/02(2006.01)i

出願人（氏名又は名称）
東レ株式会社

１．この見解書は次の内容を含む。

- ☑ 第Ⅰ欄　見解の基礎
- ☐ 第Ⅱ欄　優先権
- ☐ 第Ⅲ欄　新規性、進歩性又は産業上の利用可能性についての見解の不作成
- ☐ 第Ⅳ欄　発明の単一性の欠如
- ☑ 第Ⅴ欄　ＰＣＴ規則43の2.1(a)(i)に規定する新規性、進歩性又は産業上の利用可能性についての見解、それを裏付けるための文献及び説明
- ☐ 第Ⅵ欄　ある種の引用文献
- ☐ 第Ⅶ欄　国際出願の不備
- ☐ 第Ⅷ欄　国際出願に対する意見

２．今後の手続き
国際予備審査の請求がされた場合は、出願人がこの国際調査機関とは異なる国際予備審査機関を選択し、かつ、その国際予備審査機関がＰＣＴ規則66.1の2(b)の規定に基づいて国際調査機関の見解書を国際予備審査機関の見解書とみなさない旨を国際事務局に通知していた場合を除いて、この見解書は国際予備審査機関の最初の見解書とみなされる。

この見解書が上記のように国際予備審査機関の見解書とみなされる場合、様式ＰＣＴ／ＩＳＡ／２２０を送付した日から３月又は優先日から２２月のうちいずれか遅く満了する期限が経過するまでに、出願人は国際予備審査機関に、適当な場合は補正書とともに、答弁書を提出することができる。

さらなる選択肢は、様式ＰＣＴ／ＩＳＡ／２２０を参照すること。

３．さらなる詳細は、様式ＰＣＴ／ＩＳＡ／２２０の備考を参照すること。

見解書を作成した日
１５．１０．２００８

名称及びあて先
日本国特許庁（ＩＳＡ／ＪＰ）
郵便番号１００－８９１５
東京都千代田区霞が関三丁目４番３号

特許庁審査官（権限のある職員）　４Ｇ　３０２８
吉田　直裕
電話番号　０３－３５８１－１１０１　内線　３４１６

国際調査機関の見解書

国際出願番号 ＰＣＴ／ＪＰ２００８／０６４７４８

第Ⅴ欄 新規性、進歩性又は産業上の利用可能性についてのＰＣＴ規則43の2.1(a)(i)に定める見解、それを裏付ける文献及び説明

1. 見解

新規性（N）	請求の範囲	１－１６	有
	請求の範囲		無
進歩性（ＩＳ）	請求の範囲	１－１６	有
	請求の範囲		無
産業上の利用可能性（ＩＡ）	請求の範囲	１－１６	有
	請求の範囲		無

2. 文献及び説明

文献１：JP 2006-269311 A（東レ株式会社）2006.10.05
文献２：JP 2007-197304 A（東レ株式会社）2007.08.09
文献３：JP 2007-197314 A（東レ株式会社）2007.08.09
文献４：YU X., RAJAMANI R., STELSON K. A., CUI T., Carbon Nanotube Based Transparent Conductive Thin Films, J Nanoscience Nanotechnology, 2006.07, Vol.6, No.7, Page.1939-1944

請求の範囲１－１６に係る発明は、国際調査報告で引用された文献に対して新規性及び進歩性を有する。文献１には、２層カーボンナノチューブ集合体から透明導電膜を製造することが記載されている。文献４には、単層カーボンナノチューブから透明導電膜を製造することが記載されており、硝酸－硫酸の混酸溶液中で加熱して、単層カーボンナノチューブにＣＯＯＨ基を導入することにより、透明導電膜の導電性が向上することが記載されている。しかしながら、本願発明の特徴は、２層カーボンナノチューブ集合体を硝酸溶液中で加熱処理することで導電性を向上させる点にあり、明細書の[0100]には、硝酸溶液を用いることによって、硝酸－硫酸の混酸溶液を用いるよりも効果があることが説明されている。よって、請求の範囲１－１６に係る発明は、文献１－４から当業者といえども容易に想到し得ないものである。

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 TP-08046-PCT	FOR FURTHER ACTION	See item 4 below
International application No. PCT/JP2008/064748	International filing date *(day/month/year)* 19 August 2008 (19.08.2008)	Priority date *(day/month/year)* 30 November 2007 (30.11.2007)
International Patent Classification (8th edition unless older edition indicated) See relevant information in Form PCT/ISA/237		
Applicant TORAY INDUSTRIES, INC.		

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 5 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 08 June 2010 (08.06.2010)
The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland Facsimile No. +41 22 338 82 70	Authorized officer Yoshiko Kuwahara e-mail: pt07.pct@wipo.int

Form PCT/IB/373 (January 2004)

PATENT COOPERATION TREATY

TRANSLATION

From the
INTERNATIONAL SEARCHING AUTHORITY

To:

PCT

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43*bis*.1)

Applicant's or agent's file reference TP-08046-PCT	Date of mailing *(day/month/year)* FOR FURTHER ACTION See paragraph 2 below

International application No.	International filing date *(day/month/year)*	Priority date *(day/month/year)*
PCT/JP2008/064748	19.08.2008	30.11.2007

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

Applicant
TORAY INDUSTRIES, INC.

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

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

2. FURTHER ACTION

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

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

For further options, see Form PCT/ISA/220.

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

Name and mailing address of the ISA/JP	Date of completion of this opinion	Authorized officer
Facsimile No.		Telephone No.

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/JP2008/064748

Box No. I Basis of this opinion

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

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

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

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

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

a. type of material

☐ a sequence listing

☐ table(s) related to the sequence listing

b. format of material

☐ on paper

☐ in electronic form

c. time of filing/furnishing

☐ contained in the international application as filed

☐ filed together with the international application in electronic form

☐ furnished subsequently to this Authority for the purposes of search

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

5. Additional comments:

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/JP2008/064748

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

1. Statement

Novelty (N)	Claims	1-16	YES
	Claims		NO
Inventive step (IS)	Claims	1-16	YES
	Claims		NO
Industrial applicability (IA)	Claims	1-16	YES
	Claims		NO

2. Citations and explanations:

Document 1: JP 2006-269311 A (Toray Industries, Inc.), 05 October 2006

Document 2: JP 2007-197304 A (Toray Industries, Inc.), 09 August 2007

Document 3: JP 2007-197314 A (Toray Industries, Inc.), 09 August 2007

Document 4: YU X., RAJAMANI R., STELSON K. A., CUI T., Carbon Nanotube Based Transparent Conductive Thin Films, J Nanoscience Nanotechnology, July 2006, vol. 6, no. 7, pages 1939-1944

The invention as in claims 1-16 is novel and involves an inventive step in the light of the documents cited in the ISR. Document 1 discloses producing a transparent electrically conductive film from a bilayer carbon nanotube assembly. Document 4 discloses producing a transparent electrically conductive film from single layer carbon nanotubes and also indicates that the electrical conductivity of the transparent electrically conductive film is improved by introducing a COOH group into the single layer carbon nanotubes by heating in a mixed acid solution of nitric acid and sulfuric acid. However, a feature of the invention of the present

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

application resides in improving electrical conductivity by heat treating a bilayer carbon nanotube assembly in a solution of nitric acid and paragraph [0010] indicates that using a solution of nitric acid is more effective than using a mixed acid solution of nitric acid and sulfuric acid. Therefore, even a person skilled in the art could not easily conceive of the invention as in claims 1-16 from documents 1-4.

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/734,880	05/28/2010	Takayoshi Hirai	IPE-122	8206

20374 7590 06/07/2011

KUBOVCIK & KUBOVCIK
SUITE 1105
1215 SOUTH CLARK STREET
ARLINGTON, VA 22202

EXAMINER	
MC GINTY, DOUGLAS J	
ART UNIT	PAPER NUMBER
1765	

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.

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United States Patent and Trademark Office
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WG

June 7, 2011

In re application of	:	DECISION ON REQUEST TO
Takayoshi Hirai et al.	:	PARTICIPATE IN PATENT
Serial No. 12/734,880	:	PROSECUTION HIGHWAY
Filed: May 28, 2010	:	PROGRAM AND
For: CARBON NANOTUBE ASSEMBLY	:	PETITION TO MAKE SPECIAL
AND PROCESS FOR PRODUCING	:	UNDER 37 CFR 1.102(a)
THE SAME	:	

This is a decision on the request to participate in the PCT Patent Prosecution Highway (PCT-PPH) pilot program and the petition under 37 CFR 1.102(a), filed March 28, 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

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: 976-152	Application Number (if known): 12/734,941	Filing date: 06/02/2010
First Named Inventor: Richard W. Baker		
Title: GAS SEPARATION MEMBRANES WITH PERMEATE SWEEP TO REMOVE CO2 FROM COMBUSTION GASES		

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; Copy of International Search Report & Written Opinion

Signature Kathi Bean	Date 12/17/10
Name (Print/Typed) Kathi Bean	Registration Number 36,644

***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

In re the application of	: Richard W. Baker et al.	Examiner:	Not yet assigned
Serial number	: 12/734,941	Group Art Unit:	1776
Filed	: June 2, 2010		
For	: GAS SEPARATION PROCESS USING MEMBRANES WITH PERMEATION SWEEP TO REMOVE CO_2 FROM COMBUSTION GASES		

December 17, 2010

STATEMENT OF ELIGIBILITY FOR GREEN TECHNOLOGY PILOT PROGRAM

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

Sir:

Applicants maintain that the subject application is eligible for accelerated examination under the Green Technology Pilot Program because the invention disclosed therein materially contributes to the reduction of greenhouse gas emissions (namely, CO_2).

Applicants agree to make an election without traverse in a telephonic interview with the Examiner and to elect an invention that meets the eligibility requirements of the Green Technology Pilot Program should the Office determine that the claims are not directed to a single invention. A Request for a First Action Interview is submitted herewith.

A Preliminary Amendment is also being submitted herewith, solely for the purpose of reducing the total number of claims pending in the application from 24 to 20. The application now contains three (3) independent claims, twenty (20) total claims, and no (0) multiple dependent claims.

For the Examiner's convenience, a copy of the International Search Report and Written Opinion in corresponding PCT Application No. US2009/002874 is also enclosed.

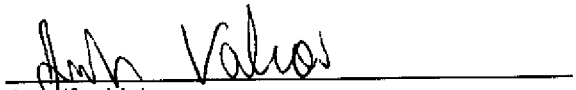
The early publication fee under 37 CFR 1.18(d) of $ 300 is provided for on the attached Fee Transmittal form.

Applicants' agent can be reached at the telephone and fax numbers and e-mail address provided below.

Respectfully Submitted,

Kathi Bean
Registration No. 36,644
Membrane Technology and Research, Inc.
1360 Willow Road, Suite 103
Menlo Park, CA 94025
(650) 543-3370
Fax Number: (650) 328-6580
kathi.bean@mtrinc.com

I hereby certify that this correspondence is being electronically submitted to the U.S. Patent and Trademark Office on
December 17, 2010.



Jennifer Valcov

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.
12/734,941	06/02/2010	Richard W. Baker	976-152	2691

26909 7590 01/11/2011

MEMBRANE TECHNOLOGY AND RESEARCH INC.
1360 WILLOW ROAD SUITE 103
MENLO PARK, CA 94025-1516

EXAMINER	
ART UNIT	PAPER NUMBER
1776	

MAIL DATE	DELIVERY MODE
01/11/2011	PAPER

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

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MEMBRANE TECHNOLOGY AND RESEARCH INC.
1360 WILLOW ROAD SUITE 103
MENLO PARK CA 94025-1516

JAN 11 2011

In re Application of	:	
Baker et al.	:	DECISION ON PETITION
Application No. 12/734,941	:	TO MAKE SPECIAL UNDER
Filed: 6/2/2010	:	THE GREEN TECHNOLOGY
Attorney Docket No. **976-152**	:	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 1776 for action on the merits commensurate with this decision.

/Tom Dunn/

Tom Dunn
Quality Assurance Specialist
Technology Center 1700

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/734,993	06/07/2010	Lin Zhi	3800024.00594 / 1138US	6105

77202 7590 02/14/2011

K&L Gates LLP
3580 Carmel Mountain Road
Suite 200
San Diego, CA 92130

EXAMINER	
MCDOWELL, BRIAN E	

ART UNIT	PAPER NUMBER
1624	

MAIL DATE	DELIVERY MODE
02/14/2011	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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FEB 1 4 2011

K&L Gates LLP
3580 Carmel Mountain Road
Suite 200
San Diego CA 92130

In re Application of:
Lin Zhi
Serial No.: 12/734,993
Filed: June 7, 2010
Attorney Docket No: **3800024.00594 / 1138US**

: PETITION DECISION

This is in response to the petition filed on January 5, 2011 under 3 7 CFR 1.181 to correct the misclassification of submitted Information Disclosure Statements. Specifically, applicants request correction of the classification in PAIR of the Information Disclosure Statements submitted on October 19, 2010; October 20, 2010; October 21, 2010; and October 22, 2010 in connection with the above-referenced application and consideration by the Examiner of the documents and information contained therein.

Applicants argue the "Information Disclosure Statements were submitted in connection with the above-captioned application on October 19, 2010; October 20, 2010; October 21, 2010; and October 22, 2010. Each Information Disclosure Statement was prepared in accordance with 37 C.F.R 1.97 and 1.98. As required under 37 C.F.R 1.98, each Information Disclosure Statement contained 1) a list of all patents, publications, applications, or other information submitted for consideration by the Office, including a column that provides a space next to each document to be considered, for the examiner's initials and a heading that clearly indicates that the list is an Information Disclosure Statement; and 2) legible copies of all items listed. The items either were in English or a translation was provided. A copy of the misclassified Information Disclosure Statements filed on October 19, 2010; October 20, 2010; October 21, 2010; and October 22, 2010 is attached.

The submitted Information Disclosure Statement included a tabular Form PTO-1449, which was classified as an "IDS," and a written disclosure of information. In each instance, the written disclosure of information was misclassified in PAIR as a "Transmittal Letter" (October 19, 2010, "Transmittal Letter" of 3 pages; October 20, 2010, "Transmittal Letter" of 2 pages; October 21, 2010, "Transmittal Letter" of 2 pages; and October 22, 2010, "Transmittal Letter" of 2 pages). Consequently the information contained therein may not be considered or reviewed by the Examiner."

Applicants' argument has been accorded careful consideration and is persuasive. PAIR will be corrected to reflect the misclassification of the submitted Information Disclosure Statements of October 19, 2010; October 20, 2010; October 21, 2010; and October 22, 2010.

DECISION

The petition is **GRANTED.**

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

McKenna Long & Aldridge LLP
4435 Eastgate Mall
Suite 400
San Diego CA 92121

MAILED

SEP 22 2011

OFFICE OF PETITIONS

Applicant: Lin Zhi
Appl. No.: 12/734,993
International Filing Date: December 12, 2008
Title: SELECTIVE ANDROGEN RECEPTOR MODULATORS (SARMS) AND USES THEREOF
Attorney Docket No.: 3800024.00594/1138US
Pub. No.: US 2010/0256129 A1
Pub. Date: October 7, 2010

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on December 7, 2010, for the above-identified application.

The request is granted.

The corrected patent application publication will be published in due course, unless the patent issues before the application is republished.

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/735,032	06/10/2010	Ichiro Ihara	15020-000020/US	6749

30593 7590 10/27/2010
HARNESS, DICKEY & PIERCE, P.L.C.
P.O. BOX 8910
RESTON, VA 20195

EXAMINER	
ART UNIT	PAPER NUMBER
1791	

MAIL DATE	DELIVERY MODE
10/27/2010	PAPER

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

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

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CST

October 27, 2010

In re application of	:	DECISION ON REQUEST TO
Ichiro Ihara	:	PARTICIPATE IN PATENT
Serial No. 12/735,032	:	PROSECUTION HIGHWAY
Filed: June 10, 2010	:	PROGRAM AND
For: METHOD OF FABRICATING A MOLD AND METHOD OF PRODUCING AN ANTIREFLECTION FILM USING THE MOLD	:	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 July 16, 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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MAILED

AUG 11 2011

OFFICE OF PETITIONS

ANDRUS, SCEALES, STARKE & SAWALL, LLP
100 EAST WISCONSIN AVENUE, SUITE 1100
MILWAUKEE, WI 53202

In re Application:	:	
Abrahmsen et al.	:	
Application No. 12/735,069	:	ON PETITION
Filed: July 21, 2010	:	
Attorney Docket No. 103086-103	:	

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28, filed on July 19, 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-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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COLLARD & ROE, P.C.
1077 NORTHERN BOULEVARD
ROSLYN, NY 11576

MAILED
OCT 20 2010
PCT LEGAL ADMINISTRATION

In re Application of EBNER et al :
U.S. Application No.: 12/735,088 :
PCT Application No.: PCT/AT2008/000396 :
Int. Filing Date: 04 November 2008 :
Priority Date Claimed: 19 December 2007 : DECISION
Attorney Docket No.: EBNER ET AL - 13 PCT :
For: APPARATUS FOR BRACING OF SHEET :
METAL JOINTS IN A HIGH :
TEMPERATURE ANNEALING FURNACE :

This is in response to applicant's request for status under 37 CFR 1.42 filed 15 June 2010.

BACKGROUND

On 04 November 2008, applicant filed international application PCT/AT2008/000396, which claimed priority of an earlier Austria application filed 19 December 2007. A copy of the international application was communicated to the USPTO from the International Bureau on 25 June 2009. The thirty-month period for paying the basic national fee in the United States expired on 21 June 2010.

On 15 June 2010, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1) and the present request for status under 37 CFR 1.42.

DISCUSSION

The declaration states that joint inventor Peter Ebner is deceased.

37 CFR 1.42 provides, "In case of the death of the inventor, the legal representative (executor, administrator, etc.) of the deceased inventor may make the necessary oath or declaration, and apply for and obtain the patent."

Effective 07 November 2000, 37 CFR 1.497(b)(2) specifies that, where a person making the declaration is the legal representative of a deceased inventor, the declaration shall state the following: (1) the relationship of the person to the inventor, (2) the facts the inventor would have been required to state, upon information and belief, (3) that the person is the legal representative of the deceased inventor, and (4) the citizenship, residence, and mailing address of the legal representative.

The declaration filed on 15 June 2010 is in compliance with 37 CFR 1.42 and 1.497.

CONCLUSION

For the reasons above, the request for status under 37 CFR 1.42 is GRANTED.

The application has an International Filing Date under 35 U.S.C. 363 of 04 November 2008, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 15 June 2010.

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

Bryan Lin
PCT Legal Examiner
PCT Legal Office

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

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.
12/735,108	06/15/2010	Vasiliy Yul'evich Zhirkevich	Express Mail EG28603594U	1385

13250 7590 04/27/2011

Aleksandr Sumshkovich
POB 140505
Brooklyn, NY 11214

EXAMINER	
ART UNIT	PAPER NUMBER
3753	

MAIL DATE	DELIVERY MODE
04/27/2011	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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Aleksandr Sumshkovich
POB 140505
Brooklyn NY 11214

In re Application of	:	
ZHIRKEVICH, VASILIY YUL'EVICH	:	DECISION ON REQUEST TO
Application No. 12735,108	:	PARTICIPATE IN PATENT
Filed: June 15, 2010	:	PROSECUTION HIGHWAY
Attorney Docket No. EG28603594U	:	PROGRAM AND PETITION
For MIXER TAP FOR A THERMAL WAVE MASSAGE DEVICE	:	TO MAKE SPECIAL UNDER 37 CFR 1.102(a)

This is a decision on the renewed request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed April 25, 2011 to make the above-identified application special.

The request and petition are **dismissed.**

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

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the Rospatent;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the Rospatent 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 Rospatent 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 Rospatent 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 Rospatent examiner in the Rospatent office action along with copies of documents except U.S. patents or U.S. patent application publications.

The request to participate in the PPH program and petition met all conditions except Items #3, #5 and #6 above.

With regard to Items #3 and #5, the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claims in the PCT application. The Claims Correspondence Table in the petition is deficient. Current US application contains claims 1-4 filed on June 15, 210 which are not sufficiently corresponding to allowable claims 1-4 of PCT search report. A list of PCT allowed claims 1-4 is not provided. A copy of PCT positive search opinion showing claims 1-4 satisfied novelty, industrial applicability and inventive steps is required. Thus, Item #5 is not satisfied and for this reason the petition can not be granted.

With regard to Item #6, a copy of PCT cited patent documents, EP 0119581 A2, 26.09.1984; RU 2272611 C1, 27.03.2006; and GB 2432115 A, 16.05.2007 is required. A Form 1449 listing all cited patent document sis also required.

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

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

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

Petition is **dismissed**.

/Henry C. Yuen/

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/735,108	06/15/2010	Vasiliy Yul'evich Zhirkevich	Express Mail EG28603594U	1385

13250 7590 05/18/2011

Aleksandr Sumshkovich
POB 140505
Brooklyn, NY 11214

EXAMINER	
ART UNIT	PAPER NUMBER
3753	

MAIL DATE	DELIVERY MODE
05/18/2011	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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Aleksandr Sumshkovich
POB 140505
Brooklyn NY 11214

In re Application of	:	
ZHIRKEVICH, VASILIY YUL'EVICH	:	DECISION ON REQUEST TO
Application No. 12735,108	:	PARTICIPATE IN PATENT
Filed: June 15, 2010	:	PROSECUTION HIGHWAY
Attorney Docket No. EG28603594U	:	PROGRAM AND PETITION
For MIXER TAP FOR A THERMAL WAVE	:	TO MAKE SPECIAL UNDER
MASSAGE DEVICE	:	37 CFR 1.102(a)

This is a decision on the renewed request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed May 17, 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 Rospatent;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the Rospatent 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 Rospatent 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 Rospatent 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 Rospatent examiner in the Rospatent 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.

Other inquiries concerning the examination or status of the application should be directed to Stephen Hepperle, the SPE of Art Unit 3753 at 571-272-4913 for Class 137/625 and also accessible in the PAIR system at http://www.uspto.gov/ebc.index.html.

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

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

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

The petition is **granted.**

/Henry C. Yuen/

_____

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

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NOV 01 2011

PCT LEGAL ADMINISTRATION

Robert D. Shedd, Patent Operations
THOMSON Licensing LLC
P.O. Box 5312
Princeton NJ 08543-5312

In re Application of :
GUILLOUARD, et al. :
U.S. Application No.: 12/735,167 : DECISION ON PETITION
PCT No.: PCT/EP2008/067812 :
Int. Filing Date: 18 December 2008 : UNDER 37 CFR 1.137(b)
Priority Date: 21 December 2007 :
Attorney Docket No.: PF070143 :
For: METHOD OF TRANSMISSION OF AT LEAST :
A DATA PACKET BY SEVERAL ANTENNAS :
AND CORRESPONDING RECEPTION METHOD:

The petition to revive under 37 CFR 1.137(b) filed 23 September 2011 in the above-captioned application is hereby **GRANTED** as follows:

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

A review of the application file reveals that applicant has now provided an executed declaration of the inventors and provided payment of all necessary fees liste on the Form PCT/DO/EO/905 mailed 08 July 2010 and the requirements of 37 CFR 1.137(b) have been satisfied. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

04 AUG 2010

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

Henry C Query Jr
504 S Pierce Avenue
Wheaton IL 60187

In re Application of:
BEKKEVOLD, Knut, H.
U.S. Application No.: 12/735,191
PCT No.: PCT/NO2008/000331
International Filing Date: 16 September 2008
Priority Date: 21 September 2007
Attorney Docket No.: FMCE-P198
For: INSULATED PIPE COVERING

DECISION ON PETITION
(37 CFR 1.137(b))

The petition for revival under 37 CFR 1.137(b) filed 18 June 2010 in the above-captioned application is hereby **GRANTED** as follows:

International application PCT/NO2008/000331 became abandoned with respect to the United States at midnight on 21 March 2010 based on applicant's failure to request entry into the national stage in the United States and pay the U.S. basic national fee prior to the expiration of thirty months from the priority date.

The present petition for revival was accompanied by payment of the required petition fee and the "required reply" in the form of a request for entry into the national stage in the United States and payment of the basic national fee. The petition also includes a statement that "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional," satisfying the requirement of 37 CFR 1.137(b)(3).

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

The application is being referred to the National Stage Processing Branch of the Office of PCT Operations for further processing in accordance with this decision. It is noted that applicant has not filed an executed declaration in compliance with 37 CFR 1.497.

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

MAILED

OCT 13 2010

PCT LEGAL ADMINISTRATION

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JAMES C. WRAY
1493 CHAIN BRIDGE ROAD
SUITE 300
MCLEAN VA 22101

In re Application of:
ANDERSON, Frode
U.S. Application No.: 12/735,204
PCT No.: PCT/DK2008/050319
Int. Filing Date: 18 December 2008
Priority Date: 21 December 2007
Attorney's Docket No.: PATRADE
For: RELEASE MECHANISM FOR A SHEET WINDLASS HANDLE

DECISION REGARDING SUBMISSION UNDER 37 CFR 1.42

This decision is issued in response to applicant's 13 September 2009 submission of a declaration executed on behalf of deceased sole inventor Frode ANDERSON, treated as a submission under 37 CFR 1.42.

BACKGROUND

On 18 December 2008, applicant filed international application PCT/DK2008/050319. The international application claimed a priority date of 21 December 2007, and it designated the United States. On 02 July 2009, the International Bureau (IB) communicated a copy of the international application to the United States Patent and Trademark Office (USPTO). The deadline for entry into the U.S. national stage and submission of the basic national fee was thirty months from the priority date, i.e., 21 June 2010.

On 21 June 2010, applicant filed a Transmittal Letter requesting entry into the national stage in the United States accompanied by, among other materials, payment of the basic national fee.

On 12 July 2010, the United States Designated/Elected Office (DO/EO/US) issued a "Notification Of missing Requirements" (Form PCT/DO/EO/905) requiring submission of an oath or declaration in compliance with 37 CFR 1.497 and the surcharge for filing the oath or declaration later than thirty months after the priority date.

On 13 September 2010, applicant filed a response to the Notification Of Missing Requirements that included payment of the required surcharge and the declaration executed on behalf of deceased sole inventor Frode ANDERSON considered herein under 37 CFR 1.42 and 1.497.

DISCUSSION

37 CFR 1.42 states in part:

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

Section 409.01(a) of the MPEP states that the application can also be executed by all of the heirs of the deceased inventor, where no legal representative has been appointed or is required to be appointed by law.

37 CFR 1.497(b)(2) states:

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

Pursuant to 37 CFR 1.497(b)(2), the citizenship for **both** the deceased inventor and the legal representative (or all the heirs) must be identified on the declaration, as well as the mailing address and residence information of the legal representative and all other information required under 37 CFR 1.497.

Here, the declaration filed 13 September 2010 includes a signature box setting forth the required citizenship of the deceased inventor. The signature box has been signed by Annette Andersen Lau, who is identified in the accompanying Probate Court Certificate as the administrator of the deceased inventor's estate. However, the declaration document itself does not "state the relationship of the person[s] to the inventor" (i.e., "administrator", "legal representative" or "sole heir"), as required by 37 CFR 1.497(b)(2). In addition, the declaration document fails to include a clear statement of the "citizenship, residence, and mailing address" of the legal representative, as also required by 37 CFR 1.497(b)(2) (the declaration appears to set forth the address of the legal representative, but the address is not clearly legible, and there is no statement of her citizenship).

Applicant must provide a revised declaration executed by the legal representative of the deceased inventor (or all his heirs) that includes all required information, including a statement of the relationship of the person signing the declaration to the inventor (i.e., "administrator," "legal representative" or "sole heir") and a legible statement of the citizenship, residence, and mailing address of the legal representative (as well as the citizenship of the deceased inventor).

CONCLUSION

Applicant's request for status under 37 CFR 1.42 is **DISMISSED** without prejudice.

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

A proper response must include a revised declaration executed by the legal representative or all the heirs of the deceased inventor that includes all the information required by 37 CFR 1.497, as discussed above.

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

/RichardMRoss/

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

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JAN 25 2011

PCT LEGAL ADMINISTRATION

JAMES C. WRAY
1493 CHAIN BRIDGE ROAD
SUITE 300
MCLEAN VA 22101

In re Application of:
ANDERSON, Frode
U.S. Application No.: 12/735,204
PCT No.: PCT/DK2008/050319
Int. Filing Date: 18 December 2008
Priority Date: 21 December 2007
Attorney's Docket No.: PATRADE
For: RELEASE MECHANISM FOR A SHEET WINDLASS HANDLE

DECISION REGARDING RENEWED SUBMISSION UNDER 37 CFR 1.42

This decision is issued in response to the "Response" filed 08 December 2010, treated herein as a renewed submission under 37 CFR 1.42. No petition fee is required.

BACKGROUND

The procedural background for this application was set forth in the decision mailed on 13 October 2010. The decision dismissed without prejudice applicants' request for status under 37 CFR 1.42 with respect to deceased inventor Frode ANDERSON. Specifically, the decision stated that the declaration filed by applicant was not acceptable because it did not include all required information regarding the person signing the declaration on behalf of the deceased inventor.

On 08 December 2010, applicant filed the "Response" considered herein, accompanied by a revised declaration.

DISCUSSION

The revised declaration filed on 08 December 2010 has been executed on behalf of the deceased inventor by his legal representative Annette Anderson-Lau. The declaration specifically identifies Annette Anderson-Lau as the legal representative of the deceased inventor, and it includes all information required by 37 CFR 1.497(b)(2) with respect to the legal representative, that is, the legal representative's citizenship, residence, and post office address. The declaration also sets forth the citizenship of the deceased inventor. In view of the above, the revised declaration filed 29 September 2010 is acceptable under 37 CFR 1.42 and 1.497.

CONCLUSION

Applicant's renewed request for status under 37 CFR 1.42 with respect to deceased sole inventor Frode ANDERSON is **GRANTED**.

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

/RichardMRoss/

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

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/735,212	09/27/2010	Alfio Bucceri	FISHER-GG-PCT-US	5881

28862 7590 11/15/2011

HUDAK, SHUNK & FARINE, CO., L.P.A.
2020 FRONT STREET
SUITE 307
CUYAHOGA FALLS, OH 44221

EXAMINER	
BECKER, DREW E	
ART UNIT	**PAPER NUMBER**
1782	

MAIL DATE	DELIVERY MODE
11/15/2011	PAPER

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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CST

November 15, 2011

In re application of	:	DECISION ON REQUEST TO
Alfio Bucceri	:	PARTICIPATE IN PATENT
Serial No. 12/735,212	:	PROSECUTION HIGHWAY
Filed: September 27, 2010	:	PILOT PROGRAM AND
For: FROZEN BEVERAGE DEVICE	:	PETITION TO MAKE SPECIAL
	:	UNDER 37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program filed August 30, 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 IPAU, note where the IPAU 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 IPAU application with similar claims and the IPAU priority application;

(2) Applicant must submit a copy of the allowable/patentable claim(s) from the IPAU application(s);

(3) Applicant must 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 IPAU application(s);

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

(5) Applicant must submit a copy of all the office action from each of the IPAU application(s) containing the allowable claims that are the basis for the request; and

(6) Applicant must submit:
   a. An IDS listing the documents cited by the IPAU examiner in the IPAU 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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R. NEIL SUDOL
COLEMAN SUDOL SAPONE, P.C.
714 COLORADO AVENUE
BRIDGE PORT, CT 06605-1601

MAILED
SEP 27 2011
PCT LEGAL ADMINISTRATION

In re Application of:
PRESTEGARD, James
PCT Application No.: PCT/US2009/000074
US Application No.: 12/735,241
Int. Filing Date: 07 January 2009
Priority Date claimed: 08 January 2008
Atty Docket No.: G25-104us
For: UPPER STACK FOR A NUCLEAR MAGNETIC RESONANCE SPECTROMETER APPARATUS AND ASSOCIATED METHOD OF OPERATING A NUCLEAR MAGNETIC RESONANCE SPECTROMETER APPARATUS

DECISION

UNDER

37 CFR 1.182

This decision is in response to applicant's "PETITION UNDER 37 CFR 1.182, TO CORRECT INTERNATIONAL APPLICATION NUMBER TO THE PROPER SERIAL NUMBER" received on 06 September 2011.

On 24 June 2010, applicant filed papers to initiate a U.S. national stage application. This submission included, among other materials, a preliminary amendment, a declaration and payment of the basic national fee. The materials filed by applicants, including the Transmittal Letter (PTO-1390), identified the international application number as PCT/EP2009/000074. However, the declaration indicated the international application number as **PCT/US2009/000074**.

Based on applicant's error and USPTO processing procedures, the application file was initiated in the USPTO PALM system as the U.S. national stage of PCT/EP2009/000074.

NOTIFICATION

In order to correct applicants' error, a grantable petition under 37 CFR 1.182 is required to correct the record with regard to the inconsistent international application numbers provided by applicants. The petition must include the following: (1) payment of the $400 petition fee; (2)

a statement confirming the correct international application number; and (3) an indication that the correct international application number was included somewhere in the national stage application papers filed prior to the expiration of thirty months from the priority date.

With regard to item (1), the fee has been paid.

With regard to items (2) and ((3), applicant has provided the correct international application number in the oath or declaration within the expiration of thirty months from the priority date.

CONCLUSION

For this reason, applicant's petition under 37 CFR 1.182 is **GRANTED**.

This application is being referred to the National Stage Processing (DO/EO/US) for further processing in accordance with this decision. The 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date is 24 June 2010.

Shian Luong
PCT Special Programs Examiner
Office of PCT Legal Administration
Telephone: (571) 272-4557

Bryan Lin
PCT Legal Examiner
Office of PCT Legal Administration

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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Davidson, Davidson & Kappel, LLC
485 7th Avenue
14th Floor
New York NY 10018

MAILED

SEP 09 2011

PCT LEGAL ADMINISTRATION

In re Application of :
SHIN et al. :
Application No.: 12/735,242 : DECISION ON PETITION
PCT No.: PCT/KR2007/006792 : UNDER 37 CFR 1.137(b)
Int. Filing Date: 24 December 2007 :
Priority Date: None :
Attorney Docket No.: 423.1063 :
For: PROCESS FOR PRODUCING :
RECOMBINANT PROTEIN USING
NOVEL FUSION PARTNER

The petition to revive under 37 CFR 1.137(b) filed 22 July 2011 in the above-captioned application is hereby **GRANTED** as follows:

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

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

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

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

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30593
HARNESS, DICKEY & PIERCE, P.L.C.
P.O. Box 8910
Reston, VA 20195

MAILED

DEC 01 2010

PCT LEGAL ADMINISTRATION

In re Application of :
GUERRA, Giancarlo :
Application No.: 12/735,285 :
PCT No.: PCT/IT2008/000819 :
Int. Filing Date: 30 December 2008 :
Priority Date: 10 January 2008 :
Attorney Docket No.: 15819-000002/US/NP :
For: HANDLING DEVICE FOR DRIVING, IMMERSING, REMOVING, OR ROTATING MOTOR VEHICLE BODYWORKS INTO OR FROM A PROCESSING BASIN OR BASINS :

DECISION

This is a decision on the declaration filed on 24 September 2010 which is treated as a petition under 37 CFR 1.42. No fee is required.

BACKGROUND

On 29 July 2010, a Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US) (Form PCT/DO/EO/905) was mailed indicating that a declaration in compliance with 37 CFR 1.497(a) and (b) and a surcharge fee was required.

On 24 September 2010, applicant filed the instant response which was accompanied by, *inter alia*, a declaration signed by the legal representative of the deceased inventor.

DISCUSSION

Applicants have furnished a declaration signed by the legal representative of the deceased inventor, Giancarlo GUERRA.

37 CFR 1.42 states, in part:

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

This declaration is not acceptable for the following reason.

37 CFR 1.497(a)(3) requires that the citizenship of each inventor be listed on the declaration. 37 CFR 1.497(b)(2) states that the citizenship, residence, and mailing address of the legal representative of an inventor must also be recorded on the declaration.

Here, the required information for the legal representative is listed on the declaration. However, the citizenship of the deceased inventor is not recorded on the declaration as required.

CONCLUSION

Applicant's petition under 37 CFR 1.42 is **DISMISSED** without prejudice.

Applicant is required to provide an oath or declaration in compliance with 37 CFR 1.497(a) and (b) within a time limit of **TWO (2) MONTHS** from the mail date of this decision. Extension of time may be granted under 37 CFR 1.136(a).

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

James Thomson
Attorney Advisor
Office of PCT Legal Administration

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P.O. Box 8910
Reston, VA 20195

MAILED

APR 0 1 2011

PCT LEGAL ADMINISTRATION

In re Application of
GUERRA, Giancarlo
Application No.: 12/735,285
PCT No.: PCT/IT2008/000819
Int. Filing Date: 30 December 2008
Priority Date: 10 January 2008
Attorney Docket No.: 15819-000002/US/NP
For: HANDLING DEVICE FOR DRIVING, IMMERSING, REMOVING, OR ROTATING MOTOR VEHICLE BODYWORKS INTO OR FROM A PROCESSING BASIN OR BASINS

DECISION

This is a decision on the "Request for Reconsideration" filed 01 February 2011 which is treated as a renewed petition under 37 CFR 1.42.

BACKGROUND

On 01 December 2010, a decision dismissing applicant's petition under 37 CFR 1.42 was mailed. Applicant was given two months to respond with extensions of time available.

On 01 February 2011, applicant filed the instant response which was accompanied by, *inter alia*, an executed declaration signed by the legal representative of the deceased sole inventor.

DISCUSSION

In the prior decision, it was noted that the declaration provided 24 September 2010 did not comply with the requirements of 37 CFR 1.497(a) and (b) as the citizenship of the deceased inventor was not recorded on the declaration.

In the subject response, applicant provided a new declaration signed by the legal representative of the sole inventor, Giancarlo GUERRA.

A review of the new declaration shows that the name and citizenship of the deceased inventor are recorded as required. In addition, the citizenship, residence and address of the legal representative are also listed on the declaration.

The declaration filed 01 February 2011 is in compliance with 37 CFR 1.497(a) and (b).

CONCLUSION

The papers filed under 37 CFR 1.42 are **ACCEPTED**.

Applicant has completed the requirements for acceptance under 35 U.S.C. 371(c). The application has an international filing date of 30 December 2008 under 35 U.S.C. 363, and a 35 U.S.C. 371 date of 01 February 2011.

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

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United States Patent and Trademark Office

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PCT LEGAL ADMINISTRATION

M A Ervin & Associates
8202 Talbot Cove
Austin TX 78746

In re Application of	:	
Chung	:	
Application No.: 12/735,356	:	DECISION
PCT No.: PCT/US2009/000318	:	
Int. Filing Date: 17 January 2009	:	ON
Priority Date: 18 January 2008	:	
Attorney Docket No.: MAE-ST117US	:	PETITION
For: Methods And Systems For Extending The Range For Fiber Optic Distributed Temperature (DTS) Systems	:	

This is in response to the renewed petition under 37 CFR 1.47(a) filed on 09 September 2010.

BACKGROUND

This international application was filed on 17 January 2009, claimed an earlier priority date of 18 January 2008, and designated the U.S. The 30 month time period for paying the basic national fee in the United States expired at midnight on 19 July 2010 (since 18 July 2010 was a Sunday). Applicants filed *inter alia* the basic national fee on 08 July 2010.

On 21 July 2010, a Notification of Missing Requirements (Form PCT/DO/EO/905) was mailed to applicants, requiring the submission of an oath or declaration compliant with 37 CFR 1.497(a) and (b) and the surcharge under 37 CFR 1.492(h).

DISCUSSION

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

Regarding **requirement (1)**, the $200.00 petition fee has been paid.

Regarding **requirement (2)**, petitioner states that "Patent prosecutor representing applicant SensorTran, Inc. has called and left voice mail messages and sent e-mails (attached) to no avail. The fourth inventor (Michael Sanders) has chosen to not answer." Petitioner has attached copies of emails sent to Mr. Sanders on 09 June 2010 and 26 June 2010. However, it is not clear that Mr. Sanders was presented with a complete copy of the application and an oath or declaration for his signature. It is also not clear whether such correspondence was sent to him at his last known address. Therefore, it would not be appropriate to construe his failure to return an executed oath or declaration as a refusal within the meaning of 37 CFR 1.47(a).

Petitioner also has not shown that Mr. Sanders cannot be found or reached after diligent effort. For instance, was correspondence sent to him at his last known address? Were telephone directory searches, internet searches, or other efforts made to ascertain new contact information

for him? *See* MPEP 409.03(d). For these reasons, it would not be appropriate to conclude, on the basis of the present record, that requirement (2) has been satisfied.

Regarding **requirement (3)**, the petition indicates the last known address of the non-signing joint inventor.

Regarding **requirement (4)**, the declaration filed under PCT Rule 4.17(iv) satisfies this requirement.

DECISION

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

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

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

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

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MAR 28 2011

PCT LEGAL ADMINISTRATION

M A Ervin & Associates
8202 Talbot Cove
Austin TX 78746

In re Application of :
Lee et al. :
Application No.: 12/735,356 : DECISION
PCT No.: PCT/US2009/000318 :
Int. Filing Date: 17 January 2009 : ON
Priority Date: 18 January 2008 :
Attorney Docket No.: MAE-ST117US : PETITION
For: Methods And Systems For Extending The Range :
For Fiber Optic Distributed Temperature (DTS) Systems :

This is in response to the renewed petition under 37 CFR 1.47(a) filed on 18 January 2011.

DISCUSSION

In a Decision mailed on 18 November 2010, the petition under 37 CFR 1.47(a) filed on 09 September 2010 was dismissed, without prejudice, because requirement (2) had not been satisfied.

In response, petitioner affirmatively states that it is not the case that Mr. Sanders cannot be found or reached, but instead that he has in effect refused to execute the application. Petitioner describes efforts undertaken to obtain Mr. Sanders' signature of the application, including a telephone conversation on 04 January 2011. Petitioner indicates that, as a result of that conversation, he sent copies of "the applications" and "the declarations" to Mr. Sanders via email. A copy of the email has been provided. It is noted that said email does not specify the application in question by, e.g., application number, but does refer to a title similar to the title of the instant application.

Petitioner also provides a copy of an email from Mr. Sanders, dated 14 January 2011, in which Mr. Sanders appears to suggest that he has not yet been able to "review the documents and sign the declarations" referred to by petitioner, but "will hopefully review this weekend." Assuming *arguendo* that "the documents" and "the declarations" in question include a complete copy of the instant application and a declaration directed toward it, and that Mr. Sanders email tends to show that he received them, it is not clear that petitioner allowed sufficient time for Mr. Sanders to review the documents before filing the instant renewed petition. The instant petition was filed 14 days from the date of the transmission of the documents, and 4 days from the date Mr. Sanders indicated he "will hopefully review this weekend." Ordinarily, to ensure that sufficient time has been allotted, a non-signing inventor's failure to return an executed oath or declaration is not construed as a refusal prior to the elapse of at least 30 days from the date the inventor is presented with a complete copy of the application, and an oath or declaration for signature. As such, it would not be appropriate to conclude that requirement (2) has been satisfied at this time.

DECISION

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

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

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

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

United States Patent and Trademark Office

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AUG 05 2011

PCT LEGAL ADMINISTRATION

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Alexandria, VA 22313-1450
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MICHAEL A. ERVIN
8202 TALBOT COVE
AUSTIN TX 78746

In re Application of
Lee et al.
Application No.: 12/735,356
PCT No.: PCT/US2009/000318
Int. Filing Date: 17 January 2009
Priority Date: 18 January 2008
Attorney Docket No.: MAE-ST117US
For: Methods And Systems For Extending The Range For Fiber Optic Distributed Temperature (DTS) Systems

DECISION ON PETITION

This is in response to the renewed petition under 37 CFR 1.47(a) filed on 27 May 2011.

DISCUSSION

In a Decision mailed on 28 March 2011, the renewed petition under 37 CFR 1.47(a) filed on 18 January 2011 was dismissed, without prejudice, because requirement (2) had not been satisfied.

In response, petitioner has clarified the efforts undertaken to obtain Mr. Sanders' execution of the application, and described Mr. Sanders' conduct in response to those efforts. In view of the totality of the evidence presented, including petitioner's statements, it would be appropriate to conclude that requirement (2) has been satisfied. As such, all of the requirements for relief under 37 CFR 1.47(a) now have been met.

DECISION

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

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

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

This application is being returned to the Office of Patent Application Processing. Its date under 35 U.S.C. 371(c)(1), (2) and (4) is **08 July 2010**.

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

United States Patent and Trademark Office

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AUG 05 2011

PCT LEGAL ADMINISTRATION

Michael E. Sanders
3213 Smokey Ridge
Austin, TX 78730

In re Application of
Lee et al.
Application No.: 12/735,356
PCT No.: PCT/US2009/000318
Int. Filing Date: 17 January 2009
Priority Date: 18 January 2008
Attorney Docket No.: MAE-ST117US
For: Methods And Systems For Extending The Range For Fiber Optic Distributed Temperature (DTS) Systems

Dear Mr. Sanders:

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

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

Telephone inquiries regarding this communication should be directed to the undersigned at (571) 272-3283. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Requests for information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at (703) 308-9726 or 1(800) 972-6382 (outside the Washington D.C. area).

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

/George Dombroske/
George Dombroske
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MICHAEL A. ERVIN
8202 TALBOT COVE
AUSTIN TX 78746

- 1 OCT 2010

UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. Box 1450
Alexandria, VA 22313-1450
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The Dow Chemical Company
Intellectual Property Section
P.O. Box 1967
Midland MI 48641-1967

In re Application of	:	
TATE, James D., et al.	:	
Application No.: 12/735,360	:	
Int'l Filing Date: 09 May 2006	:	DECISION
Priority Date: 16 May 2005	:	
Attorney Docket No.: 64118A US	:	
For: EXCESS AIR CONTROL FOR CRACKER FURNACE BURNERS	:	

Applicant's petition under 37 CFR 1.137(b), filed in the United States Patent and Trademark Office on 12 May 2010, is **GRANTED**.

Applicant states that the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional, as required by 37 CFR 1.137(b)(3). The appropriate national fee and petition fee have been submitted. A terminal disclaimer is not required as the application was filed on or after 08 June 1995. Accordingly, all requirements under 37 CFR 1.137(b) have been satisfied.

This application is being referred to the National Stage Processing Branch of the Office of Patent Application Processing for continued processing in accordance with this decision.

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Telephone: 571-272-3292

UNITED STATES PATENT AND TRADEMARK OFFICE

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WELSH FLAXMAN & GITLER
2000 DUKE STREET , SUITE 100
ALEXANDRIA VA 22314

MAILED
MAY 23 2011
OFFICE OF PETITIONS

In re Application of	:	
Monika Reuter et al.	:	
Application No. 12/735,380	:	NOTICE
Filed: July 09, 2010	:	
Attorney Docket No. **A-11663**	:	

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28 May 04, 2011.

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

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

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

Inquiries related to this communication should be directed to the undersigned at (571) 272-2783.

/Tredelle D. Jackson/
Paralegal Specialist
Office of Petitions

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Robert D. Shedd,
THOMSON Licensing LLC
Patent Operations
P.O. Box 5312
Princeton NJ 08543-5312

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NOV 30 2011
PCT LEGAL ADMINISTRATION

In re Application of	:	DECISION ON
MASSOUDI et al	:	
Application No. 12/735,391	:	
PCT No.: PCT/EP2009/050521	:	
Int. Filing Date: 16 January 2009	:	
Priority Date: 17 January 2008	:	PETITION UNDER
Attorney's Docket No.: PF080007	:	
For: METHOD AND APPARATUS...	:	
DATA ENCRYTION	:	37 CFR 1.137 (b)

This decision is in response to applicants' "PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)," filed on 23 September 2011.

BACKGROUND

On 16 January 2009, this international application was filed, claiming an earliest priority date of 17 January 2008. The deadline for paying the basic national fee in the United States under 35 U.S.C. 371 and 37 CFR 1.495 was 17 July 2010.

On 12 July 2010, applicants filed a Transmittal letter for entry into the national stage in the United States, which was accompanied by, the basic national fee. No executed declaration or oath was filed at such time.

On 30 July 2010, the United States Designated/Elected Office mailed a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that the oath or declaration complying with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date." To avoid abandonment, the above items must be furnished within the time period set forth. The notification set a two month time limit or 32 months from the priority date for the application, whichever is later to respond.

On 12 May 2011, the United States Patent and Trademark Office mailed a Notice of Abandonment Under 37 CFR 1.53(f0 OR (g) for failure to timey or properly reply to the Notice to File Missing Parts (Notice), mailed 30 July 2010... No reply was received.

On 23 September 2011, applicant filed the instant petition under 37 CFR 1.137(b), which was accompanied by the petition fee and an executed declaration.

DISCUSSION

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

Petitioner has not provided: (1) the proper reply by submitting an executed declaration, (2) the petition fee set forth in §1.17(m) and (3) the proper statement under 137(b)(3).

In this application, no terminal disclaimer is required.

Accordingly, the petition is deemed to satisfy all the items under 37 CFR 1.137(b).

DECISION

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

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

Rafael Bacares
PCT Legal Examiner
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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.
12/735,405	07/13/2010	Noboru Ohtani	52433/1061	7173

26646 7590 11/23/2010

KENYON & KENYON LLP
ONE BROADWAY
NEW YORK, NY 10004

EXAMINER	
ART UNIT	PAPER NUMBER
2811	

MAIL DATE	DELIVERY MODE
11/23/2010	PAPER

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. Box 1450
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KENYON & KENYON LLP
ONE BROADWAY
NEW YORK NY 10004

In re Application of
OHTANI et al.
Application No.: 12/735,405
Filed: 13 July 2010
Attorney Docket No.: 52433/1061
For: SINGLE-CRYSTAL SILICON CARBIDE INGOT, AND SUBSTRATE AND EPITAXIAL WAFER OBTAINED THEREFROM

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

PTO/SB/20PCT-EP (05-10)
Approved for use through 01/31/2012. OMB 0651-0058
U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

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

Application No:	12/735,409	Filing date:	July 14, 2010
First Named Inventor:	Jorgen HALLUNDBAEK		
Title of the Invention:	A SEQUENCE VALVE AND A DOWNHOLE TRACTOR		

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/DK2009/050011

The international filing date of the corresponding PCT application(s) is/are: January 14, 2009

I. List of Required Documents:

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

☒ Is attached

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

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

☒ Is attached.

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

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

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

PTO/SB/20PCT-EP (05-10)
Approved for use through 01/31/2012. OMB 0651-0058
U.S.Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

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

(continued)

Application No.:	12/735,409
First Named Inventor:	Jorgen HALLUNDBAEK

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

☐ Is attached

☒ Has already been filed in the above-identified U.S. application on July 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 July 14, 2010

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1	1	substantially the same
2	2	substantially the same
3	3	substantially the same, but multiple dependency eliminated
4	4	substantially the same
5	5	substantially the same, but multiple dependency eliminated
6	6	substantially the same, but multiple dependency eliminated

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

Signature /Paul T. Bowen/	Date December 13, 2010
Name (Print/Typed) Paul T. Bowen/	Registration Number 38,009

Claims

1. Sequence valve for use in a hydraulic system, which sequence valve has a pressure-controlled sliding part (5) with a return spring and in a starting position defines a first cavity (10), which cavity is connected with a tank and the hydraulic system, and in a second, pressurised position closes off the connection with the tank, the cavity being connected to a second cavity (18) via a channel (15, 16, 17) in the sliding part, and the second cavity being adapted to be connected with a pump via a throttle (20) and positioned on the same side of the sliding part as the spring (7),
wherein the sequence valve has a third cavity (19), which is adapted to be connected with the pump and is positioned on a side of the sliding part opposite the spring, and wherein the second and the third cavity are connected with each other via a throttle with a flow channel.

2. Sequence valve according to claim 1, wherein the throttle is positioned centrally in the sliding part.

3. Hydraulic system for running both a first (28-31) and a second engine (24-27), the first engine being larger than the second engine, which engines via each their pressure-controlled sequence valve (35, 38) are connected with a first pump (21) and a second pump (22), respectively, wherein the sequence valve of the second pump is a sequence valve according to claim 1 or 2, whereas the sequence valve of the first pump is controlled by the pressure of fluid between the sequence valve of the second pump and the corresponding second engines.

4. Hydraulic system according to claim 3, comprising a plurality of first engines and a plurality of second engines.

5. Downhole tractor comprising a sequence valve according to claim 1 or 2.

6. Downhole tractor comprising a hydraulic system according to claim 3 or 4.

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 P1053PC00	**FOR FURTHER ACTION**	See item 4 below
International application No. PCT/DK2009/050011	International filing date *(day/month/year)* 14 January 2009 (14.01.2009)	Priority date *(day/month/year)* 16 January 2008 (16.01.2008)
International Patent Classification (8th edition unless older edition indicated) See relevant information in Form PCT/ISA/237		
Applicant WELLTEC A/S		

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

2. This REPORT consists of a total of 7 sheets, including this cover sheet.

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

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

☒	Box No. I	Basis of the report
☐	Box No. II	Priority
☐	Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
☐	Box No. IV	Lack of unity of invention
☒	Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
☐	Box No. VI	Certain documents cited
☒	Box No. VII	Certain defects in the international application
☒	Box No. VIII	Certain observations on the international application

4. The International Bureau will communicate this report to designated Offices in accordance with Rules 44*bis*.3(c) and 93*bis*.1 but not, except where the applicant makes an express request under Article 23(2), before the expiration of 30 months from the priority date (Rule 44*bis* .2).

	Date of issuance of this report 20 July 2010 (20.07.2010)
The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland Facsimile No. +41 22 338 82 70	Authorized officer Nora Lindner e-mail: pt11.pct@wipo.int

Form PCT/IB/373 (January 2004)

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

To:

see form PCT/ISA/220

PCT

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43*bis*.1)

Date of mailing
(day/month/year) see form PCT/ISA/210 (second sheet)

Applicant's or agent's file reference
see form PCT/ISA/220

FOR FURTHER ACTION
See paragraph 2 below

International application No.	International filing date *(day/month/year)*	Priority date *(day/month/year)*
PCT/DK2009/050011	14.01.2009	16.01.2008

International Patent Classification (IPC) or both national classification and IPC
INV. F15B13/07

Applicant
WELLTEC A/S

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

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

2. **FURTHER ACTION**

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

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

For further options, see Form PCT/ISA/220.

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

Name and mailing address of the ISA:	Date of completion of this opinion	Authorized Officer
European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465	see form PCT/ISA/210	Busto, Mario Telephone No. +49 89 2399-6936

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/DK2009/050011

Box No. I Basis of the opinion

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

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

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

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

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

   a. type of material:

      ☐ a sequence listing

      ☐ table(s) related to the sequence listing

   b. format of material:

      ☐ on paper

      ☐ in electronic form

   c. time of filing/furnishing:

      ☐ contained in the international application as filed.

      ☐ filed together with the international application in electronic form.

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

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

5. Additional comments:

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

1. Statement

Novelty (N)	Yes:	Claims	1-6
	No:	Claims	
Inventive step (IS)	Yes:	Claims	1-6
	No:	Claims	
Industrial applicability (IA)	Yes:	Claims	1-6
	No:	Claims	

2. Citations and explanations

see separate sheet

Box No. VII Certain defects in the international application

The following defects in the form or contents of the international application have been noted:

see separate sheet

Box No. VIII Certain observations on the international application

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

see separate sheet

Re Item V

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

Reference is made to the following document:

D1: US-A-2 598 233 (DEARDORFF CLINTON E) 27 May 1952 (1952-05-27)

INDEPENDENT CLAIM.

1. The document D1 is regarded as being the closest prior art to the subject-matter of claim 1, and shows (the references in parentheses applying to this document):

Sequence valve for use in a hydraulic system, which sequence valve has a pressure-controlled sliding part (24) with a return spring (25) and in a starting position defines a first cavity (19), which cavity is connected with a tank (3) and the hydraulic system (2), and in a second, pressurised position closes off the connection with the tank (3), a second cavity (23) being adapted to be connected with a pump (4) via a throttle (34) and positioned on the same side of the sliding part as the spring (35), wherein the sequence valve has a third cavity (16), which is adapted to be connected with the pump (4) and is positioned on a side of the sliding part (24) opposite the spring (25), and wherein the second and the third cavity (23,16) are connected with each other via a throttle (34) with a flow channel.

1.1. The subject-matter of claim 1 differs from this known device in that the first cavity being connected to a second cavity via a channel in the sliding part.

The subject-matter of claim 1 is therefore new (Article 33(2) PCT).

1.2. The problem to be solved by the present invention may be regarded as to provide an improved sequence valve which enables the pump to start slowly, which enables the engine driving this pump to start lightly at low energy consumption, thus making it cheap to run.

1.3. The solution to this problem proposed in claim 1 of the present application is considered as involving an inventive step (Article 33(3) PCT) for the following reasons:

when starting the pump slowly, the fluid flowing through the throttle, which constitutes a short flow channel, is independent of the viscosity. A throttle is thus formed from which the fluid flows to the first cavity and/or to the tank and the connected engines in the hydraulic system. As the pressure builds up, the sliding part is forced against the spring, by which the connection to the tank is closed off and the hydraulic system is filled through the second chamber and via the channel in the sliding part, with a compact and easy architecture.

DEPENDENT CLAIMS.

2. Claims 2-6 are dependent on claim 1 , and as such also meet the requirements of the PCT with respect to novelty and inventive step.

INDUSTRIAL APPLICABILITY.

3. The subject-matter of claims 1-6 can be manufactured in industry, and thus looked upon as being industrially applicable.

Re Item VII

4. Contrary to the requirements of Rule 5.1(a)(ii) PCT, the relevant background art disclosed in the document 1 is not mentioned in the description, nor is this document identified therein.

4.1. Independent claim 1 is not in the two-part form in accordance with Rule 6.3(b) PCT, which in the present case would be appropriate, with those features known in combination from the prior art (document D1) being placed in the preamble (Rule 6.3(b)(i) PCT) and with the remaining features being included in the characterising part (Rule 6.3(b)(ii) PCT).

Re Item VIII

5. The application does not meet the requirements of Article 6 PCT, because claim 1 is not clear.

5.1. In claim 1, line 7, it seems that "the cavity being connected..." should read "said first cavity (10) being connected...".

5.2. In claim 1, lines 9 and 14, it is not clear whether "throttle (20)" at line 9 and the "throttle with a flow channel" at line 14 are the same or two different ones (in carrying out the search it was considered that these two throttles are the same).

5.3. At page 5, lines 6-9 of the description, the reference (20) is referred to a "diaphragm", where generally it seems that a throttle or orifice should be meant.

*****

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.
12/735,409	07/14/2010	Jorgen HallundbÆk	PTB-5544-5	8388

23117 7590 02/16/2011
NIXON & VANDERHYE, PC
901 NORTH GLEBE ROAD, 11TH FLOOR
ARLINGTON, VA 22203

EXAMINER	
THOMPSON, KENNETH L	

ART UNIT	PAPER NUMBER
3672	

MAIL DATE	DELIVERY MODE
02/16/2011	PAPER

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

FEB 16 2011

Commissioner for Patents
United States Patent and Trademark Office
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NIXON & VANDERHYE, PC
901 NORTH GLEBE ROAD, 11TH FLOOR
ARLINGTON VA 22203

In re application of Jorgen Hallundbaek Filed: July 14, 2010 Application No. 12/735,409 For: SEQUENCE VALVE AND A DOWNHOLE TRACTOR	:	**DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(a)**

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed December 13, 2010, to make the above-identified application special.

The request and petition are **GRANTED**.

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

(1) The U.S. application must disclose an eligible relationship to one or more PCT applications filed in the EPO or USPTO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the PCT application(s) latest international work product (the written opinion or the IPER) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the PCT application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of the latest international work product from the PCT application containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;
(6) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

In light of the petition being properly submitted via EFS-Web as is required, the request to participate in the PPH program complies with the above requirements, the above-identified application has been accorded "special" status.

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

The application is being forwarded to the examiner for action on the merits commensurate with this decision as soon as any pre-exam processing has been completed.

Any inquiry regarding this decision should be directed to Mikado Buiz, Quality Assurance Specialist, at (571) 272-6578.

/ Mikado Buiz /

Mikado Buiz,
Quality Assurance Specialist
Technology Center 3600

MB/MB: 02/16/11

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Robert D. Shedd, Patent Operations
THOMSON Licensing LLC
P.O. Box 5312
Princeton NJ 08543-5312

MAILED

JUL 28 2011

PCT LEGAL ADMINISTRATION

In re Application of :
YANG, et al. :
Application No.: 12/735,427 : DECISION ON PETITIONS
PCT No.: PCT/US2009/000200 :
Int. Filing Date: 13 January 2009 : UNDER 37 CFR 1.182 AND
Priority Date: 18 January 2008 :
Attorney's Docket No.: PU080007 : 37 CFR 1.137(b)
For: METHOD FOR ASSESSING PERCEPTUAL :
QUALITY :

This decision is issued in response to applicant's petition pursuant to 37 CFR 1.182 and petition to revive under 37 CFR 1.137(b) filed 13 July 2011 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 28 March 2011, applicant was mailed a communication detailing the discrepancy between international application number entered on the form PTO-1390 transmittal letter filed 15 July 2010 and other papers such as the filed declaration and preliminary amendment. Applicant was afforded two months to file a response resolving the inconsistency.

On 29 June 2011, applicant was mailed a notification of abandonment for failure to respond to the notice mailed 28 March 2011.

On 13 July 2011, applicant filed the petitions considered herein.

DISCUSSION

I. Petition under 37 CFR 1.182

Applicants confirm that the correct international application is PCT/US2009/000200. An examination of the papers filed 15 July 2010 finds that this international application number was listed on the filed declaration and preliminary amendment. Applicant's present submission included the required petition fee to correct applicant's clerical error. Accordingly, these materials satisfy the requirements for a grantable petition to correct applicant's error in the bibliographical data filed 15 July 2010 and to permit such materials to be treated as having been directed to international application PCT/US2009/000200.

II. Petition Under 37 CFR 1.137(b)

The petition to revive under 37 CFR 1.137(b) filed 03 June 2011 in the above-captioned application is hereby **GRANTED** as follows:

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

A review of the application file reveals that applicant has now provided a proper response in the form of the grantable 37 CFR 1.182 petition. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

CONCLUSION

For the reasons detailed above, applicant's petitions under 37 CFR 1.182 and 37 CFR 1.137(b) are **GRANTED**.

As requested, the international application number, title of invention, and continuity data have been corrected and are now associated with PCT/US2009/000200.

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

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

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JUL 26 2011

PCT LEGAL ADMINISTRATION

Wooten & Shaddock, PLC / Alliant Techsystems Inc.
1435 Crossways Boulevard
Suite 303
Chesapeake VA 23320

In re Application of	:	
STORMS, Jr., et al.	:	
Application No.: 12/735,479	:	DECISION
PCT No.: PCT/US2009/000243	:	
International Filing Date: 15 January 2009	:	
Priority Date: 22 January 2008	:	
Attorney Docket No.: 729-429	:	
For: RELEASABLE VEST	:	

This decision is in response to applicants' "REQUEST FOR CORRECTION OF ERRONEOUS PAYMENT OF SMALL ENTITY FEES UNDER 37 C.F.R. 1.28(c)" filed 09 May 2011.

Applicants' request complies with 37 CFR 1.28 (c)(1)-(c)(2). Thus, the error in small entity status is excused and applicants' request is **GRANTED**. (The fee under 37 CFR 1.492(h) charged by the USPTO on 25 October 2010 was for a small entity. The difference ($65) between the fee for a large entity and the fee for a small entity will be charged to the credit card on file for the instant application.)

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

/Daniel Stemmer/

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

UNITED STATES PATENT AND TRADEMARK OFFICE

21 SEP 2010

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COLLARD & ROE, P.C.
1077 NORTHERN BOULEVARD
ROSLYN, NY 11576

In re Application of PUTSCH	:	
U.S. Application No.: 12/735,488	:	
PCT Application No.: PCT/EP2009/050135	:	
Int. Filing Date: 07 January 2009	:	DECISION
Priority Date Claimed: 09 January 2008	:	
Attorney Docket No.: PUTSCH-1 PCT	:	
For: PLIERS AS MIDDLE CUTTER OR SIDE CUTTER	:	

This is in response to applicant's "Petition for Revival of an International Application for Patent Designating the U.S. Abandoned Unintentionally Under 37 CFR 1.137(b)" filed 21 July 2010.

BACKGROUND

On 07 January 2009, applicant filed international application PCT/EP2009/050135, which claimed priority of an earlier Germany application filed 09 January 2008. A copy of the international application was communicated to the USPTO from the International Bureau on 16 July 2009. The thirty-month period for paying the basic national fee in the United States expired on 09 July 2010.

On 10 July 2010, international application PCT/EP2009/050135 became abandoned as to the United States for failure to timely pay the basic national fee.

On 21 July 2010, applicant filed the present petition under 37 CFR 1.137(b).

DISCUSSION

Under 37 CFR 1.137(b), a petition requesting that an application be revived on the grounds of unintentional abandonment must be accompanied by: (1) the required reply unless previously filed, (2) the petition fee as set forth in 37 CFR 1.17(m), (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional, and (4) a terminal disclaimer if the application was filed before 08 June 1995.

With regard to item (1), applicant has provided the required reply under 35 U.S.C. 371.

With regard to item (2), applicant has provided the required petition fee.

With regard to item (3), applicant has provided the required statement.

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

CONCLUSION

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

The application has an International Filing Date under 35 U.S.C. 363 of 07 January 2009, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 31 August 2010.

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

Bryan Lin

Bryan Lin
PCT Legal Examiner
PCT Legal Office

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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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MARSHALL & MELHORN, LLC
FOUR SEAGATE - EIGHTH FLOOR
TOLEDO OH 43604

MAILED
SEP 28 2011
OFFICE OF PETITIONS

In re Application of :
EHRICK, Michael R. :
Application No. 12/735,495 : DECISION ON PETITION
Filed: July 21, 2010 : UNDER 37 CFR 1.78(a)(6)
Attorney Docket No. 1-17783 :

This is a decision on the petition under 37 CFR § 1.78(a)(6), filed July 25, 2011, to accept an unintentionally delayed claim under 35 U.S.C. § 119(e) for benefit of priority to the prior-filed provisional application set forth in the concurrently filed amendment.

The petition is **DISMISSED AS MOOT**.

The petition is accompanied by an amendment to the first sentence of the specification following the title to include a reference to the prior-filed provisional application. While a reference to the prior-filed provisional application was not included in an Application Data Sheet (ADS) or in the first sentence of the specification following the title as required by the rules, a reference, nevertheless, was made in the international application.

Where a claim for priority under 37 CFR § 1.78(a)(6) is not included in the first sentence of the specification or in an ADS but does appear elsewhere and the Office notes the claim for priority, no petition will be required to accept a late claim for priority. This is because the application would have been scheduled for publication on the basis of the information concerning the claim submitted elsewhere in the application within the time period set forth in 37 CFR § 1.78(a)(5)(ii). On the other hand, if the USPTO does not note the claim for priority to the prior-filed applications set forth in the oath or declaration or transmittal letter submitted with the application, a petition will be required to accept a late claim for priority under 37 CFR § 1.78(a)(6).[1] In the present case, the Office noted the claim for priority to the prior-filed provisional application as shown by its inclusion on the filing receipt. However, it is noted that the nonprovisional application serial no. 12/735,495 was incorrectly cited as being a division of the provisional application serial no. 61/065,999. Therefore a corrected Filing Receipt, which

[1] *Note* MPEP 201.11 (III)(D) and 66 Federal Register 67087 at 67089 (Dec. 28, 2001), effective December 28, 2001.

includes a corrected priority claim to the prior-filed provisional application, accompanies this decision on petition.

In view of the above, the petition fee is unnecessary and petitioner's deposit account has not been charged.

Any questions concerning this decision on petition may be directed to Jose Dees at (571) 272-1569. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

This application is being referred to Technology Center AU 2622 for consideration by the examiner of applicant's entitlement to claim benefit of priority under 35 U.S.C. § 119(e) to the prior-filed application.

Bryan Lin
PCT Legal Examiner
Office of PCT Legal Administration

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
12/735,495	07/21/2010	2622	980	1-17783	18	2

CONFIRMATION NO. 3853

CORRECTED FILING RECEIPT

1678
MARSHALL & MELHORN, LLC
FOUR SEAGATE - EIGHTH FLOOR
TOLEDO, OH 43604

OC00000049595276

Date Mailed: 08/31/2011

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)

Michael R. Ehrick, Toledo, OH;

Assignment For Published Patent Application

PILINGTON GROUP LIMITED, ST. HELENS, UNITED KINGDOM

Power of Attorney: The patent practitioners associated with Customer Number 1678

Domestic Priority data as claimed by applicant

This application is a 371 of PCT/US09/00950 02/13/2009
which claims benefit of 61/065,999 02/15/2008

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: 08/26/2010

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 12/735,495**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

METHOD OF DETERMINATION OF GLASS SURFACE SHAPES AND OPTICAL DISTORTION BY REFLECTED OPTICAL IMAGING

Preliminary Class

348

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at http://www.uspto.gov/web/offices/pac/doc/general/index.html.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, http://www.stopfakes.gov. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where

the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign AssetsControl, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

UNITED STATES PATENT AND TRADEMARK OFFICE

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FLOYD B. CAROTHERS
CAROTHERS AND CAROTHERS
445 FORT PITT BLVD., SUIT 200
PITTSBURGH PA 15219

MAILED
JUN 24 2011
OFFICE OF PETITIONS

In re Application of	:	
Schamber et al.	:	
Application No. 12/735,499	:	ON PETITION
Filed: April 28, 2011		
Attorney Docket No. 4518 PCT US	:	
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed May 26, 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 (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 2881 for action on the merits commensurate with this decision.

/Joan Olszewski/
Joan Olszewski
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/735,549	10/12/2010	Masaharu Hatano	14793/9	6924

26646 7590 08/09/2011

KENYON & KENYON LLP
ONE BROADWAY
NEW YORK, NY 10004

EXAMINER	
ART UNIT	PAPER NUMBER
1733	

MAIL DATE	DELIVERY MODE
08/09/2011	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
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August 9, 2011 EL

In re application of : DECISION ON REQUEST TO
Hatano et al. : PARTICIPATE IN PATENT
Serial No. 12/735,549 : PROSECUTION HIGHWAY
Filed: October 12, 2010 : PROGRAM AND
For: **HIGH-PURITY FERRITIC STAINLESS STEEL WITH EXCELLENT CORROSION RESISTANCE AND WORKABILITY AND METHOD OF PRODUCTION OF SAME** : PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a) to make the above-identified application special filed June 29, 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 Emily M. Le, Supervisory Patent Examiner at (571) 272-0903.

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.

/Emily M. Le/

Emily M. Le
Supervisory Patent Examiner
Technology Center 1700

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KENYON & KENYON LLP
ONE BROADWAY
NEW YORK NY 10004

MAILED
JUL 15 2011
PCT LEGAL ADMINISTRATION

In re Application of :
BALOGH, et al. :
Application No.: 12/735,551 : DECISION ON PETITION
PCT No.: PCT/EP2009/000608 :
Int. Filing Date: 30 January 2009 : UNDER 37 CFR1.181
Priority Date: 04 February 2008 :
Attorney Docket No.: 12841/39 :
For: BRAKE SYSTEM AND VEHICLE :
COMPRISING SAID BRAKE SYSTEM :

This decision is in response to applicant's petition under 37 CFR 1.181 to withdraw the holding of abandonment filed 26 May 2011 in the United States Patent and Trademark Office (USPTO). No petition fee is required.

BACKGROUND

On 30 January 2009, applicant filed international application PCT/EP2009/000608 which claimed priority to a previous application filed 04 February 2008. A copy of the application was communicated from the International Bureau on 13 August 2009. Pursuant to 37 CFR 1.495, the deadline for submitting payment of the U.S. Basic National fee was to expire at midnight on 30 July 2010.

On 26 July 2010, applicant filed a transmittal letter for entry into the national stage in the United States, which was accompanied by the requisite basic national fee as required by 35 U.S.C. 371(c)(1).

On 25 August 2010, applicant was mailed a "Notification of Missing Requirements" (Form PCT/DO/EO/905) indicating that an executed oath or declaration of the inventors was required. Applicant was afforded two months to file a proper response.

On 12 May 2011, applicant was mailed a "Notification of Abandonment" (Form PCT/DO/EO/909) informing applicant that the application was abandoned for failure to provide a timely response to the Form PCT/DO/EO/905 mailed 25 August 2010.

On 26 May 2011, applicant filed the present petition under 37 CFR 1.181 indicating that the Form PCT/DO/EO/905 mailed 25 August 2010 was never received.

DISCUSSION

As detailed in Official Gazette notice 1156 OG 53 and the Manual of Patent Examining Procedure 711.03(c), a petition under 37 CFR 1.181 requesting relief based upon non-receipt of an office action must be accompanied by:

> A statement from the practitioner stating that the Office action was not received by the practitioner and attesting to the fact that a search of the file jacket and docket records indicates that the Office action was not received. A copy of the docket record where the non-received Office action would have been entered had it been received and docketed must be attached to and referenced in practitioner's statement.

Applicant has provided a statement from counsel that the Office Action was not received and that a review of the application file jacket and docket record does not indicate that the Form PCT/DO/EO/905 was received. In addition, applicant has detailed the docketing procedures of the firm and included pages from the firm's docketing record where the Office Action would have been docketed if received. As such, it is proper to grant applicant's petition at this time.

Further, a review of the papers presently filed finds that applicant has included a compliant, declaration of the inventors.

CONCLUSION

Applicant's petition under 37 CFR 1.181 is **GRANTED**.

The Form PCT/DO/EO/909 mailed 12 May 2011 is hereby **VACATED**.

The application has an international filing date of 30 January 2009 under 35 U.S.C. 363 and will be given a date of **26 May 2011** under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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HEAD, JOHNSON & KACHIGIAN
228 W 17TH PLACE
TULSA, OK 74119

MAILED
MAY 06 2011
OFFICE OF PETITIONS

In re Application of :
Kunyoung Kim, et al. :
Application No. 12/735,563 : NOTICE
Filed: July 27, 2010 :
Attorney Docket No. SAM435-906/10292 :

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

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

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

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

Inquiries related to this communication should be directed to the undersigned at (571) 272-1642.

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

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MAILED

FEB 08 2011

PCT LEGAL ADMINISTRATION

Mark Rodgers
1590 San Roque Road
Santa Barbara CA 93105

In re Application of:
SUHM, Werner, et al.
U.S. Application No.: 12/735,564
PCT No.: PCT/EP2009/000485
International Filing Date: 26 January 2009
Priority Date: 28 January 2008
Attorney's Docket No.: 0311002
For: METHOD AND DEVICE FOR CREATING A DEEP BOREHOLE

DECISION ON PETITION
(37 CFR 1.47(a))

This decision is issued in response to applicants' "Petition For Unsigned Inventor Under 37 CFR 1.47" filed 21 December 2010, treated herein under 37 CFR 1.47(a). Applicants have paid the required petition fee.

BACKGROUND

On 26 January 2009, applicants filed international application PCT/EP2009/000485. The international application claimed a priority date of 28 January 2008, and it designated the United States. On 06 August 2009, the International Bureau (IB) communicated a copy of the international application to the United States Patent and Trademark Office (USPTO). The deadline for submission of the basic national fee was thirty months from the priority date, i.e., 28 July 2010.

On 27 July 2010, applicants filed a Transmittal Letter requesting entry into the national stage in the United States accompanied by, among other materials, payment of the basic national fee and an English translation of the international application.

On 22 September 2010, the United States Designated/Elected Office (DO/EO/US) mailed a Notification Of Missing Requirement (Form PCT/DO/EO/905) stating that an oath or declaration in compliance with 37 CFR 1.497, the surcharge for filing the oath or declaration later than thirty months after the priority date, and payment of the search and examination fees were required.

On 21 December 2010, applicants filed a response to the Notification Of Missing Requirements (with required extension fee). The response included payment of the required surcharge and search and examination fees, a partially executed declaration document, and the "Petition For Unsigned Inventor Under 37 CFR 1.47" considered herein. The petition seeks

acceptance of the declaration without the signature of non-signing co-inventor Werner SUHM, whom applicants assert has refused to execute the declaration.

DISCUSSION

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

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

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

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

Applicants here have filed a six-page declaration document executed by three of the four inventors of record, and the declaration includes, as required, an unsigned signature block for the non-signing inventor, Werner SUHM. However, the declaration document is not acceptable as filed because it appears to be a compilation of multiple documents. See MPEP § 201.03(II)(B): "Where individual declarations are executed, they must be submitted as individual declarations rather than combined into one declaration." The compilation is evident from the inclusion of three different copies of the same "Additional Inventor(s), Supplemental Sheet, Page 1 of 1," each signed by a different inventor named thereon (only a single copy of the first three pages of the declaration was submitted). Applicants must provide copies of the complete declaration document executed by each of the three co-operating inventors, with each such declaration including all information required under 37 CFR 1.497 and an unsigned signature block for non-signing inventor Werner SUHM. Until the complete declarations are provided, item (3) of a grantable petition is not satisfied.

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

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

Here, the petition includes a statement from Philipp Wetzel, an attorney for the assignee, describing the efforts made to obtain the signature of the non-signing inventor. The statement includes Mr. Wetzel's firsthand confirmation that the inventor stated to him that he would not sign the provided declaration without additional compensation. However, the petition does not provide an acceptable showing that the inventor was provided with a copy of the complete application (including specification, claims, and drawings), as required before it can be concluded that the inventor has refused to execute the present application (the petition refers only to the declaration and assignment documents being forwarded to the inventor). In addition, no documentary support for the stated facts has been provided (e.g., copies of emails and the signature request letter(s) forwarded to the inventor). Before it can be concluded that the non-signing inventor has refused to execute the present application, petitioner must provide adequate supplemental materials, including a firsthand statement (with documentary support) confirming that a request for signature, accompanied by a copy of the complete application, has been delivered to the non-signing inventor and that the inventor has refused to provide the requested signature in response to such request. Until such additional materials are provided, item (4) of a grantable petition is not satisfied.

Based on the above, applicants have not satisfied all the requirements of a grantable petition under 37 CFR 1.47(a).

CONCLUSION

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

If reconsideration on the merits of the petition is desired, a proper response must be filed within **TWO (2) MONTHS** of the mail date of the present decision. Any request for reconsideration should be entitled "Renewed Petition Under 37 CFR 1.47(a)" and must include the additional materials required to satisfy items (3) and (4) of a grantable petition, as discussed above and in the MPEP. No additional petition fee is required.

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

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

/RichardMRoss/

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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MAILED

MAY 20 2011

PCT LEGAL ADMINISTRATION

Mark Rodgers
1590 San Roque Road
Santa Barbara CA 93105

In re Application of:
SUHM, Werner, et al.
U.S. Application No.: 12/735,564
PCT No.: PCT/EP2009/000485
International Filing Date: 26 January 2009
Priority Date: 28 January 2008
Attorney's Docket No.: 0311002
For: METHOD AND DEVICE FOR CREATING A DEEP BOREHOLE

DECISION
(37 CFR 1.47(a))

In a decision mailed by this Office on 08 February 2011, applicants' petition under 37 CFR 1.47(a) for acceptance of the application without the signature of co-inventor Werner SUHM was dismissed without prejudice. The decision indicated that applicants' had not satisfied all the requirements of a grantable petition.

On 31 March 2011, applicants filed the "Response To Dismissal Of Unsigned Inventor Petition" considered herein. The submission included a declaration executed by all of the inventors of record, including the previously non-signing inventor who was the subject of the petition under 37 CFR 1.47(a), Werner SUHM. This declaration is acceptable in compliance with 37 CFR 1.497(a) and (b).

Applicants have now submitted an executed declaration in compliance with 37 CFR 1.497(a) and (b) from each of the inventors of record. Accordingly, applicants' petition under 37 CFR 1.47(a) for acceptance of the declaration without the signature of all the inventors is appropriately **DISMISSED AS MOOT**.

This application is being forwarded to the National Stage Processing Branch of the PCT Operations Division for further processing in accord with this decision. The date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) is 31 March 2011.

/RichardMRoss/

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

United States Patent and Trademark Office

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NOV 16 2010

PCT LEGAL ADMINISTRATION

Cantor Colburn LLP - Fox Entertainment Group
20 Church Street
22nd Floor
Hartford CT 06103

In re Application of	:	
Setos	:	
Application No.: 12/735,566	:	DECISION
PCT No.: PCT/US2008/059852	:	
Int. Filing Date: 10 April 2008	:	ON
Priority Date: 10 April 2007	:	
Attorney Docket No.: FEG-0257US	:	PETITION
For: Time Dependent Replacement	:	
Of Stored Broadcast Content	:	

The petition to revive under 37 CFR 1.137(b) filed on 28 July 2010 in the above-captioned application is hereby **GRANTED** as follows:

Petitioner states that "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 C.F.R. 1.137(b) was unintentional." Said statement is being accepted in satisfaction of 37 CFR 1.137(b)(3).

A review of the application file reveals that applicant has paid the petition fee. The required reply has been filed. No terminal disclaimer is required. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the national stage in the United States of America.

This application is being returned to the Office of Patent Application Processing for further processing, including the preparation and mailing of a Notification of Missing Requirements (Form PCT/DO/EO/905) requiring the submission of an oath or declaration in compliance with 37 CFR 1.497(a) and (b) and the surcharge under 37 CFR 1.492(h).

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

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

PTO/SB/20PCT-EP (05-10)
Approved for use through 01/31/2012. OMB 0651-0058
U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

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

Application No:	12/735571	Filing date:	July 28, 2010
First Named Inventor:	Müller		
Title of the Invention:	METHOD AND DEVICE FOR CONTROLLING A PRINTING PRESS		

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/EP 2008/063474

The international date of the corresponding PCT application(s) is/are: October 8, 2008

I. List of Required Documents:

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

☐ Is attached

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

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

☐ Is attached.

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

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

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

PTO/SB/20PCT-EP (05-10)
Approved for use through 01/31/2012. OMB 0651-0058
U.S.Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

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

(continued)

Application No.:	12/735571
First Named Inventor:	Müller

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

☐ Is attached

☑ Has already been filed in the above-identified U.S. application on July 28, 20010

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

☐ Are attached.

☑ Have already been filed in the above-identified U.S. application on July 28, 2010

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
19 - 22	1 - 4	direct correspondence
23	5	U.S. amended to remove multiple dependency
24 - 34	6 - 16	direct correspondence
35	17	U.S. amended to remove multiple dependency
36	18	direct correspondence

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

Signature /drh/	Date August 23, 2010
Name (Print/Typed) Douglas R. Hanscom	Registration Number 26600

KARIN T. DUNN

GERMAN TRANSLATION AND LANGUAGE SERVICES
Certified by the American Translators Association

4706 OLDE FORGE CT., FAIRFAX, VA 22032
TELEPHONE, FAX: 703-426-1422 · DUNN6FAM@MSN.COM

Date: July 23rd, 2010

DECLARATION

The undersigned, Karin T. Dunn, hereby states that she is well acquainted with both the English and German languages and that the attached is a true translation to the best of her knowledge and ability of the German text of PCT/EP2008/063474, filed on 8 October 2008 and published on 20 August 2009 under No. WO 2009/100783 A2. The undersigned further states that the prosecution documents associated with PCT/EP2008/063474 and translated by her are also true translations to the best of her knowledge and ability.

The undersigned declares that the above statement is true and that this statement was made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or document or any patent resulting therefrom.

Karin T. Dunn

Claims

1. Method of controlling a printing press, wherein at least one rotating component (01) of at least one printing couple is controlled with respect to a target value for a temperature (θ_b) which represents the component temperature by means of a temperature control device (20, 21), and wherein at least one drive (32) of an assembly of the printing press is regulated and/or controlled on the basis of a target value for rotational speed (n_{target}), prescribed by a control level (31) with regard to a rotational speed (n) that is to be maintained, characterized in that, at least for an operating phase (I) which is transient with regard to rotational speed (n), a target value for rotational speed (n_{target}), prescribed by the control level (31), is modified by taking into account at least one element of a path and/or control model (SRM) which characterizes the temperature control device (20, 21), and/or by using a rule ($F_2(\theta)$) for a dependence of a rotational speed (n) upon a temperature (θ), and the modified target value for rotational speed (n^*_{target}) serves as a prescribed value for the rotational speed (n) of the drives (32).

2. Method of claim 1, characterized in that a target value ($\theta_{b,target}$) for the temperature (θ_b) which represents the component temperature and is to be controlled is determined from a target value for rotational speed (n_{target}) prescribed by the control level (31), using a first rule ($F_1(n)$).

3. Method of claim 2, characterized in that to adjust the prescribed rotational speed to the dynamic response of the temperature control device (20, 21), this target value ($\theta_{b,target}$) is modified by taking into account the at least one element of the path and/or control model (SRM), such that a resulting corrected target value ($\theta''_{b,target}$) for the temperature (θ_b) at least partially takes the influences and the characteristics of the control path into account.

4. Method of claim 3, characterized in that a corrected target value for rotational speed (n'_{target}) is generated from the target value ($\theta''_{b,target}$) which has been corrected with respect to the control path, using the second rule $F_2(\theta)$.

5. Method of claim 2 or 4, characterized in that the second rule ($F_2(\theta)$) represents the inverse function or an inverse relation to the first rule ($F_1(n)$).

6. Method of claim 4, characterized in that corrected target values for rotational speed (n'_{target}) coming from path and/or control models (SRM) of multiple temperature control devices (20, 21) are evaluated with respect to their minimum.

7. Method of claim 4, characterized in that the corrected target value for rotational speed (n'_{target}) is weighted and combined with the target value for rotational speed (n_{target}) originally prescribed by the control level (31).

8. Method of claim 2, characterized in that this target value ($\theta_{b,target}$) is supplied to the control unit (21).

9. Method of claim 1, characterized in that a path and/or control model (SRM) of a control unit (21) of the temperature control device (20, 21) is used as the path and/or control model (SRM).

10. Method of claim 9, characterized in that the control of the temperature (θ_b) is carried out in the control unit (21) by means of at least two control loops connected to one another in a cascading fashion.

11. Method of claim 10, characterized in that the path and/or control model (SRM) of the outer control loop of the control unit (21) is used as the path and/or control model (SRM).

12. Method of claim 1, characterized in that a precontrol element relating to heat flow rate (V_{WF}) which takes into account projected heat or cold losses along the control path (02) is used as the element of the path and/or control model (SRM).

13. Method of claim 1, characterized in that a precontrol element relating to running time and/or time constants (V_{LZ}) is used as the element of the path and/or control model (SRM).

14. Method of claim 1, characterized in that a precontrol relating to a targeted amplitude gain by means of a derivative action element (V_{VH}) is used as the element of the path and/or control model (SRM).

15. Method of claim 1, characterized in that a precontrol relating to a control element characteristic by means of a velocity limiter (V_{AB}) is used as the element of the path and/or control model (SRM).

16. Method of claim 1, characterized in that the rule $F_2(\theta)$ for a dependence of a rotational speed (n) on a temperature (θ) is provided in a processing and/or memory unit (37).

17. Method of claim 2 or 4, characterized in that the rule ($F_1(n)$) for a dependence of a temperature (θ) on a rotational speed (n) is provided in a processing and/or memory unit (37).

18. Device for controlling a printing press, wherein a temperature control device (20, 21) for controlling the temperature of at least one rotating component (01) of at least one printing couple is provided, by means of which a temperature (θ_b) which represents the component temperature can be controlled with respect to a target value ($\theta_{b,target}$), and wherein at least one drive (32) of an assembly of the printing press can be regulated and/or controlled with respect to a rotational speed (n) that is to be maintained on the basis of a target value for rotational speed (n_{target})

prescribed by a control level (31), characterized in that processing and/or control means (37) are provided, in which a first rule $F_1(n)$ for a dependence of a temperature (θ) on a rotational speed (n) and a second rule ($F_2(\theta)$) for a dependence of a rotational speed (n) on a temperature (θ) are provided, and in that a target value for rotational speed (n_{target}) provided by the control level (31) can first be converted using the first rule to a target value ($\theta_{b,target}$) for a temperature (θ_b), and then using the second rule can be converted back to a modified target value for rotational speed (n^*_{target}) after passing through a path and/or control model (SRM) of the temperature control device (20, 21).

Translation of the pertinent portions of the **International Search Report** and the **Written Opinion of the International Search Authority (Rule 43bis.1 PCT)**, for PCT/EP2008/063474, published as WO 2009/100783 A2, mailing date not indicated

This International Search Report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. The report comprises a total of 3 pages. Copies of each prior art document cited in this report are also enclosed.

1. **Basis of the Report**
   With regard to **language**, the international search was carried out on the basis of the international application in the language in which it was filed

4. With regard to the **Title of the Invention**:

   The wording has been determined as submitted by the applicant

5. With regard to the **Abstract**:

   The wording has been determined as submitted by the applicant.

6. With regard to the **Drawings**:

   a. Fig. 1 will be published with the abstract as determined by the Authority, as the applicant failed to suggest a figure.

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY (Rule 43*bis*.1 PCT)

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

Box I Basis of the opinion

Box 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. I Basis of the Opinion

1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed

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

1. Statement

Novelty	Yes: Claims	1-18
	No: Claims	
Inventive Step	Yes: Claims	1-18
	No: Claims	
Industrial Applicability	Yes: Claims	1-18
	No: Claims:	

2. Citations and Explanations
See attached sheet

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY (SUPPLEMENTARY TEXT)

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

Reference will be made to the following document:

D1: WO 2004/054805 A (KOENIG & BAUER AG [DE]; MUELLER KLAUS GEORG MATTHIAS [DE]) 1 July 2004 (07/01/2004), cited in the application

1. INDEPENDENT CLAIM 1

1.1 Document D1 is considered the closest prior art in relation to the subject of claim 1. It discloses (references in parentheses refer to this document) a method of controlling a printing press, wherein at least one rotating component (01) of at least one printing couple is controlled with respect to a target value for a temperature (θ3) which represents the component temperature by means of a temperature control device (Figure 1).

1.2 The subject of claim 1 therefore differs from D1 in that at least one drive of an assembly of the printing press is regulated and/or controlled with respect to a rotational speed that is to be maintained on the basis of a target value for rotational speed, prescribed by a control level, wherein that [sic – Translator] at least for an operating phase which is transient in terms of rotational speed, a target value for rotational speed prescribed by the control level is modified by taking into account at least one element of a path and/or control model which characterizes the temperature control device, and/or using a rule for a dependence of a speed on a temperature, and the modified target value for rotational speed serves as a prescribed value for the speed of the drives.

1.3 The object to be attained with the present invention can therefore be considered as an improved control of ink densities during transient operating phases such as run-up and slow-down phases.

1.4 The solution for attaining this object proposed in claim 1 of the present application is based upon an inventive step for the following reasons **(Article 33(3) PCT)**:

To control ink density, the component temperature is controlled by means of a precontrol element, a derivative action element, precontrol of a control element characteristic, and/or a precontrol element of the heat flow rate of a temperature control device. The rotational speed of the press is modified by taking into account at least one of the aforementioned elements and/or a rule for a speed for a temperature. The special technical effect is that the change in rotational speed adjust to an actual change in temperature [sic – Translator]. The temperature profile and the rotational speed profile are thereby better adapted dynamically to one another and better harmonized with one another. D1 provides no suggestion to one skilled in the art that would lead him in a simple manner to the solution

proposed here. No document from the prior art discloses such a control device, the structure of which requires multiple technical adjustments.

2. INDEPENDENT CLAIM 18

2.1 Document D1 is considered the closest prior art in relation to the subject of claim 1. It discloses (references in parentheses refer to this document) a device for controlling a printing press, wherein a temperature control device (Figure 1) for controlling the temperature of at least one rotating component (01) of at least one printing couple is provided, by means of which a temperature (θ3) which represents the component temperature can be controlled with respect to a target value (θ3, target).

2.2 The subject of claim 18 therefore differs from D1 in that at least one drive of an assembly of the printing press can be regulated and/or controlled with respect to a rotational speed that is to be maintained, on the basis of a target value for rotational speed prescribed by a control level, characterized in that processing and/or control means are provided, in which a first rule for a dependence of a temperature on a rotational speed and a second rule for a dependence of a rotational speed on a temperature are provided, and in that a target value for rotational speed provided by the control level can first be converted using the first rule to a target value for a temperature, and then can be converted using the second rule back to a modified target value for rotational speed, after passing through a path and/or control model of the temperature control device.
The subject of claim 1 is therefore novel **(Article 33(2) PCT).**

2.3 The object to be attained with the present invention can thus be considered as an improved control of ink densities during transient operating phases such as run-up and slow-down phases.

2.4 The solution for attaining this object proposed in claim 1 of the present application is based upon an inventive step for the following reasons **(Article 33(3) PCT):**

To control ink density, the temperature of the component is regulated. The rotational speed of the press is modified using a first rule for a dependence of a temperature on a rotational speed, taking into account at least one precontrol element, derivative action element, precontrol of a control element characteristic and/or a precontrol element of the heat flow rate of a temperature control device, and a second rule for a dependence of a rotational speed on a temperature. The special technical effect is that the change in rotational speed adapt to an actual change in temperature [sic – Translator]. The temperature profile and the rotational speed profile are thereby better adapted dynamically to one another and better harmonized with one another. D1 provides no suggestion to one skilled in the art that would lead him in a simple manner to the solution proposed here. No document from the prior art discloses such a control device, the structure of which requires multiple technical adjustments.

3. DEPENDENT CLAIMS

Claims 2-17 are dependent upon claim 1 and therefore also fulfill the requirements of the PCT with respect to novelty and inventive step.

4. ADDITIONAL REMARKS

4.1 Patent claims 1 through 18 refer to a method and a device and as such fulfill the requirements of **Article 33 (4) PCT**.

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.
12/735,571	07/28/2010	Klaus Georg Matthias Müller	W1.3013 PCT-US	9606

23294 7590 11/30/2010
JONES, TULLAR & COOPER, P.C.
P.O. BOX 2266 EADS STATION
ARLINGTON, VA 22202

EXAMINER	
ART UNIT	PAPER NUMBER
2854	

MAIL DATE	DELIVERY MODE
11/30/2010	PAPER

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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JONES, TULLAR & COOPER, P.C.
P.O. BOX 2266 EADS STATION
ARLINGTON VA 22202

In re Application of
MüLLER et al
Application No.: 12/735,571
Filed: 28 July 2010
Attorney Docket No.: W1.3013 PCT-US
For: METHOD AND DEVICE FOR CONTROLLING A PRINTING MACHINE

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

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

The request and petition are **GRANTED**.

Discussion

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

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

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

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

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

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

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

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

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

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

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

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

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

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

23 SEP 2010

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Horst M. Kasper
13 Forest Drive
Warren NY 07059

In Re Application of	:	
HENNING et al.	:	
Application No.: 12/735,603	:	DECISION
PCT No.: PCT/EP09/000447	:	
Int. Filing Date: 24 January 2009	:	
Priority Date: 29 January 2008	:	
Attorney Docket No.: NNG204	:	
For: METHOD FOR THE SENSITIVE DETECTION OF POLYAMINO ACIDS AND OTHER MACRO-MOLECULES	:	

This application is before the PCT Legal Office for consideration of matters arising under 35 U.S.C. 371 in the above referenced application and applicant's "Request to Accept Patent Application For Entering United States National Phase Under 35 USC 371"filed 29 July 2010 in the United States Patent and Trademark Office .

BACKGROUND

On 24 January 2009, applicant filed international application No. PCT/EP09/000447 which claimed a priority date of 29 January 2008 and which designated the United States. The thirty month period expired at midnight on 29 July 2010.

Thereafter, on 29 July 2010, before the expiration of the thirty month period, applicant filed, *inter alia*, a transmittal letter for entry into the national stage, the basic national stage filing fee, and a copy of the published international application.

DISCUSSION

Applicant used Form PTO-1390, entitled "Transmittal Letter to the United States Designated/Elected Office (DO/EO/US) Concerning a Submission under 35 U.S.C. 371". This form is used when applicant has filed an international application and wishes to file that application, entering the U.S. national stage. Application no. 12/735,603 is considered a national stage filing of PCT/EP09/000447.

Applicant is advised that as stated in MPEP 1893.01(d), an applicant entering the national stage in the U.S. is required to file an English translation of the international application if the international application was filed in another language and was not published under PCT

Article 21(2) in English. *See* 35 U.S.C. 371(a)(2) and 37 CFR 1.495(c). A translation of less than all of the international application (e.g., a translation that fails to include a translation of text contained in the drawings) is unacceptable.

Since the English translation of the published international application entitled "METHOD FOR THE SENSITIVE DETECTION OF POLYAMINO ACIDS AND OTHER MACRO-MOLECULES" was not supplied, all of the 35 U.S.C. 371 requirements were not complete (c)(4) date of 29 July 2010. Applicant should submit a copy of the English translation of PCT/EP09/000447. A processing fee for filing the English translation after the thirty month period is also required.

Applicant is also advised that an oath or declaration, in compliance with 37 CFR 1.497(a) and (b), is also required along with the surcharge for filing the oath or declaration after the thirty month period.

CONCLUSION

Application no. 12/735,603 is considered a national stage filing of PCT/EP09/000447.

The application will be forwarded to the United States Designated/Elected Office for further processing in accord with this decision. A Notification of Missing Requirements will be issued indicating, *inter alia*, that an executed declaration in compliance with 37 CFR 1.497(a) and (b), an English translation of PCT/EP09/000447, the surcharge for filing the declaration and processing fee for filing the English translation after the thirty month period are required.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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JUN 20 2011

PCT LEGAL ADMINISTRATION

JORDAN AND HAMBURG LLP
122 EAST 42ND STREET
SUITE 4000
NEW YORK NY 10168

In re Application of :
MEYER et al :
Application No.: 12/735,609 :
PCT No.: PCT/DE2009/000120 :
Int. Filing Date: 29 January 2009 : DECISION
Priority Date: 06 February 2008 :
Attorney Docket No.: F-10373 :
For: THERMAL BARRIER COATING :
SYSTEM AND METHOD FOR THE :
PRODUCTION THEREOF :

The decision is in response to applicants' submission filed 18 May 2011 which includes, *inter alia*, a petition under 37 CFR 1.182 filed.

BACKGROUND

On 29 January 2009, applicants filed international application PCT/DE2009/000120 which designated the United States and claimed a priority date of 06 February 2008. The thirty-month period for paying the basic national fee in the United States expired at midnight on 06 August 2010.

On 02 August 2010, applicants filed a transmittal letter for entry into the national stage in the United States, which was accompanied by, *inter alia*, the U.S. Basic National Fee.

On 13 September 2010, the United States Designated/Elected Office (DO/EO/US) issued a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating, *inter alia*, that an oath or declaration in compliance with 37 CFR 1.497(a)-(b) was required.

On 04 April 2011, applicants filed a submission including, *inter alia*, a declaration of inventors.

On 18 April 2011, the DO/EO/US issued a NOTIFICATION OF DEFECTIVE RESPONSE (Form PCT/DO/EO/916) indicating, *inter alia*, that the declaration of inventors filed 04 April 2011 was not in compliance with 37 CFR 1.497(a)-(b) because there was a difference in the names of the first and fourth inventors between the published international application and the declaration of inventors.

On 18 May 2011, applicants filed the instant submission which includes, *inter alia*, petition under 37 CFR 1.182.

DISCUSSION

First-Named Inventor

In instances where an inventor has changed his or her name after the application has been filed, a petition under 37 CFR 1.182 must be submitted. The petition must include (1) the appropriate petition fee and (2) a statement signed by the inventor setting forth both names and the procedure whereby the change of name was effected, or a certified copy of the court order. MPEP § 605.04(c).

As to item (1), the petition fee has been paid.

With regard to item (2), the statement of Alexandra MEYER is a statement setting forth both names (Alexandra STUKE and Alexandra MEYER) and the procedure (marriage) whereby the change of name was effected. The statement is accepted.

Fourth-Named Inventor

The submission filed 18 May 2011 concerning the name of the fourth inventor includes a statement explaining that the first name of the inventor is accurate on the declaration (Detlev) but is inaccurate on the published international application. This explanation of the difference in names between the international application and the declaration of inventors is accepted and noted for the record. (The difference in the last name of the fourth inventor between the declaration and the published international application is due to transliteration.)

Declaration of Inventors

The declaration of inventors filed 04 April 2011 is in compliance with 37 CFR 1.497(a)-(b).

CONCLUSION

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

A new ADS indicating the correct name of inventor Alexandra MEYER is required.

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

/Daniel Stemmer/

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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.
12/735,646	10/29/2010	Raymond Robinson	R665.312-0001	7608

164 7590 11/02/2011

KINNEY & LANGE, P.A.
THE KINNEY & LANGE BUILDING
312 SOUTH THIRD STREET
MINNEAPOLIS, MN 55415-1002

EXAMINER	
CHAPMAN, JEANETTE E	
ART UNIT	PAPER NUMBER
3633	
MAIL DATE	DELIVERY MODE
11/02/2011	PAPER

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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NOV - 2 2011

KINNEY & LANGE, P.A.
THE KINNEY & LANGE BUILDING
312 SOUTH THIRD STREET
MINNEAPOLIS MN 55415-1002

In re application of	:	**DECISION ON REQUEST TO**
Raymond Robinson	:	**PARTICIPATE IN PATENT**
Application No. 12/735,646	:	**PROSECUTION HIGHWAY**
Filed: October 29, 2010	:	**PROGRAM AND PETITION**
For: INSULATION APPARATUS AND METHOD	:	**TO MAKE SPECIAL UNDER**
	:	**37 CFR 1.102(a)**

This is a decision on the renewed request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed August 10, 2011, to make the above-identified application special.

The request and petition are **GRANTED**.

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

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the UKIPO, USPTO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the UKIPO 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 UKIPO 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 UKIPO 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 UKIPO examiner in the UKIPO 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 via EFS-Web as is required, the request to participate in the PPH pilot program complies with the above requirements. Therefore, the above-identified application has been accorded "special" status.

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

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

Any inquiry regarding this decision should be directed to Mikado Buiz, Quality Assurance Specialist, at (571) 272-6578.

/ Mikado Buiz /

Mikado Buiz,
Quality Assurance Specialist
Technology Center 3600

MB/MB: 11/1/11

20 SEP 2010

UNITED STATES PATENT AND TRADEMARK OFFICE

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

JACOBSON HOLMAN PLLC
400 SEVENTH STREET N.W.
SUITE 600
WASHINGTON DC 20004

In re Application of	:	
GALLO BARRACO, Juan Eduardo Maria	:	
Application No.: 12/735,659	:	DECISION
PCT No.: PCT/MX2008/000104	:	
Int. Filing Date: 07 August 2008	:	
Priority Date: 07 August 2007	:	
Attorney Docket No.: P73370US0	:	
For: SYNERGISTIC PHARMACEUTICAL	:	
COMPOSITION . . . OR ANIMALS	:	

This decision is in response to applicant's submission filed 05 August 2010 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 07 August 2008, applicant filed international application PCT/MX2008/000104 which designated the U.S. and claimed a priority date of 07 August 2007. A copy of the international application was communicated to the USPTO from the International Bureau on 19 February 2009. The thirty-month period for paying the basic national fee in the United States expired at midnight on 08 February 2010 (07 February 2010 being a Sunday).

On 05 August 2010, applicant filed a transmittal letter for entry into the national stage in the United States, which was accompanied by, *inter alia*, the U.S. Basic National Fee and a petition under 37 CFR 1.137(b) to revive the application.

DISCUSSION

A petition to revive the present application under 37 CFR 1.137(b) must include:

(1) The required reply;
(2) The petition fee;
(3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional.

As to item (1), applicant submitted the basic national fee on 05 August 2010.

As to item (2), applicant submitted the petition fee on 05 August 2010.

As to item (3), the required statement has been provided.

A review of the application file reveals that, with the filing of the present petition and accompanying papers, a proper response has been submitted and all of the requirements of 37 CFR 1.137(b) for revival have been satisfied and revival is therefore appropriate.

CONCLUSION

The petition under 37 CFR 1.137(b) is **GRANTED** for the reasons set forth above.

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

/Daniel Stemmer/

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MAILED

OCT 21 2010

PCT LEGAL ADMINISTRATION

Charles Mendler
7 Millside Lane
Mill Valley CA 94941

In re Application of	:	
MENDLER, Edward Charles	:	
Application No.: 12/735,770	:	DECISION
PCT No.: PCT/US2008/003585	:	
Int. Filing Date: 18 March 2008	:	ON PETITION UNDER
Priority Date: 28 March 2007	:	
Docket No.: PTO-07A	:	37 CFR 1.137(b)
For: POWER TAKE-OFF COUPLING	:	

Applicant's Petition For Revival Under 37 CFR 1.137(b), filed in the above-captioned application on 12 August 2010 is **GRANTED**.

Applicant states that the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional, as required by 37 CFR 1.137(b)(3). The basic national fee and petition fee have been paid. A terminal disclaimer is not required as the application was filed on or after 08 June 1995. Accordingly, all requirements under 37 CFR 1.137(b) have been satisfied.

This application is being forwarded to the National Stage Processing Branch of the Office of Patent Application Processing for further action consistent with this decision.

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Telephone: 571-272-3292

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

PTO/SB/20PCT-EP (05-10)
Approved for use through 01/31/2012. OMB 0651-0058
U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE
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REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE EUROPEAN PATENT OFFICE (EPO) AND THE USPTO

Application No:	12/753,774	Filing date:	August 17, 2010
First Named Inventor:	Martin Boesgaard		
Title of the Invention:	AUTHENTICATING A WEB PAGE WITH EMBEDDED JAVASCRIPT		

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

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

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

The corresponding PCT application number(s) is/are: PCT/EP2009/051934

The international filing date of the corresponding PCT application(s) is/are: February 18, 2009

I. List of Required Documents:

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

☒ Is attached

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

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

☐ Is attached.

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

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

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

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U.S.Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
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REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM BETWEEN THE EPO AND THE USPTO

(continued)

Application No.:	12/753,774
First Named Inventor:	Martin Boesgaard

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

☐ Is attached

☒ Has already been filed in the above-identified U.S. application on August 17, 2010

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

☐ Are attached.

☒ Have already been filed in the above-identified U.S. application on August 17, 2010 (should be received from ISA)

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1-4, 6, 9, and 15	1-4, 6, 9 and 15	these claims are the same
5	5	same except dependency changed from 1-4 in PCT to 1 in US
7	7	same except dependency changed from 1-6 in PCT to 1 in US
8	8	same except dependency changed from 1-7 in PCT to 1 in US
10	10	same except dependency changed from 8-9 in PCT to 8 in US
11	11	same except dependency changed from 8-10 in PCT to 8 in US
12	12	same except dependency changed from 8-11 in PCT to 8 in US
13	13	same except dependency changed from 1-12 in PCT to 1 in US
14	14	same except dependency changed from 1-13 in PCT to 1 in US

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

Signature	Date December 13, 2010
Name (Print/Typed) John A. Castellano	Registration Number 35,094

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

PTO/SB/20PCT-EP (05-10)
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REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE EUROPEAN PATENT OFFICE (EPO) AND THE USPTO

Application No:	12/735,774	Filing date:	August 17, 2010
First Named Inventor:	Martin Boesgaard		
Title of the Invention:	AUTHENTICATING A WEB PAGE WITH EMBEDDED JAVASCRIPT		

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

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

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

The corresponding PCT application number(s) is/are: PCT/EP2009/051934

The international filing date of the corresponding PCT application(s) is/are: February 18, 2009

I. List of Required Documents:

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

☒ Is attached

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

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

☐ Is attached.

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

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

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

PTO/SB/20PCT-EP (05-10)
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REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM BETWEEN THE EPO AND THE USPTO

(continued)

Application No.:	12/735,774
First Named Inventor:	Martin Boesgaard

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

☐ Is attached

☒ Has already been filed in the above-identified U.S. application on August 17, 2010

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

☐ Are attached.

☒ Have already been filed in the above-identified U.S. application on August 17, 2010 (should be received from ISA)

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1-4, 6, 9, and 15	1-4, 6, 9 and 15	these claims are the same
5	5	same except dependency changed from 1-4 in PCT to 1 in US
7	7	same except dependency changed from 1-6 in PCT to 1 in US
8	8	same except dependency changed from 1-7 in PCT to 1 in US
10	10	same except dependency changed from 8-9 in PCT to 8 in US
11	11	same except dependency changed from 8-10 in PCT to 8 in US
12	12	same except dependency changed from 8-11 in PCT to 8 in US
13	13	same except dependency changed from 1-12 in PCT to 1 in US
14	14	same except dependency changed from 1-13 in PCT to 1 in US

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

Signature	Date December 14, 2010
Name (Print/Typed) John A. Castellano	Registration Number 35,094

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/735,774	11/15/2010	Martin Boesgaard	36731-000194/US/NP	7757

30593 7590 07/20/2011

HARNESS, DICKEY & PIERCE, P.L.C.
P.O. BOX 8910
RESTON, VA 20195

EXAMINER	
BARRON JR, GILBERTO	

ART UNIT	PAPER NUMBER
2432	

MAIL DATE	DELIVERY MODE
07/20/2011	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
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Alexandria, VA 22313-1450
www.uspto.gov

Harness, Dickey & Pierce, P.L.C.
P.O. Box 8910
Reston VA 20195

In re Application of: Boesgaard
Application No. 12/735774
Filed: August 17, 2010
For: Authenticating a Web Page with Embedded Javascript

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 December 14, 2010, to make the above-identified application special.

The petition is **GRANTED.**

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

(1) The relationship between the corresponding U.S. application for which participation in the PCT-PPH pilot program is requested and the PCT application satisfies one of the following:

(a) The U.S. application is a national stage entry of the corresponding PCT application.

(b)The U.S. application is a national application which forms the basis for the priority claim in the corresponding PCT application.

(c) The U.S. application is a national stage entry of another PCT application (which can be filed in any competent receiving office) which claims priority to the corresponding PCT application.

(d) The U.S. application is a national application claiming foreign/domestic priority to the corresponding PCT application.

(e) The U.S. application is a continuing application (continuation, divisional, or continuation-in-part) of the U.S. application which satisfies one of the above (a) to (d) scenarios.

(2) The latest work product in the international phase of the PCT application corresponding to the U.S. application indicates at least one claim in the PCT application has novelty, inventive step and industrial applicability. In case any observation is described in Box VIII of the WO/ISA, or WO/IPEA, or IPER which forms the basis for the PCT-PPH request, applicant must identify and explain why the claim(s) is/are not subject to any observation described in Box VIII irrespective of whether an amendment is submitted to correct the observation described in Box VIII.

(3) All the claims in each U.S. application for which a request for participation in the PCT-PPH pilot program is made must sufficiently correspond to or be mended to sufficiently correspond to one or more of those claims indicated as having novelty, inventive step and industrial applicability and free of any observation described in Box VIII in the latest work product of the corresponding PCT application.

(4) Substantive examination of the U.S. application for which participation in the PCT-PPH pilot program is requested has not begun.

(5) Applicant must submit a copy of the latest international work product which indicated that the claim(s) has/have novelty, inventive step and industrial applicability along with an English translation thereof if the copy of the latest international work product is not in the English language.

(6) Applicant must submit a copy of the claims from the corresponding PCT application which were indicated as having novelty, inventive step and industrial applicability in the latest work product of the PCT application along with an English translation thereof and a statement that the English translation is accurate if the claims are not in the English language. Applicant is required to submit a claims correspondence table in English. The claims correspondence table must indicate how all the claims in the U.S. application sufficiently correspond to the claims indicated as having novelty, inventive step and industrial applicability in the latest international work product.

(7) Applicant must submit an information disclosure statement (IDS) listing the documents cited in the international work products (ISR, WOIISA, WOIIPEA, PER) of the PCT.

(8) Applicant must submit a petition fee under 37 CFR 1.17(h) for the petition to make special under 37 CFR 1.102(d) if filed before May 2010.

(9) The request for participation in the PCT-PPH pilot program and all the supporting documents must be submitted to the USPTO via EFS-Web and indexed with the following document description: "Petition to make special under PCT-Patent Pros Hwy. Any preliminary amendments and IDS submitted with the PCT-PPH documents must be separately indexed as a preliminary amendment and IDS, respectively.

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

Telephone inquiries concerning this decision should be directed to Tod Swann at 571-272-36128

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

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

/Tod Swann/
Tod Swann
Quality Assurance Specialist
Technology Center 2400

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
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DEC 01 2010

PCT LEGAL ADMINISTRATION

JORDAN AND HAMBURG LLP
122 EAST 42ND STREET
SUITE 4000
NEW YORK, NY 10168

In re Application of KIMURA :
U.S. Application No.: 12/735,778 :
PCT Application No.: PCT/JP2008/062161 :
Int. Filing Date: 04 July 2008 : DECISION
Priority Date Claimed: 19 February 2008 :
Attorney Docket No.: F-10412 :
For: LAUGHTER MEASUREMENT METHOD :
AND APPARATUS :

This is in response to applicant's correspondence filed 14 October 2010, which is being treated as a request for status under 37 CFR 1.42.

BACKGROUND

On 04 July 2008, applicant filed international application PCT/JP2008/062161, which claimed priority of an earlier Japan application filed 19 February 2008. A copy of the international application was communicated to the USPTO from the International Bureau on 27 August 2009. The thirty-month period for paying the basic national fee in the United States expired on 19 August 2010.

On 17 August 2010, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

On 21 September 2010, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905), which indicated that an oath or declaration in compliance with 37 CFR 1.497 must be filed.

On 14 October 2010, applicant filed the present request for status under 37 CFR 1.42 along with an executed declaration.

DISCUSSION

The declaration states that inventor Yohji Kimura is deceased.

37 CFR 1.42 provides, "In case of the death of the inventor, the legal representative (executor, administrator, etc.) of the deceased inventor may make the necessary oath or declaration, and apply for and obtain the patent."

Effective 07 November 2000, 37 CFR 1.497(b)(2) specifies that, where a person making the declaration is the legal representative of a deceased inventor, the declaration shall state the following: (1) the relationship of the person to the inventor, (2) the facts the inventor would have been required to state, upon information and belief, (3) that the person is the legal representative of the deceased inventor, and (4) the citizenship, residence, and mailing address of the legal representative.

The declaration filed on 14 December 2010 is in compliance with 37 CFR 1.42 and 1.497. However, the declaration is not in compliance with 37 CFR 1.69(b). Specifically, the declaration is neither in a form provided by the Office (i.e. Form PTO/SB/106) nor accompanied by a statement that the translation contained in the declaration is accurate.

CONCLUSION

For the reasons above, the request for status under 37 CFR 1.42 is DISMISSED without prejudice.

If reconsideration on the merits of the request is desired, a proper response must be filed within TWO (2) MONTHS from the mail date of this decision. Failure to timely file a proper response will result in ABANDONMENT of the application. Extensions of time are available under 37 CFR 1.136(a). Any reconsideration request should include a cover letter entitled "Renewed Request for Status Under 37 CFR 1.42".

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

Bryan Lin
PCT Legal Examiner
PCT Legal Office

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

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
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JORDAN AND HAMBURG LLP
122 EAST 42ND STREET
SUITE 4000
NEW YORK, NY 10168

MAILED
APR 20 2011
PCT LEGAL ADMINISTRATION

In re Application of KIMURA :
U.S. Application No.: 12/735,778 :
PCT Application No.: PCT/JP2008/062161 :
Int. Filing Date: 04 July 2008 : DECISION
Priority Date Claimed: 19 February 2008 :
Attorney Docket No.: F-10412 :
For: LAUGHTER MEASUREMENT METHOD :
AND APPARATUS :

This is in response to applicant's renewed request for status under 37 CFR 1.42 filed 27 December 2010.

BACKGROUND

On 04 July 2008, applicant filed international application PCT/JP2008/062161, which claimed priority of an earlier Japan application filed 19 February 2008. A copy of the international application was communicated to the USPTO from the International Bureau on 27 August 2009. The thirty-month period for paying the basic national fee in the United States expired on 19 August 2010.

On 17 August 2010, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

On 21 September 2010, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905), which indicated that an oath or declaration in compliance with 37 CFR 1.497 must be filed.

On 14 October 2010, applicant filed a request for status under 37 CFR 1.42 along with an executed declaration.

On 01 December 2010, this Office mailed a decision dismissing the 14 October 2010 request.

On 27 December 2010, applicant filed the instant renewed request for status under 37 CFR 1.42.

DISCUSSION

The declaration states that inventor Yohji Kimura is deceased.

37 CFR 1.42 provides, "In case of the death of the inventor, the legal representative (executor, administrator, etc.) of the deceased inventor may make the necessary oath or declaration, and apply for and obtain the patent."

Effective 07 November 2000, 37 CFR 1.497(b)(2) specifies that, where a person making the declaration is the legal representative of a deceased inventor, the declaration shall state the following: (1) the relationship of the person to the inventor, (2) the facts the inventor would have been required to state, upon information and belief, (3) that the person is the legal representative of the deceased inventor, and (4) the citizenship, residence, and mailing address of the legal representative.

The declaration filed on 14 December 2010 is in compliance with 37 CFR 1.42 and 1.497. Furthermore, in view of the statement regarding the translation contained in the declaration, the declaration is in compliance with 37 CFR 1.69(b).

CONCLUSION

For the reasons above, the renewed request for status under 37 CFR 1.42 is GRANTED.

The application has an International Filing Date under 35 U.S.C. 363 of 04 July 2008, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 14 October 2010.

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

Bryan Lin

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MAILED
JUN 22 2011
PCT LEGAL ADMINISTRATION

In re Application of ONG et al :
U.S. Application No.: 12/735,808 :
PCT Application No.: PCT/CA2009/000200 :
Int. Filing Date: 19 February 2009 :
Priority Date Claimed: 19 February 2008 : DECISION
Attorney Docket No.: MJW-163-50 :
For: TREATMENT AND PREVENTION OF DRY :
AGE-RELATED MACULAR :
DEGENERATION BY ACTIVATING CD36 :

This is in response to applicant's request under 37 CFR 1.28(c) filed 18 April 2011.

BACKGROUND

On 19 February 2009, applicant filed international application PCT/CA2009/000200, which claimed priority of an earlier United States application filed 19 February 2008. A copy of the international application was communicated to the USPTO from the International Bureau on 27 August 2009. The thirty-month period for paying the basic national fee in the United States expired on 19 August 2010.

On 19 August 2010, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

On 18 April 2011, applicant filed the present request under 37 CFR 1.28(c).

DISCUSSION

Errors in small entity status may be excused in accordance with 37 CFR 1.28(c). In the present case, applicant has supplied the required itemization of fees and has paid the required deficiency. Accordingly, the error in small entity status is excused.

CONCLUSION

For the reasons above, the request under 37 CFR 1.28(c) is GRANTED.

This application is being forwarded to the appropriate Technology Center for examination.

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2200 Pennsylvania Avenue, N.W.
WASHINGTON DC 20037

MAILED
JUL 20 2011
PCT LEGAL ADMINISTRATION

In re Application of	:	DECISION ON
Nicolas BOUCHE	:	
Application No.: 12/735,811	:	
PCT No.: PCT/IB2009/000482	:	PETITION UNDER
Int. Filing Date: 13 February 2009	:	
Priority Date: 20 February 2008	:	
Attorney's Docket No.: 58766.000057	:	37 CFR 1.181
For: RECOVERABLE INTRA-UTERINE SYSTEM	:	

This Decision is in response to applicant's "PETITION TO WITHDRAW HOLDING OF ABANDONMENT BASED ... OF MISSING REQUIREMENTS," filed on 17 May 2011, requesting the acceptance of the executed declaration as timely filed since the Notification of Missing Requirements was not received.

BACKGROUND

On 19 August 2010, applicants filed a Transmittal Letter for entry into the national stage in the United States of America. Filed with the Transmittal Letter was, inter alia, the requisite basic national fee. No oath or declaration of the inventors accompanied the transmittal letter.

On 14 September 2010, the United States Designated/Elected Office (DO/EO/US) mailed a "NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)" (Form PCT/DO/EO/905)... oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the international application number and international filing date.. is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68. The notice stated that all of the items must be submitted within two months from the date of mailing this Notice or by 32 months from the priority date, whichever is later, in order to avoid abandonment of the national stage application.

On 02 May 2011, a Notification of Abandonment was mailed to applicant. It stated that the applicant has failed to properly respond to the notification of Missing Requirements (Form PCT/DO/EO/905), mailed 14 September 2010 within the time period set therein.

On 29 June 2009, petitioner filed the instant petition accompanied by, inter alia, an executed declaration, a petition from Dwight M. Benner, II and a docket due-date entries of September 14, 2010.

DISCUSSION

MPEP section 711.03(c) establishes the requirement to show nonreceipt of an Office action. It states that:

> "The showing required to establish nonreceipt of an Office communication must include a statement from the practitioner stating that the Office communication was not received by the practitioner and attesting to the fact that a search of the file jacket and docket records indicates that the Office communication was not received. A copy of the docket record where the nonreceived Office communication would have been entered had it been received and docketed must be attached to and referenced in practitioner's statement. For example, if a three month period for reply was set in the nonreceived Office action, a copy of the 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. See Notice entitled "Withdrawing the Holding of Abandonment When Office Actions Are Not Received," 1156 O.G. 53 (November 16, 1993).
>
> The showing outlined above may not be sufficient if there are circumstances that point to a conclusion that the Office action may have been lost after receipt rather than a conclusion that the Office action was lost in the mail (e.g., if the practitioner has a history of not receiving Office actions).
>
> Evidence of nonreceipt of an Office communication or action (e.g., Notice of Abandonment or an advisory action) other than that action to which reply was required to avoid abandonment would not warrant withdrawal of the holding of abandonment. Abandonment takes place by operation of law for failure to reply to an Office action or timely pay the issue fee, not by operation of the mailing of a Notice of Abandonment. See *Lorenz v. Finkl*, 333 F.2d 885, 889-90, 142 USPQ 26, 29-30 (CCPA 1964); *Krahn v. Commissioner*, 15 USPQ2d 1823, 1824 (E.D. Va 1990); *In re Application of Fischer*, 6 USPQ2d 1573, 1574 (Comm'r Pat. 1988).

A review of petition reveals that applicants have complied with the requirements set forth in section 711.03(c), which requires a copy of the docket record where the non-received Office communication would have been entered had it been received and docketed for a reply date of two(2) months from the date of mailing of the Notice of Missing Requirements.

Petitioner has submitted a copy of the docket report showing where the non-received Office communication would have been entered had it been received starting from September 14, 2010 to October 6, 2010.

Accordingly, petitioner has met the requirements under MPEP section 711.03(c) to establish nonreceipt of an Office action.

DECISION

The petition under 37 CFR 1.181 is **GRANTED**. The Notification of Abandonment (PCT/DO/EO/909) mailed 02 May 2001 was in error and is hereby **VACATED**.

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

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APR 15 2011

PCT LEGAL ADMINISTRATION

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WASHINGTON, DC 20006-1004

In re Application of JOUNG et al	:	
U.S. Application No.: 12/735,818	:	
PCT Application No.: PCT/KR2009/000758	:	
Int. Filing Date: 18 February 2009	:	DECISION
Priority Date Claimed: 19 February 2008	:	
Attorney Docket No.: P59305	:	
For: ROOT SPECIFIC EXPRESSION PROMOTER FROM CAPSICUM ANNUUM AQUAPORIN GENE AND USES THEREOF	:	

This is in response to applicant's correspondence filed 26 November 2010, which is being treated as a petition under 37 CFR 1.497(d).

BACKGROUND

On 18 February 2009, applicant filed international application PCT/KR2009/000758, which claimed priority of an earlier Korea application filed 19 February 2008. A copy of the international application was communicated to the USPTO from the International Bureau on 27 August 2009. The thirty-month period for paying the basic national fee in the United States expired on 19 August 2010.

On 19 August 2010, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

On 28 September 2010, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905), which indicated that an oath or declaration in compliance with 37 CFR 1.497 must be filed.

On 26 November 2010, applicant filed an executed declaration along with the present petition under 37 CFR 1.497(d).

DISCUSSION

The petition states that Wong Bae Jeon should be removed as an inventor.

37 CFR 1.497(d) states,

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

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

With regard to item (2) above, the requisite processing fee will be charged to Deposit Account No. 02-4943 as authorized in the ADS filed 19 August 2010.

With regard to item (3) above, written consent of the assignee has not been provided. If no assignee exists, petitioner should so state.

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

CONCLUSION

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

If reconsideration on the merits of the petition is desired, a proper response must be filed within TWO (2) MONTHS from the mail date of this decision. Failure to timely file a proper response will result in ABANDONMENT of the application. Extensions of time are available under 37 CFR 1.136(a). Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.497(d)". No additional petition fee is required.

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

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

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SEP 20 2011
PCT LEGAL ADMINISTRATION

In re Application of JOUNG et al :
U.S. Application No.: 12/735,818 :
PCT Application No.: PCT/KR2009/000758 :
Int. Filing Date: 18 February 2009 : DECISION
Priority Date Claimed: 19 February 2008 :
Attorney Docket No.: P59305 :
For: ROOT SPECIFIC EXPRESSION :
PROMOTER FROM CAPSICUM ANNUUM :
AQUAPORIN GENE AND USES THEREOF :

This is in response to applicant's renewed petition under 37 CFR 1.497(d) filed 15 July 2011.

BACKGROUND

On 18 February 2009, applicant filed international application PCT/KR2009/000758, which claimed priority of an earlier Korea application filed 19 February 2008. A copy of the international application was communicated to the USPTO from the International Bureau on 27 August 2009. The thirty-month period for paying the basic national fee in the United States expired on 19 August 2010.

On 19 August 2010, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

On 28 September 2010, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905), which indicated that an oath or declaration in compliance with 37 CFR 1.497 must be filed.

On 26 November 2010, applicant filed an executed declaration along with a petition under 37 CFR 1.497(d).

On 15 April 2011, this Office mailed a decision dismissing the 26 November 2010 petition.

On 15 July 2011, applicant filed the instant renewed petition under 37 CFR 1.497(d).

DISCUSSION

The petition states that Wong Bae Jeon should be removed as an inventor.

37 CFR 1.497(d) states,

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

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

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

With regard to item (3) above, the petition states that no assignee exists.

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

CONCLUSION

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

The application has an International Filing Date under 35 U.S.C. 363 of 18 February 2009, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 19 August 2010.

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

Bryan Lin

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ARLINGTON VA 22203

MAILED

MAR 30 2011

PCT LEGAL ADMINISTRATION

In re Application of	:	DECISION ON
CHISHOLM	:	
Application No.: 12/735,851	:	
PCT No.: PCT/GB2008/050173	:	
Int. Filing Date: 20 February 2009	:	PETITION UNDER
Priority Date: 20 February 2008	:	
Attorney's Docket No.: MNL-4851-53	:	
For: TERM IDENTIFICATION METHOD	:	37 CFR 1.47(b)
AND APPARATUS	:	

This decision is in response to petitioner's "Petition Under 37 CFR 1.47(b)" filed on 18 January 2011, requesting the acceptance of the application without the signature of the sole-inventor, Alastair Chisholm. Petitioner has provided the petition fee of **$200.**

BACKGROUND

On 20 August 2010, applicant filed a transmittal letter for entry into the national stage in the United States, which was accompanied by, inter alia, the requisite basic national fee as required by 35 U.S.C. 371(c)(1). However, no executed declaration or oath was submitted at such time.

On 24 September 2010, the United States Designated/Elected Office (DO/EO/US) mailed a "NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)" (Form PCT/DO/EO/905) which informed applicant, inter alia, that an "Oath or Declaration of the inventors, in compliance with 37 CFR 1.497(a), and (b), identifying the application by the International application number and international filing date." The notice indicated that the items must be submitted within two months from date of mailing or by 32 months from the priority date of the application, in order to avoid abandonment of the national stage application.

On 18 January 2011, petitioner filed a petition under 37 CFR 1.47(b), *inter alia*, a statement from Alistair Hindle, and an executed declaration without the signature of inventor Alastair Chisholm.

DISCUSSION

A petition under 37 CFR 1.47(b) must be accompanied by (1) the fee under 37 CFR 1.17(g), (2) factual proof that the inventor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the inventor, (4) an oath or declaration by the 37 CFR 1.47(b) applicant on behalf of and as agent for the non-signing inventor, (5) proof that the 37 CFR 1.47(b) applicant has sufficient proprietary interest in the application, and (6) a showing that such action is necessary to preserve the rights of the parties or to prevent irreparable damage.

Applicant has satisfied items (1) - (4), but not items (5) - (6) thus not completing the requirements under 37 CFR 1.47(b).

Petitioner has satisfied item (1) since the petition fee has been provided.

Regarding requirement (2), Alistair's declaration states that a complete set of the application papers were mailed to Alastair Chisholm on December 6, 2010 that included proof of delivery (the prior two mailings did not have this requirement) and recorded delivery on December 7, 2010, and he has not return the required sign papers. Petitioner has provided a copy of the cover letter and the signed postal mail receipt.

Consequently, the petition does include sufficient factual proof that Alastair Chisholm refuses to sign the required papers.

Regarding item (3), applicant has stated the last known address of the inventor:

Alastair Chisholm
8 Fingzies Place
Edinburgh, Scotland EH6 8AW

Regarding item (4) petitioner has provided a properly executed declaration as James McRoberts (Company secretary) is signing on behalf of the nonsigning inventor Alastair CHISHOLM.

Regarding item (6) applicant has not presented an adequate showing that the granting of this petition is necessary to preserve the rights of the parties or to prevent irreparable damage.

Regarding item (5) applicant has not submitted proof that applicant has sufficient proprietary interest in the application. Mr. Lester's statement is not sufficient without additional corroborating evidence (i.e., an assignment), and no copy of an executed assignment (signed assignment by inventor Alastair) has been provided with this petition. A copy of Research and Development Agreement and Invention Disclosure Record (invention Assisted Lookup) has been filed with the petition. The documents, however, are insufficient for the reasons stated below since it has not been established by an affidavit or a declaration from a person who has first hand knowledge and it does not appear that Michelle Lester has first hand knowledge of the specific facts of the invention.

If the application has been assigned, a copy of the assignment (in the English language) must be submitted. The assignment must clearly indicate that the invention described in the 37 CFR 1.47(b) application was assigned to the 37 CFR 1.47(b) applicant prior to the date the application is deposited in the Patent and Trademark Office.

When an inventor has agreed in writing to assign an invention described in an application deposited pursuant to 37 CFR 1.47(b), a copy of that agreement should be submitted. If an agreement to assign is dependent on certain specified conditions being met, it must be established by affidavit or declaration that those conditions have been met. A typical agreement to assign is an employment agreement where an employee (nonsigning inventor) agrees to assign to his or her employer (37 CFR 1.47(b) applicant) all inventions made during employment.

When such an agreement is relied on, it must be established by the affidavit or declaration of a person having firsthand knowledge of the facts that the invention was made by the employee while employed by the 37 CFR 1.47(b) applicant.

If the invention has not been assigned, or if there is no written agreement to assign, the 37 CFR 1.47(b) applicant must demonstrate that he or she otherwise has a sufficient proprietary interest in the matter.

A proprietary interest obtained otherwise than by assignment or agreement to assign may be demonstrated by an appropriate legal memorandum to the effect that a court of competent jurisdiction (federal, state, or foreign) would by the weight of authority in that jurisdiction award title of the invention to the 37 CFR 1.47(b) applicant. The facts in support of any conclusion that a court would award title to the 37 CFR 1.47(b) applicant should be made of record by way of an affidavit or declaration of the person having firsthand knowledge of same. The legal memorandum should be prepared and signed by an attorney at law familiar with the law of the jurisdiction involved. A copy (in the English language) of a statute (if other than the United States statute) or a court decision (if other than a reported decision of a federal court or a decision reported in the United States Patents Quarterly) relied on to demonstrate a proprietary interest should be made of record. Note MPEP 409.03(f)

Accordingly, it is not appropriate to accord the national stage application status under 37 CFR 1.47(b) at this time.

CONCLUSION

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

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

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

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AUG 31 2011

PCT LEGAL ADMINISTRATION

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ARLINGTON VA 22203

In re Application of	:	DECISION ON
CHISHOLM	:	
Application No.: 12/735,851	:	
PCT No.: PCT/GB2008/050173	:	
Int. Filing Date: 20 February 2009	:	PETITION UNDER
Priority Date: 20 February 2008	:	
Attorney's Docket No.: MNL-4851-53	:	
For: TERM IDENTIFICATION METHOD	:	37 CFR 1.47(b)
AND APPARATUS	:	

This decision is in response to applicant's "RENEWED PETITION UNDER 37 CFR 1.47(b)" filed on 06 July 2011 that seeks the acceptance of the application without the signature of sole inventor Alastair Chisholm.

BACKGROUND

In a decision from this Office on 30 March 2011, the petition filed on 18 January 2011 was dismissed because 37 CFR 1.47(b) applicant did not satisfy items (5) – (6) under 37 CFR 1.47(b).

On 06 July 2011, applicant filed a renewed petition which includes, inter alia, statements by Mr. Alan Hanle and Joanna Boag-Thomson (legal memorandum).

DISCUSSION

A petition under 37 CFR 1.47(b) must be accompanied by (1) the fee under 37 CFR 1.17(g), (2) factual proof that the inventor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the inventor, (4) an oath or declaration by the 37 CFR 1.47(b) applicant on behalf of and as agent for the non-signing inventor, (5) proof that the 37 CFR 1.47(b) applicant has sufficient proprietary interest in the application, and (6) a showing that such action is necessary to preserve the rights of the parties or to prevent irreparable damage.

Petitioner has now satisfied requirements (5) – (6) of 37 CFR 1.47(b), thus completing the all items under 37 CFR 1.47(b).

Regarding item (5), applicant has submitted proof that applicant has sufficient proprietary interest in the application because applicant has established applicant's right as outlined by a legal memorandum prepared by Joanna Boag-Thomson upon reviewing various documents such as the Research and Development Agreement, Invention Disclosure signed by Mr. Chisholm and section 39 of the Patent Act of 1977 and as a result it is Joanna's opinion that the Scottish courts

would find Mr. Chisholm to be an employee of Cognia EU Limited and Cognia EU Limited to be entitled to the aforementioned invention. In addition, Mr. Hale states that he countered an Invention Disclosure Form completed by Alastair Chisolm in which he agreed that he was the inventor.

Regarding item (6), applicant has presented an adequate showing that the granting of this petition is necessary to preserve the rights of the parties or to prevent irreparable damage.

Accordingly, it is appropriate to accord the national stage application status under 37 CFR 1.47(b) at this time.

CONCLUSION

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

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

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

This application is being returned to the United States Designated/Elected Office (DO/EO/US) to continue national stage processing of the application.

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Alastair Chisholm
8 Fingzies Place
Edinburgh, Scotland EH6 8AW

MAILED
AUG 31 2011
PCT LEGAL ADMINISTRATION

In re Application of
Alastair CHISHOLM
Application No.: 12/735,851
PCT No.: PCT/GB2008/050173
Int. Filing Date: 20 February 2009
Priority Date: 20 February 2008
Attorney's Docket No.: MNL-4851-53
For: TERM IDENTIFICATION METHOD AND APPARATUS

Dear Mr. Chisholm:

You are named as an inventor in the above identified United States patent application, filed under the provisions of 37 CFR 1.47(b) and 35 U.S.C. 118. Should a patent be granted, you will be designated as an inventor.

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

Rafael Bacares
PCT Legal Examiner
PCT Legal Office
Telephone: (703) 308-6312
Facsimile: (703) 308-6459

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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OCT 12 2010

PCT LEGAL ADMINISTRATION

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

McGinn Intellectual Property Law Group, PLLC
8321 Old Courthouse Road
Suite 200
Vienna VA 22182-3817

In re Application of :
GOKURAKUJI et al. :
Application No.: 12/735,862 : DECISION ON PETITION
PCT No.: PCT/JP2009/051976 : UNDER 37 CFR 1.182
Int. Filing Date: 05 February 2009 :
Priority Date: 28 February 2008 :
Attorney Docket No.: FPA-2008-0463-NEC. . . :
For: PROCESSING STATE MANAGEMENT DEVICE, PROCESSING STATE MANAGEMENT METHOD, AND PROGRAM

This decision is issued in response to applicants' "Paper" filed 20 August 2010 which is being treated as a petition to change an inventor's name under 37 CFR 1.182. Applicants are requesting to change the name of the first inventor from Junichi SATO to Junichi GOKURAKUJI. The $400 petition fee will be charged to counsel's Deposit Account No. 50-0481.

DISCUSSION

Section 605.04(b) of the Manual of Patent Examining Procedure states that:

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

Applicants are requesting to change the name of the first inventor from Junichi SATO to Junichi GOKURAKUJI. Accordingly, the present submission has been treated as a petition under 37 CFR 1.182 to correct the name of the first inventor. For such a petition to be grantable, MPEP § 605.04(c) states that "the petition must include an appropriate petition fee and an affidavit signed with both names and setting forth the procedure whereby the change of name was effected, or a certified copy of the court order."

Here, applicants' submission included the authorization to charge Deposit Account No. 50-0481 for required fees. Based on this authorization, Deposit Account No. 50-0481 will be charged the requisite petition fee of $400, satisfying the petition fee requirement.

However, applicants have not submitted the required statement from the inventor (or court order) confirming the name change and the procedure whereby the name was changed (for example, by marriage).

Therefore, item (2) has not been satisfied, and thus the petition may not be granted at this time.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.182 is DISMISSED without prejudice.

If reconsideration on the merits of this petition is desired, a proper response must be filed within **TWO (2) MONTH** from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.182." No additional petition fee is required. Extensions of time may be obtained under 37 CFR 1.136(a).

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

McGinn Intellectual Property Law Group, PLLC
8321 Old Courthouse Road
Suite 200
Vienna VA 22182-3817

MAILED

JAN 14 2011

PCT LEGAL ADMINISTRATION

In re Application of :
GOKURAKUJI et al. :
Application No.: 12/735,862 : DECISION ON PETITION
PCT No.: PCT/JP2009/051976 : UNDER 37 CFR 1.182
Int. Filing Date: 05 February 2009 :
Priority Date: 28 February 2008 :
Attorney Docket No.: FPA-2008-0463-NEC. . . :
For: PROCESSING STATE MANAGEMENT DEVICE, PROCESSING STATE MANAGEMENT METHOD, AND PROGRAM

This decision is issued in response to applicants' "Submission of Declaration by Inventor in Support of Request For Reconsideration of Decision on Petition under 37 CFR 1.182" filed 08 December 2010. Applicants are requesting to change the name of the first inventor from Junichi SATO to Junichi GOKURAKUJI.

DISCUSSION

Section 605.04(b) of the Manual of Patent Examining Procedure states that:

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

Applicants are requesting to change the name of the first inventor from Junichi SATO to Junichi GOKURAKUJI. Accordingly, the present submission has been treated as a petition under 37 CFR 1.182 to correct the name of the first inventor. For such a petition to be grantable, MPEP § 605.04(c) states that "the petition must include an appropriate petition fee and an affidavit signed with both names and setting forth the procedure whereby the change of name was effected, or a certified copy of the court order."

Here, applicants' previous submission included the authorization to charge counsel's Deposit Account No. 50-048 for required fees. As for the affidavit requirement or copy of the court order, applicants have submitted an affidavit regarding the name change. This affidavit states that the inventor's surname was changed, and that his/her name was

legally changed to Junichi GOKURAKUJI as a result of marriage. Hence, the declaration (affidavit) supplied satisfies the requirements for a grantable petition. Therefore, item (2) has been satisfied.

CONCLUSION

Applicants' petition under 37 CFR 1.182 to change the name of record for inventor Junichi SATO to Junichi GOKURAKUJI is GRANTED.

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/735,868	11/09/2010	David Baker	33320.03057.US01/ 3057US	7928

13565 7590 07/28/2011

McKenna Long & Aldridge LLP
4435 Eastgate Mall
Suite 400
San Diego, CA 92121

EXAMINER	
LILLING, HERBERT J	

ART UNIT	PAPER NUMBER
1657	

MAIL DATE	DELIVERY MODE
07/28/2011	PAPER

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

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

UNITED STATES PATENT AND
TRADEMARK OFFICE

JUL 2 8 2011

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

McKenna Long & Aldridge LLP
4435 Eastgate Mall
Suite 400
San Diego CA 92121

In re Application of:
Baker et al.
Serial No.: 12/735,868
Filed: November 9, 2010
Attorney Docket No: **33320.03057.US01/ 3057US**

: PETITION DECISION

This is in response to the petition filed on July 5, 2011 under 3 7 CFR 1.181 to correct the misclassification of submitted Information Disclosure Statements. Specifically, applicants request correction of the classification in PAIR of the Information Disclosure Statement submitted on October 19, 2010 in connection with the above-referenced application and consideration by the Examiner of the documents and information contained therein.

Applicants argue the "Information Disclosure Statement was submitted in connection with the above-captioned application on October 19, 2010. Each Information Disclosure Statement was prepared in accordance with 37 C.F.R 1.97 and 1.98. As required under 37 C.F.R 1.98, each Information Disclosure Statement contained 1) a list of all patents, publications, applications, or other information submitted for consideration by the Office, including a column that provides a space next to each document to be considered, for the examiner's initials and a heading that clearly indicates that the list is an Information Disclosure Statement; and 2) legible copies of all items listed. The items either were in English or a translation was provided. A copy of the misclassified Information Disclosure Statement filed on October 19 is attached.

The submitted Information Disclosure Statement included a tabular Form PTO-1449, which was classified as an "IDS," and a written disclosure of information. In each instance, the written disclosure of information was misclassified in PAIR as a "Transmittal Letter" (October 19, 2010, "Transmittal Letter" of 2 pages). Consequently the information contained therein may not be considered or reviewed by the Examiner."

Applicants' argument has been accorded careful consideration and is persuasive. PAIR will be corrected to reflect the misclassification of the submitted Information Disclosure Statement of October 19, 2010.

DECISION

The petition is **GRANTED.**

The examiner is instructed to consider the IDS of October 19, 2010 which was misclassified in PAIR as a "Transmittal Letter" (October 19, 2010, "Transmittal Letter" of 2 pages)

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

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

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

PTO/SB/20PCT-EP (05-10)
Approved for use through 01/31/2012. OMB 0651-0058
U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

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

Application No:	12/735,889	Filing date:	August 24, 2010
First Named Inventor:	Hedmann		
Title of the Invention:	METHOD FOR ACTUATING VALVES FOR CONTROLLING A FLOW PATH AND MACHINES, ESPECIALLY MEDICAL TREATMENT MACHINES		

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/EP09/001381

The international filing date of the corresponding PCT application(s) is/are: 26 Feb 2009

I. List of Required Documents:

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

☒ Is attached

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

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

☐ Is attached.

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

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

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

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

(continued)

Application No.:	12/735,889
First Named Inventor:	Hedmann

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

☐ Is attached

☒ Has already been filed in the above-identified U.S. application on May 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 May 27, 2011

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1-39	1-39	Claim text of claims 1-39 of U.S. Application is the same as the claims
		text of claims 1-39, respectively, of the corresponding PCT application.
		The only changes made in the U.S. claims were those introduced by
		Preliminary Amendment filed August 24, 2010, to remove
		multiple dependencies.

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

Signature	Date September 9, 2011
Name (Print/Typed) Harvey B. Jacobson, Jr.	Registration Number 20,851

Privacy Act Statement

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/735,889	08/24/2010	Frank L. Hedmann	P73634US0	5619

136 7590 11/14/2011

JACOBSON HOLMAN PLLC
400 SEVENTH STREET N.W.
SUITE 600
WASHINGTON, DC 20004

EXAMINER	
DECADY, ALBERT	
ART UNIT	**PAPER NUMBER**
2121	
MAIL DATE	**DELIVERY MODE**
11/14/2011	PAPER

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. Box 1450
Alexandria, VA 22313-1450
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JACOBSON HOLMAN PLLC
400 SEVENTH STREET N.W.
SUITE 600
WASHINGTON DC 20004

In re Application of: HEDMANN et al.
Application No. 12/735,889
Atty Docket #: **P73634US0**
Filed: August 24, 2010
For: **METHOD FOR ACTUATING VALVES FOR CONTROLLING A FLOW PATH AND MACHINES, ESPECIALLY MEDICAL TREATMENT MACHINES**

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

This is a decision on the request to participate in the PCT-Patent Prosecution Highway **(PCT-PPH)** pilot program and the petition under 37 CFR 1.102(a), filed September 9, 2011 to make the above- identified application special.

The petition is **GRANTED.**

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

(1) The U.S. application is
(a) a national stage entry of the corresponding PCT application

Or

(b) a national application which forms the basis for the priority claim in the corresponding PCT application

Or

(c) *a* national stage entry of another PCT application (which can be filed in any competent receiving office) which claims priority to the corresponding PCT application

Or

(d) a national application claiming foreign domestic priority to the corresponding PCT application.
Applications subject to a secrecy order (35U.S.C.181) are excluded and not subject to participation in the PCT-PPH pilot program.

Or

(e) a continuing application (continuation, divisional, or continuation-in-part) of the U.S. application which satisfies one of the above (a) to (d) scenarios.

(2) The latest work product in the international phase of the PCT application corresponding to the U.S. application, namely the WO/ISA, or the WO/IPEA, or the IPER, indicates at least one claim in the PCT application has novelty, inventive step and industrial applicability. In case any observation is described in Box VIII of the WO/ISA, or the WO/IPEA, or the IPER which forms the basis for the PCT-PPH request, applicant must identify and explain why the claim(s) is/are not subject to any observation described in Box VIII irrespective of whether an amendment is submitted to correct the observation described in Box VIII. The U.S. application will not be eligible to participate in the PCT-PPH pilot program if applicant does not identify and explain why the claim(s) is/are not subject to the observation described in Box VIII.

Applicant may not file a request to participate in the PCT-PPH pilot program on the basis of an International Search Report (ISR) only.

(3) Applicant must:

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

b. Submit a claims correspondence table in English;

The USPTO will accept claims written in dependent form in the U.S. application which are narrower in scope than the claims indicated as having novelty, inventive step and industrial applicability and free of any observation described in Box VIII in the latest work product of the corresponding PCT application.

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

(5) Applicant must submit a copy of:

a. the latest international work product, WO/ISA, or WO/IPEA or PER, which indicated that the claim(s) has/have novelty, inventive step and industrial applicability along with an English translation thereof if the copy of the latest international work product is not in the English language, unless the U.S. application and the corresponding PCT application satisfy the relationship noted in (l)(a) above.

(6) Applicant must submit a copy of:

a. the claims from the corresponding PCT application which were indicated as having novelty, inventive step and industrial applicability in the latest work product of the PCT application,
b. an English translation of the claims and
c. a statement that the English translation is accurate.

If the claims in the U.S. application are identical to the claims from the corresponding PCT application, and are in the English language, applicant may just indicate such in the PCT-PPH request and it will not be necessary for applicant to submit a copy of the claims from the corresponding PCT application.

(7) Applicant must submit:

a. An IDS listing the documents cited in the work products in the international phase of the PCT application corresponding to the U.S. application, namely the WO/ISA, or the WO/IPEA, or the IPER,(unless already submitted in this application)
b. Copies of the documents except U.S. patents or U.S. patent application publications (unless already submitted in this application);

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

Telephone inquiries concerning this decision should be directed to Mano Padmanabhan at 571-272-4210.

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

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

/Mano Padmanabhan/

_____

Mano Padmanabhan
Quality Assurance Specialist, Technology Center 2100, Workgroup 2180
571-272-4210

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MAILED

OCT 28 2010

PCT LEGAL ADMINISTRATION

KLAUBER & JACKSON
411 HACKENSACK AVENUE
HACKENSACK NJ 07601

In re Application of :
SPUR, Bernd, et al. :
Application No.: 12/735,900 :
PCT No.: PCT/US2008/004655 :
Int. Filing Date: 09 April 2008 : DECISION
Priority Date: 10 April 2007 :
Att. Docket No.: 601-1-157PCT/US :
For: BIOCHEMICAL MARKERS FOR ... :
OF BIOCHEMICAL DEFECTS :

Applicant's petition under 37 CFR 1.137(b), filed in the United States Patent and Trademark Office on 24 August 2010, is **GRANTED**.

Applicant states that the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional, as required by 37 CFR 1.137(b)(3). The appropriate national fee and petition fee have been submitted. A terminal disclaimer is not required as the application was filed on or after 08 June 1995. Accordingly, all requirements under 37 CFR 1.137(b) have been satisfied.

This application is being referred to the National Stage Processing Branch of the Office of Patent Application Processing for continued processing in accordance with this decision.

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Telephone: 571-272-3292

UNITED STATES PATENT AND TRADEMARK OFFICE

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NOV 05 2010

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

DAVID AND RAYMOND PATENT FIRM
108 N. YNEZ AVE., SUITE 128
MONTEREY PARK CA 91754

PCT LEGAL ADMINISTRATION

In re Application of	:	
HUANG, Hsin Min	:	
Application No.: 12/735,940	:	DECISION
PCT No.: PCT/CN2008/073507	:	
Int. Filing Date: 15 December 2008	:	ON PETITION UNDER
Priority Date: 27 December 2007	:	
Docket No.: USP4514C/NB045-TBI	:	37 CFR 1.137(b)
For: ELECTROMAGNETIC VIBRATION DEVICE AND MANUFACTURING METHOD THEREOF	:	

Applicant's Petition For Revival Under 37 CFR 1.137(b), filed in the above-captioned application on 25 August 2010 is **GRANTED**.

Applicant states that the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional, as required by 37 CFR 1.137(b)(3). The basic national fee and petition fee have been paid. A terminal disclaimer is not required as the application was filed on or after 08 June 1995. Accordingly, all requirements under 37 CFR 1.137(b) have been satisfied.

This application is being forwarded to the National Stage Processing Branch of the Office of Patent Application Processing for further action consistent with this decision.

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Telephone: 571-272-3292

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

JUL 29 2011

PCT LEGAL ADMINISTRATION

Li, Ming
199#, Chengzhong Road
Jiading District, Shanghai,
20180-0
CHINA

In re Application of: Li, Ming, et al.
U.S. Application No.: 12/735,943
PCT No.: PCT/IB2009/050913
International Filing Date: 05 March 2009
Claimed Priority Date: 26 February 2008
Attorney's Docket No.: None
For: SELF-COLLIMATOR CONCAVE SPECTRA SHAPING DEVICE FOR CHIRPED-PLUS-AMPLIFICATION

DECISION ON PETITION FOR REVIVAL UNDER 37 CFR 1.137(b)

The petition for revival under 37 CFR 1.137(b) filed 02 June 2011 in the above-captioned application is hereby **GRANTED** as follows:

As discussed in the Communication mailed herein on 22 February 2011, international application PCT/IB2009/050913 became abandoned with respect to the United States at midnight on 26 August 2010 based on applicants' failure to submit payment of the U.S. basic national fee prior to the expiration of thirty months from the priority date.

The present petition for revival was accompanied by payment of the small entity petition fee, and the "required reply" (i.e., payment of the U.S. basic national fee) was previously filed on 27 August 2010.

In addition, the present petition, which is signed by all five applicant/inventors, includes a detailed explanation regarding the delay in filing the basic national fee and the present petition for revival. Applicants' statements are construed as the statement required by 37 CFR 1.137(b)(3), that is, a statement that "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 C.F.R. § 1.137(b) was unintentional." Based on this interpretation of applicants' statements, the requirement of 37 CFR 1.137(b)(3) is satisfied.[1]

Based on the above, the requirements of 37 CFR 1.137(b) have been satisfied. Accordingly, the request to revive international application PCT/IB2009/050913 with respect to the United States is appropriately granted.

[1] Applicants must notify this Office immediately if this is not a correct interpretation of applicants' statements.

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

/RichardMRoss/

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NOV 18 2011

PCT LEGAL ADMINISTRATION

Li, Ming
199#, Chengzhong Road
Jiading District, Shanghai,
20180-0
CHINA

In re Application of: LI, Ming, et al.
U.S. Application No.: 12/735,943
PCT No.: PCT/IB2009/050913
International Filing Date: 05 March 2009
Claimed Priority Date: 26 February 2008
Attorney's Docket No.: None
For: SELF-COLLIMATOR CONCAVE SPECTRA SHAPING DEVICE FOR CHIRPED-PLUS-AMPLIFICATION

DECISION ON PETITION FOR REVIVAL UNDER 37 CFR 1.137(a)

The petition for revival under 37 CFR 1.137(a) filed 16 September 2011 in the above-captioned application is hereby **DISMISSED AS MOOT**.

As discussed in the Communication mailed herein on 22 February 2011, international application PCT/IB2009/050913 became abandoned with respect to the United States at midnight on 26 August 2010 based on applicants' failure to submit payment of the U.S. basic national fee prior to the expiration of thirty months from the priority date.

On 02 June 2011, applicants filed a petition for revival of the international application under 37 CFR 1.137(b), and, in a decision mailed on 29 July 2011, applicants' petition for revival of the application under 37 CFR 1.137(b) was granted.

Because applicants' previous petition for revival of the application under 37 CFR 1.137(b) was granted, the application is no longer abandoned. The present petition for revival of the application under 37 CFR 1.137(a), directed as it is to an application that has already been revived and is not abandoned, is therefore moot.

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MAR 19 2012

PCT LEGAL ADMINISTRATION

In re Application of: LI, Ming, et al.
U.S. Application No.: 12/735,943
PCT No.: PCT/IB2009/050913
International Filing Date: 05 March 2009
Claimed Priority Date: 26 February 2008
Attorney's Docket No.: None
For: SELF-COLLIMATOR CONCAVE SPECTRA SHAPING DEVICE FOR CHIRPED-PLUS-AMPLIFICATION

DECISION ON PETITION UNDER 37 CFR 1.181

This decision is issued in response to the "Petition For Correction The Filing Receipt" filed on 16 January 2012 (and resubmitted on 18 January 2012), treated herein as a petition under 37 CFR 1.181 for correction of the Notification Of Acceptance and the filing receipt. No petition fee is required.

BACKGROUND

The procedural background for the present national stage application was set forth in the previous communications and decisions mailed herein.

On 29 July 2011, a decision was issued granting applicants' petition for revival of the international application under 37 CFR 1.137(b) (the application had been abandoned for failure to timely file the U.S. basic national fee).

On 19 September 2011, the United States Designated/Elected Office issued a "Notification Of Acceptance" (Form DO/EO/903) and filing receipt.

On 16 January 2012, applicants filed the petition considered herein.

DISCUSSION

Applicants' present petition requests correction of a number of items in the Notification Of Acceptance and the filing receipt, including the "Date Of Completion Of All 35 U.S.C. 371 Requirements."[1] However, for the reasons discussed below, it is determined that the Notification

[1] Applicants' petition also requests correction of the "Status Date" of the present application to 27 August 2010, the date the first national stage materials were filed. However, the "Status Date" represents the most recent date that a

Of Acceptance and filing receipt mailed on 19 September 2011 were issued in error and are therefore properly vacated. Applicants' present petition to correct the now-vacated Notification Of Acceptance and filing receipt is therefore moot.

The Notification of Acceptance and the filing receipt mailed on 19 September 2011 were improperly issued because the record does not indicate that applicants have satisfied the requirements of 35 U.S.C. 371(c)(1), (c)(2), and (c)(4). Specifically, the present record does not include a document identified as an English translation of the international application as filed, as required by 35 U.S.C. 371(c)(2).

A purported English translation of the international application was filed on 28 October 2010. However, in the accompanying transmittal letter, applicants specifically identified the accompanying translation of the claims as a translation of the "amended claims," not a translation of the claims in the international application as filed. Submission of an English translation of amended claims, as opposed to an English translation of the claims as filed, does not satisfy the requirements of 35 U.S.C. 371(c)(2). See MPEP section 1893.01(d):

> Applicants entering the national stage in the U.S. are required to file an English translation of the international application if the international application was filed in another language and was not published under PCT Article 21(2) in English. 35 U.S.C. 371(c)(2) and 37 CFR 1.495(c). ... The translation must be a translation of the international application as filed or with any changes which have been properly accepted under PCT Rule 26 or any rectifications which have been properly accepted under PCT Rule 91. A translation of less than all of the international application (e.g., a translation that fails to include a translation of text contained in the drawings or a translation that includes a translation of claims amended under PCT Article 19 or 34 but does not include a translation of the original claims) is unacceptable.

Because applicants' own letter indicates that the 28 October 2010 submission did not include an English translation of the claims as filed, the translation filed on 28 October 2010 cannot be accepted in satisfaction of the requirement of 35 U.S.C. 371(c)(2).

On 17 December 2010 applicants filed what appears to be a revised English translation of the international application, accompanied by a cover letter describing the submission and a number of additional documents. It is noted that none of the documents filed on 17 December 2010 appear to have been properly signed in accordance with 37 CFR 1.4. Moreover, the cover letter filed on 17 December 2010 again indicates that the English translation of the claims is a translation of the "amended claims," rather an English translation of the claims in the international application as filed (in fact, the letter indicates that this translation includes further corrections to the claims). Thus, as with the 28 October 2010 submission, the revised English translation filed on 17 December 2010 cannot be accepted in satisfaction of the requirement of 35 U.S.C. 371(c)(2).

Based on the above, applicants have not as yet filed an English translation of the international application as filed, including an English translation of the original claims, as

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change in the application's status was entered in the USPTO system. Thus, this date changes over time as the application proceeds though processing.

required to satisfy 35 U.S.C. 371(c)(2). Accordingly, on the present record, applicants have not satisfied all the requirements of 35 U.S.C. 371(c)(1), (c)(2), and (c)(4). The "Notification Of Acceptance" and filing receipt mailed on 19 September 2011, both of which indicated that the requirements of 35 U.S.C. 371(c) had been satisfied, were issued in error and are appropriately vacated.

A Notification Of Missing Requirements (Form PCT/DO/EO/905) will be issued requiring applicants to submit an English translation of the international application as filed, including an English translation of the original claims filed in the international application.

CONCLUSION

The Notification Of Acceptance (Form PCT/DO/EO/903) and filing receipt mailed 19 September 2011 are hereby **VACATED** based on applicants' failure to file herein a document identified as an English translation of the complete international application as filed, including an English translation of the original, non-amended claims.

Applicants' petition under 37 CFR 1.181 for correction of the now-vacated Notification Of Acceptance and the filing receipt is **DISMISSED AS MOOT**.

This application is being referred to the National Stage Processing Branch of the Office of PCT Operations for further processing in accordance with this decision, including the issuance of a Notification of Missing Requirements (Form PCT /DO/EO/905) requiring submission of an acceptable English translation of the international application as filed, including an English translation of the original claims.

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JUL 29 2011

PCT LEGAL ADMINISTRATION

Li, Ming
199#, Chengzhong Road
Jiading District, Shanghai,
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CHINA

In re Application of: Li, Ming, et al.
U.S. Application No.: 12/735,944
PCT No.: PCT/IB2009/050915
International Filing Date: 05 March 2009
Claimed Priority Date: 26 February 2008
Attorney's Docket No.: None
For: SELF-COLLIMATOR PLANAR SPECTROSCOPY SHAPING DEVICE FOR CHIRPED-PLUS-AMPLIFICATION

DECISION ON PETITION FOR REVIVAL UNDER 37 CFR 1.137(b)

The petition for revival under 37 CFR 1.137(b) filed 02 June 2011 in the above-captioned application is hereby **GRANTED** as follows:

As discussed in the Communications mailed herein on 15 November 2010 and 22 February 2011, international application PCT/IB2009/050915 became abandoned with respect to the United States at midnight on 26 August 2010 based on applicants' failure to submit payment of the U.S. basic national fee prior to the expiration of thirty months from the priority date.

The present petition for revival was accompanied by payment of the small entity petition fee, and the "required reply" (i.e., payment of the U.S. basic national fee) was previously filed on 27 August 2010.

In addition, the present petition, which is signed by all five applicant/inventors, includes a detailed explanation regarding the delay in filing the basic national fee and the present petition for revival. Applicants' statements are construed as the statement required by 37 CFR 1.137(b)(3), that is, a statement that "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 C.F.R. § 1.137(b) was unintentional." Based on this interpretation of applicants' statements, the requirement of 37 CFR 1.137(b)(3) is satisfied.[1]

Based on the above, the requirements of 37 CFR 1.137(b) have been satisfied. Accordingly, the request to revive international application PCT/IB2009/050915 with respect to the United States is appropriately granted.

[1] Applicants must notify this Office immediately if this is not a correct interpretation of applicants' statements.

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

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NOV 18 2011

PCT LEGAL ADMINISTRATION

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In re Application of: LI, Ming, et al.
U.S. Application No.: 12/735,944
PCT No.: PCT/IB2009/050915
International Filing Date: 05 March 2009
Claimed Priority Date: 26 February 2008
Attorney's Docket No.: None
For: SELF-COLLIMATOR PLANAR SPECTROSCOPY SHAPING DEVICE FOR CHIRPED-PLUS-AMPLIFICATION

DECISION ON PETITION FOR REVIVAL UNDER 37 CFR 1.137(a)

The petition for revival under 37 CFR 1.137(a) filed 17 September 2011 in the above-captioned application is hereby **DISMISSED AS MOOT**.

As discussed in the Communications mailed herein on 15 November 2010 and 22 February 2011, international application PCT/IB2009/050915 became abandoned with respect to the United States at midnight on 26 August 2010 based on applicants' failure to submit payment of the U.S. basic national fee prior to the expiration of thirty months from the priority date.

On 02 June 2011, applicants filed a petition for revival of the international application under 37 CFR 1.137(b), and, in a decision mailed on 29 July 2011, applicants' petition for revival of the application under 37 CFR 1.137(b) was granted.

Because applicants' previous petition for revival of the application under 37 CFR 1.137(b) was granted, the application is no longer abandoned. The present petition for revival of the application under 37 CFR 1.137(a), directed as it is to an application that has already been revived and is not abandoned, is therefore moot.

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MAR 19 2012

PCT LEGAL ADMINISTRATION

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U.S. Application No.: 12/735,944
PCT No.: PCT/IB2009/050915
International Filing Date: 05 March 2009
Claimed Priority Date: 26 February 2008
Attorney's Docket No.: None
For: SELF-COLLIMATOR PLANAR SPECTROSCOPY SHAPING DEVICE FOR CHIRPED-PLUS-AMPLIFICATION

DECISION ON PETITION UNDER 37 CFR 1.181

This decision is issued in response to the "Petition For Correction The Filing Receipt" filed on 17 January 2012 (and resubmitted on 18 January 2012), treated herein as a petition under 37 CFR 1.181 for correction of the Notification Of Acceptance and the filing receipt. No petition fee is required.

BACKGROUND

The procedural background for the present national stage application was set forth in the previous communications and decisions mailed herein.

On 29 July 2011, a decision was issued granting applicants' petition for revival of the international application under 37 CFR 1.137(b) (the application had been abandoned for failure to timely file the U.S. basic national fee).

On 08 August 2011, the United States Designated/Elected Office issued a "Notification Of Acceptance" (Form DO/EO/903) and filing receipt.

On 17 January 2012, applicants filed the petition considered herein.

DISCUSSION

Applicants' present petition requests correction of a number of items in the Notification Of Acceptance and the filing receipt, including the "Date Of Completion Of All 35 U.S.C. 371

Requirements."[1] However, for the reasons discussed below, it is determined that the Notification Of Acceptance and filing receipt mailed on 08 August 2011 were issued in error and are therefore properly vacated. Applicants' present petition to correct the now-vacated Notification Of Acceptance and filing receipt is therefore moot.

The Notification of Acceptance and the filing receipt mailed on 08 August 2011 were improperly issued because the record does not indicate that applicants have satisfied the requirements of 35 U.S.C. 371(c)(1), (c)(2), and (c)(4). Specifically, the present record does not include a document identified as an English translation of the international application as filed, as required by 35 U.S.C. 371(c)(2).

A purported English translation of the international application was filed on 28 October 2010. However, in the accompanying transmittal letter, applicants specifically identified the accompanying translation of the claims as a translation of the "amended claims," not a translation of the claims in the international application as filed. Submission of an English translation of amended claims, as opposed to an English translation of the claims as filed, does not satisfy the requirements of 35 U.S.C. 371(c)(2). See MPEP section 1893.01(d):

> Applicants entering the national stage in the U.S. are required to file an English translation of the international application if the international application was filed in another language and was not published under PCT Article 21(2) in English. 35 U.S.C. 371(c)(2) and 37 CFR 1.495(c). ... The translation must be a translation of the international application as filed or with any changes which have been properly accepted under PCT Rule 26 or any rectifications which have been properly accepted under PCT Rule 91. A translation of less than all of the international application (e.g., a translation that fails to include a translation of text contained in the drawings or a translation that includes a translation of claims amended under PCT Article 19 or 34 but does not include a translation of the original claims) is unacceptable.

Because applicants' own letter indicates that the 28 October 2010 submission did not include an English translation of the claims as filed, the translation filed on 28 October 2010 cannot be accepted in satisfaction of the requirement of 35 U.S.C. 371(c)(2).

On 17 December 2010 applicants filed what appears to be a revised English translation of the international application, accompanied by a cover letter describing the submission and a number of additional documents. It is noted that none of the documents filed on 17 December 2010 appear to have been properly signed in accordance with 37 CFR 1.4. Moreover, the cover letter filed on 17 December 2010 again indicates that the English translation of the claims is a translation of the "amended claims," rather an English translation of the claims in the international application as filed (in fact, the letter indicates that this translation includes further corrections to the claims). Thus, as with the 28 October 2010 submission, the revised English translation filed on 17 December 2010 cannot be accepted in satisfaction of the requirement of 35 U.S.C. 371(c)(2).

---

[1] Applicants' petition also requests correction of the "Status Date" of the present application to 27 August 2010, the date the first national stage materials were filed. However, the "Status Date" represents the most recent date that a change in the application's status was entered in the USPTO system. Thus, this date changes over time as the application proceeds though processing.

Based on the above, applicants have not as yet filed an English translation of the international application as filed, including an English translation of the original claims, as required to satisfy 35 U.S.C. 371(c)(2). Accordingly, on the present record, applicants have not satisfied all the requirements of 35 U.S.C. 371(c)(1), (c)(2), and (c)(4). The "Notification Of Acceptance" and filing receipt mailed on 08 August 2011, both of which indicated that the requirements of 35 U.S.C. 371(c) had been satisfied, were issued in error and are appropriately vacated.

A Notification Of Missing Requirements (Form PCT/DO/EO/905) will be issued requiring applicants to submit an English translation of the international application as filed, including an English translation of the original claims filed in the international application.

CONCLUSION

The Notification Of Acceptance (Form PCT/DO/EO/903) and filing receipt mailed 08 August 2011 are hereby **VACATED** based on applicants' failure to file herein a document identified as an English translation of the complete international application as filed, including an English translation of the original, non-amended claims.

Applicants' petition under 37 CFR 1.181 for correction of the now-vacated Notification Of Acceptance and the filing receipt is **DISMISSED AS MOOT**.

This application is being referred to the National Stage Processing Branch of the Office of PCT Operations for further processing in accordance with this decision, including the issuance of a Notification of Missing Requirements (Form PCT /DO/EO/905) requiring submission of an acceptable English translation of the international application as filed, including an English translation of the original claims.

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MAILED

MAY 25 2011

PCT LEGAL ADMINISTRATION

In re Application of :
LI *et al* :
Application No.: 12/735,945 :
PCT No.: PCT/IB2009/050914 :
Int. Filing Date: 05 March 2009 :
Priority Date: 26 February 2008 :
Attorney Docket No.: None :
For: SPECTRA SHAPING SCHEME FOR :
CHIRPED PULSE AMPLIFICATION :

DECISION

This decision is in response to the papers filed 21 March 2011 which are treated as a petition under 37 CFR 1.137(a).

BACKGROUND

On 05 March 2009, applicants filed international application PCT/IB2009/050914 claiming priority to a Chinese patent application filed 26 February 2008. Applicants requested a restoration of the right of priority with the International Bureau (IB). The IB granted applicants' request for restoration of priority on 25 September 2009 based upon a finding that the failure to file the international application within the priority period was unintentional.

On 27 August 2010, applicants filed for entry into the national stage in the United States under 35 U.S.C. 371 for PCT/IB2009/050914 which was accompanied by, *inter alia*, the basic national fee, an executed declaration, and an unsigned document titled "Petition for an Excuse of Delays in Meeting Time Limits."

On 28 October 2010, an English translation of the specification, claims and drawings was filed. Applicants also included a change of a correspondence address to the address associated with Customer Number 01070.

On 24 November 2010, a communication was mailed stating that the USPTO does not respond to unsigned communications.

On 17 December 2010, applicants filed corrected English translations of the specification, claims and drawings. Applicants also included several petitions requesting an excuse of delays in meeting the time limits of the U.S. and for providing an English translation. These petitions included electronic signatures.

On 27 December 2010, a change of a correspondence address to the address associated with Customer Number 10700 was filed.

On 03 March 2011, a communication was mailed noting that the electronic signatures provided in the documents filed 17 December 2010 were unacceptable.

On 21 March 2011, applicants filed a "Petition for an Excuse of Delays in Meeting Time Limits of a Patent Enter into the National Phase of U.S.," and a "Petition for an Excuse of Delays in Meeting Time Limits of Translating the Application into English." Applicants included fees paid by credit card for the $65.00 surcharge fee, a $130.00 processing fee, a $215.00 search fee, and a $110.00 examination fee.

DISCUSSION

In order to enter the national stage, applicants must meet the requirements of 37 CFR 1.495, which states, in part:

> (b) To avoid abandonment of the application, the applicant shall furnish to the United States Patent and Trademark Office not later than the expiration of thirty months from the priority date:
>
> (2) The basic national fee (see § 1.492(a)).

Here, the national stage papers and basic national fee arrived on 27 August 2010. However, the thirty-month deadline to enter the national stage expired on 26 August 2010.

Accordingly, the above-captioned application is hereby **ABANDONED** pursuant to 37 CFR 1.495(b)(2).

Petition to Revive an Unavoidably Abandoned Application Under 37 CFR 1.137(a)

Applicants request an excuse for failing to timely enter the U.S. national stage. Applicants indicate that they encountered problems using the USPTO EFS-Web system. As a result, the above-captioned application was filed from China by mail using UPS which resulted in the delay in entering the national stage.

Applicants claim that they had taken all the measures that a reasonably prudent person would have taken in their circumstances and that the "delay was unavoidable." This petition is treated under 37 CFR 1.137(a).

A petition to revive an unavoidably abandoned application pursuant to 37 CFR 1.137(a) must be accompanied by: (1) the required reply; (2) an adequate showing of unavoidable delay (3) any terminal disclaimer required pursuant to 37 CFR 1.137(c); and (4) the petition fee.

Here, applicant failed to provide the petition fee of $270.00 (37 CFR 1.17(l) for a small entity as required. Therefore, the petition under 37 CFR 1.137(a) will not be considered at this time.

CONCLUSION

Applicants' petition for revival pursuant to 37 CFR 1.137(a) is **DISMISSED** without prejudice.

The above-captioned application remains **ABANDONED**.

This decision does not preclude applicants from obtaining relief pursuant to 37 CFR 1.137(b) on the basis of unintentional delay. Applicants are advised to use the following forms (as appropriate), http://www.uspto.gov/web/forms/sb61pct.pdf http://www.uspto.gov/web/forms/sb64pct.pdf, with any renewed petition.

Any renewed petition under 37 CFR 1.137(a), or 37 CFR 1.137(b) must be filed within **TWO (2) MONTHS** from the mail date of this decision.

Failure to promptly respond may be considered an intentional delay.

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

James Thomson
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UNITED STATES PATENT AND TRADEMARK OFFICE

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MAILED

AUG 02 2011

PCT LEGAL ADMINISTRATION

In re Application of :
LI *et al* :
Application No.: 12/735,945 :
PCT No.: PCT/IB2009/050914 :
Int. Filing Date: 05 March 2009 :
Priority Date: 26 February 2008 :
Attorney Docket No.: None :
For: SPECTRA SHAPING SCHEME FOR :
CHIRPED PULSE AMPLIFICATION :

DECISION ON PETITION UNDER 37 CFR 1.137(b)

Applicants' petition to revive under 37 CFR 1.137(b) filed on 02 June 2011 is hereby **GRANTED** as follows:

The Basic National fee, search fee and examination fee for a small entity were submitted on 21 March 2011. The petition fee under 37 CFR 1.137(b) for a small entity was provided. The statements in the petition have been interpreted as meaning that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional." If this interpretation is incorrect, applicants should notify this office. A terminal disclaimer is not required.

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

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

James Thomson
Attorney Advisor
Office of PCT Legal Administration

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UNITED STATES PATENT AND TRADEMARK OFFICE

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NOV 18 2011

PCT LEGAL ADMINISTRATION

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In re Application of: LI, Ming, et al.
U.S. Application No.: 12/735,945
PCT No.: PCT/IB2009/050914
International Filing Date: 05 March 2009
Claimed Priority Date: 26 February 2008
Attorney's Docket No.: None
For: SPECTRA SHAPING SCHEME FOR CHIRPED PULSE AMPLIFICATION

DECISION ON PETITION FOR REVIVAL UNDER 37 CFR 1.137(a)

The petition for revival under 37 CFR 1.137(a) filed 17 September 2011 in the above-captioned application is hereby **DISMISSED AS MOOT**.

International application PCT/IB2009/050914 became abandoned with respect to the United States at midnight on 26 August 2010 based on applicants' failure to submit payment of the U.S. basic national fee prior to the expiration of thirty months from the priority date.

On 02 June 2011, applicants filed a petition for revival of the international application under 37 CFR 1.137(b), and, in a decision mailed on 02 August 2011, applicants' petition for revival of the application under 37 CFR 1.137(b) was granted.

Because applicants' previous petition for revival of the application under 37 CFR 1.137(b) was granted, the application is no longer abandoned. The present petition for revival of the application under 37 CFR 1.137(a), directed as it is to an application that has already been revived and is not abandoned, is therefore moot.

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MAR 19 2012

PCT LEGAL ADMINISTRATION

UNITED STATES PATENT AND TRADEMARK OFFICE

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In re Application of: LI, Ming, et al.
U.S. Application No.: 12/735,945
PCT No.: PCT/IB2009/050914
International Filing Date: 05 March 2009
Claimed Priority Date: 26 February 2008
Attorney's Docket No.: None
For: SPECTRA SHAPING SCHEME FOR CHIRPED-PLUS-AMPLIFICATION

DECISION ON PETITION UNDER 37 CFR 1.181

This decision is issued in response to the "Petition For Correction The Filing Receipt" filed on 17 January 2012 (and resubmitted on 18 January 2012), treated herein as a petition under 37 CFR 1.181 for correction of the Notification Of Acceptance and the filing receipt. No petition fee is required.

BACKGROUND

The procedural background for the present national stage application was set forth in the previous communications and decisions mailed herein.

On 02 August 2011, a decision was issued granting applicants' petition for revival of the international application under 37 CFR 1.137(b) (the application had been abandoned for failure to timely file the U.S. basic national fee).

On 12 August 2011, the United States Designated/Elected Office issued a "Notification Of Acceptance" (Form DO/EO/903) and filing receipt.

On 17 January 2012, applicants filed the petition considered herein.

DISCUSSION

Applicants' present petition requests correction of a number of items in the Notification Of Acceptance and the filing receipt, including the "Date Of Receipt Of 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) Requirements" and the "Date Of Completion Of All 35 U.S.C. 371

Requirements."[1] However, for the reasons discussed below, it is determined that the Notification Of Acceptance and filing receipt mailed on 12 August 2011 were issued in error and are therefore properly vacated. Applicants' present petition to correct the now-vacated Notification Of Acceptance and filing receipt is therefore moot.

The Notification of Acceptance and the filing receipt mailed on 12 August 2011 were improperly issued because the record does not indicate that applicants have satisfied the requirements of 35 U.S.C. 371(c)(1), (c)(2), and (c)(4). Specifically, the present record does not include a document identified as an English translation of the international application as filed, as required by 35 U.S.C. 371(c)(2).

A purported English translation of the international application was filed on 28 October 2010. However, in the accompanying transmittal letter, applicants specifically identified the accompanying translation of the claims as a translation of the "amended claims," not a translation of the claims in the international application as filed. Submission of an English translation of amended claims, as opposed to an English translation of the claims as filed, does not satisfy the requirements of 35 U.S.C. 371(c)(2). See MPEP section 1893.01(d):

> Applicants entering the national stage in the U.S. are required to file an English translation of the international application if the international application was filed in another language and was not published under PCT Article 21(2) in English. 35 U.S.C. 371(c)(2) and 37 CFR 1.495(c). ... The translation must be a translation of the international application as filed or with any changes which have been properly accepted under PCT Rule 26 or any rectifications which have been properly accepted under PCT Rule 91. A translation of less than all of the international application (e.g., a translation that fails to include a translation of text contained in the drawings or a translation that includes a translation of claims amended under PCT Article 19 or 34 but does not include a translation of the original claims) is unacceptable.

Because applicants' own letter indicates that the 28 October 2010 submission did not include an English translation of the claims as filed, the translation filed on 28 October 2010 cannot be accepted in satisfaction of the requirement of 35 U.S.C. 371(c)(2).

On 17 December 2010 applicants filed what appears to be a revised English translation of the international application, accompanied by a cover letter describing the submission and a number of additional documents. It is noted that none of the documents filed on 17 December 2010 appear to have been properly signed in accordance with 37 CFR 1.4. Moreover, the cover letter filed on 17 December 2010 again indicates that the English translation of the claims is a translation of the "amended claims," rather an English translation of the claims in the international application as filed (in fact, the letter indicates that this translation includes further corrections to the claims). Thus, as with the 28 October 2010 submission, the revised English translation filed on 17 December 2010 cannot be accepted in satisfaction of the requirement of 35 U.S.C. 371(c)(2).

---

[1] Applicants' petition also requests correction of the "Status Date" of the present application to 27 August 2010, the date the first national stage materials were filed. However, the "Status Date" represents the most recent date that a change in the application's status was entered in the USPTO system. Thus, this date changes over time as the application proceeds though processing.

Based on the above, applicants have not as yet filed an English translation of the international application as filed, including an English translation of the original claims, as required to satisfy 35 U.S.C. 371(c)(2). Accordingly, on the present record, applicants have not satisfied all the requirements of 35 U.S.C. 371(c)(1), (c)(2), and (c)(4). The "Notification Of Acceptance" and filing receipt mailed on 12 August 2011, both of which indicated that the requirements of 35 U.S.C. 371(c) had been satisfied, were issued in error and are appropriately vacated.

A Notification Of Missing Requirements (Form PCT/DO/EO/905) will be issued requiring applicants to submit an English translation of the international application as filed, including an English translation of the original claims filed in the international application.

CONCLUSION

The Notification Of Acceptance (Form PCT/DO/EO/903) and filing receipt mailed 12 August 2011 are hereby **VACATED** based on applicants' failure to file herein a document identified as an English translation of the complete international application as filed, including an English translation of the original, non-amended claims.

Applicants' petition under 37 CFR 1.181 for correction of the now-vacated Notification Of Acceptance and the filing receipt is **DISMISSED AS MOOT**.

This application is being referred to the National Stage Processing Branch of the Office of PCT Operations for further processing in accordance with this decision, including the issuance of a Notification of Missing Requirements (Form PCT /DO/EO/905) requiring submission of an acceptable English translation of the international application as filed, including an English translation of the original claims.

/RichardMRoss/

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UNITED STATES PATENT AND TRADEMARK OFFICE

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MARSHALL & MELHORN, LLC
FOUR SEAGATE - EIGHTH FLOOR
TOLEDO, OH 43604

MAILED

JAN 26 2011

PCT LEGAL ADMINISTRATION

In re Application of SANDERSON et al :
U.S. Application No.: 12/735,968 :
PCT Application No.: PCT/GB2009/050099 : DECISION
Int. Filing Date: 03 February 2009 :
Priority Date Claimed: 27 February 2008 :
Attorney Docket No.: 1-20682 :
For: COATED GLAZING :

This is in response to applicant's petition under 37 CFR 1.47(a) filed on 15 December 2010.

BACKGROUND

On 03 February 2009, applicant filed international application PCT/GB2009/050099, which claimed priority of an earlier United Kingdom application filed 27 February 2008. A copy of the international application was communicated to the USPTO from the International Bureau on 03 September 2009. The thirty-month period for paying the basic national fee in the United States expired on 27 August 2010.

On 26 August 2010, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

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

On 15 December 2010, applicant filed the present petition under 37 CFR 1.47(a).

DISCUSSION

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

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

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

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

> A refusal by an inventor to sign an oath or declaration when the inventor has not been presented with the application papers does not itself suggest that the inventor is refusing to join the application unless it is clear that the inventor understands exactly what he or she is being asked to sign and refuses to accept the application papers. A copy of the application papers should be sent to the last known address of the nonsigning inventor, or, if the nonsigning inventor is represented by counsel, to the address of the nonsigning inventor's attorney. . . . It is reasonable to require that the inventor be presented with the application papers before a petition under 37 CFR 1.47 is granted since such a procedure ensures that the inventor is apprised of the application to which the oath or declaration is directed. In re Gray, 115 USPQ 80 (Comm'r Pat. 1956).
>
> Where a refusal of the inventor to sign the application papers is alleged, the circumstances of the presentation of the application papers and of the refusal must be specified in a statement of facts by the person who presented the inventor with the application papers and/or to whom the refusal was made. Statements by a party not present when an oral refusal is made will not be accepted.
>
> Proof that a bona fide attempt was made to present a copy of the application papers (specification, including claims, drawings, and oath or declaration) to the nonsigning inventor for signature, but the inventor refused to accept delivery of the papers or expressly stated that the application papers should not be sent, may be sufficient. When there is an express oral refusal, that fact along with the time and place of the refusal must be stated in the statement of facts. When there is an express written refusal, a copy of the document evidencing that refusal must be made part of the statement of facts. The document may be redacted to remove material not related to the inventor's reasons for refusal.
>
> When it is concluded by the 37 CFR 1.47 applicant that a nonsigning inventor's conduct constitutes a refusal, all facts upon which that conclusion is based should be stated in the statement of facts in support of the petition or directly in the petition. If there is documentary evidence to support facts alleged in the petition or in any statement of facts, such evidence should be submitted. Whenever a nonsigning inventor gives a reason for refusing to sign the application oath or declaration, that reason should be stated in the petition.

The petition states that joint inventor Guillermo Benito Gutierrez refuses to sign. However, the petition does not adequately demonstrate that a bona fide attempt was made to present a copy of the application papers (including specification, claims, drawings, and oath/declaration) to the inventor for signature. Although the petition states that the declaration was forwarded to the inventor, there is no evidence that the specification, claims, and drawings were ever received by the inventor. As stated above, it is reasonable to require that the inventor be presented with the application papers before a petition under 37 CFR 1.47 is granted since

such a procedure ensures that the inventor is apprised of the application to which the oath or declaration is directed. In re Gray, 115 USPQ 80 (Comm'r Pat. 1956).

With regard to item (3) above, applicant has provided the requisite petition fee.

With regard to item (4) above, the petition states the last known address of the nonsigning inventor.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.47(a) is DISMISSED without prejudice.

If reconsideration on the merits of the petition is desired, a proper response must be filed within TWO (2) MONTHS from the mail date of this decision. Failure to timely file a proper response will result in ABANDONMENT of the application. Extensions of time are available under 37 CFR 1.136(a). Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)". No additional petition fee is required.

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

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PCT Legal Office

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FOUR SEAGATE - EIGHTH FLOOR
TOLEDO, OH 43604

MAILED
JUN 29 2011
PCT LEGAL ADMINISTRATION

In re Application of SANDERSON et al	:	
U.S. Application No.: 12/735,968	:	
PCT Application No.: PCT/GB2009/050099	:	DECISION
Int. Filing Date: 03 February 2009	:	
Priority Date Claimed: 27 February 2008	:	
Attorney Docket No.: 1-20682	:	
For: COATED GLAZING	:	

This is in response to applicant's renewed petition under 37 CFR 1.47(a) filed 05 May 2011.

BACKGROUND

On 03 February 2009, applicant filed international application PCT/GB2009/050099, which claimed priority of an earlier United Kingdom application filed 27 February 2008. A copy of the international application was communicated to the USPTO from the International Bureau on 03 September 2009. The thirty-month period for paying the basic national fee in the United States expired on 27 August 2010.

On 26 August 2010, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

On 15 September 2010, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905), which indicated that an oath or declaration in compliance with 37 CFR 1.497 must be filed.

On 15 December 2010, applicant filed a petition under 37 CFR 1.47(a).

On 26 January 2011, this Office mailed a decision dismissing the 15 December 2010 petition.

On 05 May 2011, applicant filed the instant renewed petition under 37 CFR 1.47(a).

DISCUSSION

A petition under 37 CFR 1.47(a) must be accompanied by: (1) an oath or declaration by each applicant on his or her own behalf and on behalf of the nonsigning joint inventors, (2) factual proof that the missing joint inventors refuse to join in the application or cannot be reached after diligent effort, (3) the fee set forth in §1.17(i), and (4) the last known addresses of the nonsigning joint inventors.

Applicant previously satisfied items (1), (3), and (4) above.

With regard to item (2) above, MPEP 409.03(d) states in relevant part,

> A refusal by an inventor to sign an oath or declaration when the inventor has not been presented with the application papers does not itself suggest that the inventor is refusing to join the application unless it is clear that the inventor understands exactly what he or she is being asked to sign and refuses to accept the application papers. A copy of the application papers should be sent to the last known address of the nonsigning inventor, or, if the nonsigning inventor is represented by counsel, to the address of the nonsigning inventor's attorney. . . . It is reasonable to require that the inventor be presented with the application papers before a petition under 37 CFR 1.47 is granted since such a procedure ensures that the inventor is apprised of the application to which the oath or declaration is directed. In re Gray, 115 USPQ 80 (Comm'r Pat. 1956).
>
> Where a refusal of the inventor to sign the application papers is alleged, the circumstances of the presentation of the application papers and of the refusal must be specified in a statement of facts by the person who presented the inventor with the application papers and/or to whom the refusal was made. Statements by a party not present when an oral refusal is made will not be accepted.
>
> Proof that a bona fide attempt was made to present a copy of the application papers (specification, including claims, drawings, and oath or declaration) to the nonsigning inventor for signature, but the inventor refused to accept delivery of the papers or expressly stated that the application papers should not be sent, may be sufficient. When there is an express oral refusal, that fact along with the time and place of the refusal must be stated in the statement of facts. When there is an express written refusal, a copy of the document evidencing that refusal must be made part of the statement of facts. The document may be redacted to remove material not related to the inventor's reasons for refusal.
>
> When it is concluded by the 37 CFR 1.47 applicant that a nonsigning inventor's conduct constitutes a refusal, all facts upon which that conclusion is based should be stated in the statement of facts in support of the petition or directly in the petition. If there is documentary evidence to support facts alleged in the petition or in any statement of facts, such evidence should be submitted. Whenever a nonsigning inventor gives a reason for refusing to sign the application oath or declaration, that reason should be stated in the petition.

The petition states that joint inventor Guillermo Benito Gutierrez refuses to sign. The petition sufficiently demonstrates that a bona fide attempt was made to present a copy of the application papers (including specification, claims, drawings, and oath/declaration) to the inventor for signature and that Gutierrez received such papers (see affidavit of Julie Woodward

and copy of DHL tracking report). Furthermore, the petition adequately illustrates that Gutierrez refuses to sign. In particular, the failure of Gutierrez to return an executed declaration in response to the papers delivered to him constitutes a constructive refusal to cooperate. Thus, it can be concluded with reasonable certainty that Gutierrez refuses to join in the application.

CONCLUSION

For the reasons above, the renewed petition under 37 CFR 1.47(a) is GRANTED.

The application has an International Filing Date under 35 U.S.C. 363 of 03 February 2009, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 15 December 2010.

As set forth in 37 CFR 1.47(a), a notice of the filing of this application will be forwarded to the nonsigning inventor at the last known address of record and will be published in the *Official Gazette*.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision.

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Guillermo Benito Gutierrez
Magallon 11
Tudela 31500
SPAIN

MAILED
JUN 29 2011
PCT LEGAL ADMINISTRATION

In re Application of SANDERSON et al
U.S. Application No.: 12/735,968
PCT Application No.: PCT/GB2009/050099
Int. Filing Date: 03 February 2009
Priority Date Claimed: 27 February 2008
For: COATED GLAZING

Dear Guillermo Benito Gutierrez:

You are named as a joint inventor in the above-captioned United States national stage application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor.

As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost set forth in 37 CFR 1.19) or to make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. If you choose to join in the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

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MARSHALL & MELHORN, LLC
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TOLEDO, OH 43604
Attorney Docket No.: 1-20682

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BACON & THOMAS, PLLC
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FOURTH FLOOR
ALEXANDRIA VA 22314-1176

In re Application of :
HAMMER, Manfred, et al. :
Application No.: 12/735,970 :
PCT No.: PCT/EP2008/060498 : DECISION
Int. Filing Date: 11 August 2008 :
Priority Date: 05 September 2007 : ON PETITION UNDER
Docket No.: HAMM3006/FJD :
For: METHOD FOR DETERMINING AND MONITORING THE FILL LEVEL OF A MEDIUM IN A CONTAINER ACCORDING TO A PROPAGATION TIME MEASUREMENT METHOD : 37 CFR 1.137(b)

Applicant's Petition For Revival Under 37 CFR 1.137(b), filed in the above-captioned application on 27 August 2010 is **GRANTED**.

Applicant states that the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional, as required by 37 CFR 1.137(b)(3). The basic national fee and petition fee have been paid. A terminal disclaimer is not required as the application was filed on or after 08 June 1995. Accordingly, all requirements under 37 CFR 1.137(b) have been satisfied.

This application is being forwarded to the National Stage Processing Branch of the Office of Patent Application Processing for further action consistent with this decision.

/Erin P. Thomson/

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ALEXANDRIA VA 22314-1176

In re Application of DE GROOT	:	DECISION ON
Application No.: 12/735,973	:	
PCT No.: PCT/EP08/63183	:	PETITION UNDER
Int. Filing: 01 October 2008	:	
Priority Date: 01 October 2007	:	37 CFR 1.137(b)
Attorney Docket No: DEGR3005/FJD	:	
For: METHOD FOR OPERATING FILED DEVICES IN PROCESS AUTOMATION TECHNOLOGY.....	:	

The petition to revive under 37 CFR 1.137(b) filed 27 August 2010 in the above-captioned application is hereby **GRANTED** as follows:

Applicant's statement that "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional" meets the requirements of 37 CFR 1.137(b)(3).

A review of the application file reveals that the basic national fee has been provided. The required petition fee of $1620 was also paid. Thus, the requirements of 37 CFR 1.137(b) have been satisfied. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

This application is being forwarded to the United States Designated/Elected Office for further processing including issuance of a Notification of Missing Requirements, indicating that an oath or declaration, in compliance with 37 CFR 1.497(a) and (b), is required along with the surcharge for filing the oath or declaration after the thirty-month period.

/Cynthia M. Kratz/
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Lumen Patent Firm
350 Cambridge Avenue
Suite 100
Palo Alto, CA 94306

In re Application of :
REED, et al. : DECISION ON PETITION
Application No.: 12/736,007 :
PCT No.: PCT/US2009/001425 : UNDER 37 CFR 1.137(b)
Int. Filing Date: 03 March 2009 :
Priority Date: 03 March 2008 :
Atty. Docket No.: OSU-148/PCT/US :
For: A HETEROGENEOUS CATALYST :

The petition to revive under 37 CFR 1.137(b) filed 19 October 2010 in the above-captioned application is hereby **GRANTED** as follows:

Applicant's statement that "the entire delay in filing the required reply form the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional" and the prompt filing of the petition satisfies the requirement of 37 CFR 1.137(b)(3).

A review of the application file reveals that applicant has provided the proper reply in the form of payment of the full, U.S. Basic National Fee. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for treatment in accordance with this decision.

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PCT LEGAL ADMINISTRATION

LUMEN PATENT FIRM
350 Cambridge Avenue
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PALO ALTO CA 94306

In re Application of	:	
REED, et al.	:	DECISION ON PETITION
Application No.: 12/736,007	:	
PCT No.: PCT/US2009/001425	:	UNDER 37 CFR 1.137(b)
Int. Filing Date: 03 March 2009	:	
Priority Date: 03 March 2008	:	
Atty. Docket No.: OSU-148/PCT/US	:	
For: HETEROGENEOUS CATALYST	:	

The petition to revive under 37 CFR 1.137(b) filed 23 August 2011 in the above-captioned application is hereby **GRANTED** as follows:

Applicant's statement that "the entire delay in filing the required reply form the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional" and the prompt filing of the petition satisfies the requirement of 37 CFR 1.137(b)(3).

A review of the application file reveals that applicant has provided the proper reply in the form of an executed declaration of the inventors and payment of outstanding fees. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for treatment in accordance with this decision.

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NOV 19 2010

PCT LEGAL ADMINISTRATION

Schering Corporation (Merck)
2000 Galloping Hill Road
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Kenilworth NJ 07033-0530

In re Application of ANTHES et al. Application No.: 12/736,063 PCT No.: PCT/US08/87300 Int. Filing Date: 18 December 2008 Priority Date: 21 December 2007 Attorney Docket No.: AL06776-US-PCT For: C20-C21 SUBSTITUTED GLUCOCORTICOID RECEPTOR AGONISTS	:	DECISION on PETITION UNDER 37 CFR §§1.137(b), 1.42 & 1,47(a)

This decision is in response to applicant's petitions under 37 CFR §§1.137(b), 1.42 and 1.47(a) filed 04 September 2010 in the above-captioned application in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 04 September 2010, applicant filed a request for entry into the U.S. National Stage for international application PCT/US08/87300 along with a petition to revive under 37 CFR 1.137(b) and petitions under 37 CFR 1.47(a) and 1.42. Applicant petitions pursuant to 37 CFR 1.47(a) to accept the application without the signature of Philippa H. Solomon, the legal representative of deceased inventor Daniel M. Solomon.

DISCUSSION

Petition under 37 CFR 1.137(b)

With respect to applicant's petition to revive under 37 CFR 1.137(b), the petition is hereby **GRANTED** as follows:

Applicant's statement that "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional" meets the requirements of 37 CFR 1.137(b)(3).

A review of the application file reveals that the basic national fee has been provided. The required petition fee of $1620 was also paid. Thus, the requirements of 37 CFR 1.137(b) have been satisfied. Therefore, the request to revive the application abandoned under 35 U.S.C.

371(d) is granted as to the National stage in the United States of America.

Status under 37 CFR 1.42

37 CFR § 1.42 requires that in the case of the death of the inventor, the legal representative of the deceased inventor may make the necessary oath or declaration, and apply for and obtain a patent.

37 CFR 1.497(a)(3) requires that the declaration identify each inventor and the country of citizenship of each inventor. 37 CFR 1.497(b)(2) requires the declaration to state the relationship of the person (under 37 CFR 1.42) making the declaration for a deceased inventor. 37 CFR 1.497(b)(2) further states that, *if the person signing the oath or declaration is the legal representative of a deceased inventor, the oath or declaration must state that the person is a legal representative and indicate the citizenship, residency and mailing address of the legal representative.*

The declaration does not indicate the citizenship, residency and mailing address of the legal representative and thus, the declaration is defective under 37 CFR 1.497(b)(2). The declaration must state the relationship and state the country of citizenship, former residency and mailing address for *both* the deceased inventor and the legal representative, to meet the requirements for compliance with 37 CFR 1.497(a) and (b).

What is required is a declaration, which identifies all inventors including the deceased inventor Daniel M. Solomon and the legal representative for deceased inventor. The declaration must provide the citizenship, residency and mailing address for all inventors, including the legal representative and deceased inventor's citizenship, former residency and mailing address on the declaration.

Petition under 37 CFR 1.47(a)

Since the legal representative for the deceased inventor is required to execute the declaration and appears unwilling to do so, a petition under 37 CFR 1.47(a) is required. A petition under 37 CFR §1.47(a) must be accompanied by (1) the fee under 37 CFR §1.17(g), (2) factual proof that the non-signing joint inventor(s) refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the non-signing inventor(s), and (4) an oath or declaration by each available joint inventor on his or her own behalf and on behalf of the non-signing joint inventor(s).

The petition included the requisite $200 petition fee, satisfying Item (1). A statement of non-signing legal representative's last known address was provided, satisfying Item (3).

With respect to Item (2), Petitioner employs the statement of the attorney of record Patricia Shatynski, who describes her contact with Philippa Solomon, the legal representative of deceased inventor Daniel Solomon. Ms. Shatynski indicates that on 25 August 2010, she contacted Ms. Solomon by written correspondence regarding this patent application providing a copy of the application papers including a declaration. A copy of the correspondence accompanied the petition. On 30 August 2010, in a telephone conversation between the attorney

of record and the legal representative, Ms. Solomon informed Ms. Shatynski that "she would not sign the Declaration as she could not verity Dr. Solomon's actual contribution to the invention/claims". Thereafter, the declaration was subsequently executed by the legal representative and returned to the attorney with the following indication: "I am unable to sign this declaration because I have no first-hand knowledge of the claims put forth." This is sufficient evidence to conclude that Ms. Solomon refused to sign the declaration as the legal representative of the deceased inventor. Item (2) is satisfied.

However, with regard to Item (4), a declaration executed by the joint inventor on his behalf and on behalf of the non-signing inventor was provided but is not acceptable as explained.

A review of the application reveals that applicant also filed an executed multi-page declaration on 04 September 2010[1]. The declaration appears to be a composite declaration created from the combination of separately executed declarations. The declaration is not properly executed. It appears that either the attorney pieced together separate complete declarations into one composite declaration or that the inventors were presented with an incomplete declaration. While it is acceptable for applicants to execute separate copies of the declaration, the entire declaration, as executed by the inventor, must be submitted. "Where individual declarations are executed, they must be submitted as individual declaration rather than combined into one declaration." *See* MPEP 201.03. Moreover, as set forth above regarding the status under 37 CFR 1.42, the declaration does not meet the requirements of 37 CFR 1.497(b). Thus, the declaration is unacceptable as filed as the requirements of 37 CFR 1.497 (a) and (b) have not been met.

In sum, Petitioner has satisfied Items (1), (2) and (3). As set forth above, Petitioner has not satisfied Item (4). Accordingly, it is inappropriate to accord the national stage application status under 37 CFR §1.47(a) at this time.

CONCLUSION

For the above reasons, the petition under 37 CFR 1.137(b) is **GRANTED**.

The request for status under 37 CFR 1.42 is **DISMISSED WITHOUT PREJUDICE**.

The petition under 37 CFR §1.47(a) is **DISMISSED WITHOUT PREJUDICE**.

---

[1] Section 602.01 of the MPEP states the following:

> The wording of an oath or declaration cannot be amended, altered or changed in any manner after it has been signed. If the wording is not correct or if all of the required affirmations have not been made, or if it has not been properly subscribed to, a new oath or declaration must be required....

Any changes made in ink in the application or oath prior to signing should be initialed and dated by the applicants prior to execution of the oath or declaration. The Office will not consider whether non-initialed and/or nondated alterations were made before or after signing of the oath or declaration but will require a new oath or declaration.

Applicant is required to correct the above-noted defects including the furnishing of a oath/declaration in compliance with 37 CFR 1.42, 1.47(a) and 1.497(a) and (b).

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

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APR 08 2011

PCT LEGAL ADMINISTRATION

Schering Corporation (Merck)
2000 Galloping Hill Road
Patent Dept. k-6-1 1990
Kenilworth NJ 07033-0530

In re Application of :
ANTHES et al. :
Application No.: 12/736,063 : DECISION on
PCT No.: PCT/US08/87300 :
Int. Filing Date: 18 December 2008 : PETITIONS
Priority Date: 21 December 2007 :
Attorney Docket No.: AL06776-US-PCT : UNDER 37 CFR §§1.42 & 1.47(a)
For: C20-C21 SUBSTITUTED GLUCOCORTICOID :
RECEPTOR AGONISTS :

This decision is in response to applicant's Renewed Petition under 37 CFR §§1.137(b), 1.42 and 1.47(a) filed 11 January 2011 in the above-captioned application in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 04 September 2010, applicant filed a request for entry into the U.S. National Stage for international application PCT/US08/87300 along with a petition to revive under 37 CFR 1.137(b) and petitions under 37 CFR 1.47(a) and 1.42. Applicant petitioned pursuant to 37 CFR 1.47(a) to accept the application without the signature of Philippa H. Solomon, the legal representative of deceased inventor Daniel M. Solomon.

On 19 November 2010, a decision was mailed, which granted the petition to revive but dismissed the petitions under 37 CFR 1.42 & 1.47(a). With his renewed petition, Petitioner filed a newly executed declaration.

DISCUSSION

Status under 37 CFR 1.42

37 CFR § 1.42 requires that in the case of the death of the inventor, the legal representative of the deceased inventor may make the necessary oath or declaration, and apply for and obtain a patent.

37 CFR 1.497(a)(3) requires that the declaration identify each inventor and the country of

citizenship of each inventor. 37 CFR 1.497(b)(2) requires the declaration to state the relationship of the person (under 37 CFR 1.42) making the declaration for a deceased inventor. 37 CFR 1.497(b)(2) further states that, *if the person signing the oath or declaration is the legal representative of a deceased inventor, the oath or declaration must state that the person is a legal representative and indicate the citizenship, residency and mailing address of the legal representative.*

A review of the newly executed declaration indicates that the citizenship, residency and mailing address of the legal representative and the deceased inventor were provided, satisfying 37 CFR 1.497(a) and (b).

Petition under 37 CFR 1.47(a)

Since the legal representative for the deceased inventor is required to execute the declaration and appears unwilling to do so, a petition under 37 CFR 1.47(a) is required. As previously stated, a petition under 37 CFR §1.47(a) must be accompanied by (1) the fee under 37 CFR §1.17(g), (2) factual proof that the non-signing joint inventor(s) refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the non-signing inventor(s), and (4) an oath or declaration by each available joint inventor on his or her own behalf and on behalf of the non-signing joint inventor(s).

Applicant previously satisfied Items (1), (2) and (3). With respect to Item (4) above, the declaration submitted on 11 January 2011 satisfies the requirement for a declaration executed by the joint inventors on their behalf and on behalf of the non-signing legal representative. Petitioner has now satisfied Item (4). Accordingly, it is appropriate to accord the national stage application status under 37 CFR §1.47(a) at this time.

CONCLUSION

The request for status under 37 CFR 1.42 is **GRANTED**. The petition under 37 CFR §1.47(a) is **GRANTED**.

The U.S. Designated/Elected Office has accepted the application as a 37 CFR 1.47(a) application using the declarations filed 11 January 2011. The application has an international filing date of 18 December 2008 under 35 U.S.C. 363, and a date of 11 January 2011 under 35 U.S.C. 371(c).

As provided in 37 CFR 1.47(a), a notice of the filing of this application will be forwarded to the non-signing inventor at his respective last known address of record. Also, a notice of the filing of this application will be published in the Official Gazette.

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PCT LEGAL ADMINISTRATION

MRS. PHILIPPA SOLOMON
9 MARSHALL DRIVE
EDISON, NJ 08817

In re Application of
ANTHES et al.
Application No.: 12/736,063
PCT No.: PCT/US08/87300
Int. Filing Date: 18 December 2008
Priority Date: 21 December 2007
Attorney Docket No.: AL06776-US-PCT
For: C20-C21 SUBSTITUTED GLUCOCORTICOID RECEPTOR AGONISTS

Dear Mrs. Solomon:

You are named as legal representative of the deceased inventor in the above identified United States patent application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. § 116. Should a patent be granted, you will be designated as an inventor.

As a legal representative of a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. If you care to join in the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

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OCT 27 2010

PCT LEGAL ADMINISTRATION

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In re Application of:
ANTHES, John, C., et al.
U.S. Application No.: 12/736,064
PCT No.: PCT/US2008/087301
International Filing Date: 18 December 2008
Priority Date: 21 December 2007
Attorney Docket No.: AL6777
For: C21 THIOETHERS AS GLUCO-CORTOID RECEPTOR AGONISTS

DECISION ON PETITIONS
(37 CFR 1.137(b) and 1.47(a))

This decision is issued in response to applicants' "Petition For Revival Of An International Application For Patent Designating The U.S. Abandoned Unintentionally Under 37 CFR 1.137(b)" and the "Petition Under 37 CFR 1.47(a) For Acceptance Of Declaration With A Non-Signing Inventor" filed 04 September 2010. Applicants have paid the required petition fees.

BACKGROUND

On 18 December 2008, applicants filed international application PCT/US2008/087301. The application claimed a priority date of 21 December 2007, and it designated the United States. The deadline for requesting entry into the national stage in the United States was thirty months from the priority date, i.e., 21 June 2010.

Applicants did not request entry into the national stage in the United States and submit payment of the basic national fee prior to the expiration of the thirty-month deadline. Accordingly, international application PCT/US2008/087301 became abandoned with respect to the United States as of midnight on 21 June 2010.

On 04 September 2010, applicants filed materials requesting entry into the national stage including, among other items, the "Petition For Revival Of An International Application For Patent Designating The U.S. Abandoned Unintentionally Under 37 CFR 1.137(b)" and the "Petition Under 37 CFR 1.47(a) For Acceptance Of Declaration With A Non-Signing Inventor" considered herein.

DISCUSSION

1. Petition For Revival Under 37 CFR 1.137(b)

37 CFR 1.137(b) permits the filing of a petition to revive an abandoned application where the abandonment resulted from an unintentional delay. A grantable petition under 37 CFR 1.137(b) must include: (1) the required reply, unless previously filed; (2) the petition fee required by law; (3) a statement that the "entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional;" and (4) any terminal disclaimer required pursuant to 37 CFR 1.137(c).

The present petition for revival was accompanied by payment of the required petition fee, as well as the "required reply" in the form of a request for entry into the national stage in the United States and payment of the basic national fee. The petition also includes 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," satisfying the requirement of 37 CFR 1.137(b)(3). No terminal disclaimer is required.

Based on the above, the requirements of 37 CFR 1.137(b) have been satisfied. Accordingly, the request to revive the international application with respect to the United States is appropriately granted.

2. Petition Under 37 CFR 1.47(a)

Applicants have submitted a declaration executed by ten of the eleven inventors of record.[1] Applicants assert that the remaining inventor, Daniel M. SOLOMON, is deceased, and that Phillippa H. Solomon, the legal representative of the deceased inventor, has refused to execute the application. Applicants have therefore filed a petition under 37 CFR 1.47(a) requesting acceptance of the application without the signature of the non-signing legal representative.

Under the present circumstances, a grantable petition under 37 CFR 1.47(a) requires the following: (1) the fee under 37 CFR 1.17; (2) a statement of the last known address of the non-signing legal representative of the deceased inventor; (3) an oath or declaration executed by the other inventors on their own behalf and on behalf of the non-signing legal representative of the deceased inventor; and (4) factual proof that the non-signing legal representative of the deceased inventor refuses to execute the application or cannot be reached after diligent effort.

With respect to item (1), applicants here have provided the required petition fee. Item (1) is therefore satisfied.

---

[1] It is noted that four of the applicant/inventors listed on the declaration were not listed as inventors for the United States on the published international application, specifically, inventors Hongwu WANG, Yeon-Hee LIM, Yoon Joo LEE, and Rema Danielle BITAR. However, the international application file includes four PCT/IB/306 forms issued by the IB on 10 June 2009 confirming that these persons are inventors for all states and applicants for the United States.

With respect to item (2), the petition sets forth the last known address of Phillipa Solomon, the legal representative of the deceased inventor. Item (2) is therefore satisfied.

Regarding item (3), section 409.03(a) of the Manual of Patent Examining Practice (MPEP) states that:

> An oath or declaration signed by all the available joint inventors with the signature block of the nonsigning inventor(s) left blank may be treated as having been signed by all the joint inventors on behalf of the nonsigning inventor(s), unless otherwise indicated.

Here, applicants have filed declarations executed by the surviving inventors, and the declarations include an unsigned signature block for the legal representative of the deceased inventor. The signature box for the legal representative expressly states the relationship to the deceased inventor (i.e., "legal representative") and the legal representative's address, residence and citizenship, as required under 37 CFR 1.497(b)(2). The declaration does not, however, expressly state the citizenship of the deceased inventor, as required under 37 CFR 1.497(a)(3). Because the declaration does not satisfy the requirements of 37 CFR 1.497, the declaration is unacceptable as filed. Applicants must provide a revised declaration executed by the surviving inventors that includes an unsigned signature block for the non-signing legal representative setting forth all required information regarding the legal representative and the deceased inventor. Until such a revised declaration is submitted, item (3) of a grantable petition under 37 CFR 1.47(a) is not satisfied.

Regarding item (4), the petition asserts that the non-signing legal representative has refused to sign the declaration. The petition includes a firsthand statement from counsel confirming that the legal representative was provided with a signature request, accompanied by a copy of the application and that, after reviewing the materials, the legal representative contacted counsel by telephone and indicated that she would not sign the declaration. The petition is also accompanied by a copy of the declaration that was returned by the legal representative wherein the legal representative expressly indicated that she was "unable to sign this declaration because I have no firsthand knowledge of the claims put forth." These materials provide an acceptable showing that the non-signing legal representative has refused to execute the application. Item (4) is therefore satisfied.

Based on the above, applicants have not satisfied all the requirements for a grantable petition under 37 CFR 1.47(a).

CONCLUSION

The petition for revival under 37 CFR 1.137(b) of PCT/US2008/087301 is **GRANTED**.

The petition under 37 CFR 1.47(a) for acceptance of the declaration without the signature of the non-signing legal representative of deceased inventor Daniel M. SOLOMON is **DISMISSED** without prejudice.

If reconsideration on the merits of the petition is desired, a proper response must be filed within **TWO (2) MONTHS** of the mail date of the present decision. Any request for

reconsideration should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)" and must include the additional materials required to satisfy item (3) of a grantable petition, as discussed above and in the MPEP. No additional petition fee is required.

Failure to file a proper response will result in abandonment of the application. Extensions of time are available under 37 CFR 1.136(a)

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

/RichardMRoss/

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In re Application of:
ANTHES, John, C., et al.
U.S. Application No.: 12/736,064
PCT No.: PCT/US2008/087301
International Filing Date: 18 December 2008
Priority Date: 21 December 2007
Attorney Docket No.: AL6777
For: C21 THIOETHERS AS GLUCO-CORTOID RECEPTOR AGONISTS

DECISION
(37 CFR 1.47(a))

This decision is issued in response to applicants' "Renewed Petition Under 37 CFR §1.47(a)" filed 11 January 2011. Applicants have previously paid the required petition fee.

BACKGROUND

The procedural background for the present application was set forth in the decision mailed on 27 October 2010. The decision granted applicants' petition for revival of the international application under 37 CFR 1.137(b); however, the decision dismissed without prejudice applicants' petition under 37 CFR 1.47(a).

The petition under 37 CFR 1.47(a) requested acceptance of the declaration without the signature of the legal representative of deceased inventor Daniel M. SOLOMON, whom applicants assert has refused to execute the declaration. The decision found that applicants had not satisfied all the requirements of a grantable petition. Specifically, applicants had failed to provide an acceptable declaration executed by the surviving inventors on their own behalf and on behalf of the non-signing legal representative.

On 11 January 2011, applicants filed the "Renewed Petition Under 37 CFR §1.47(a)" considered herein, with required extension fee.

DISCUSSION

The previous decision stated that, in order to satisfy the final element of a grantable petition, applicants were required to provide a revised declaration executed by the surviving inventors that included an unsigned signature block for the non-signing legal representative and that set forth all required information regarding the legal representative and the deceased inventor (including the citizenship of the deceased inventor).

The present renewed petition was accompanied by revised declarations executed by each of the surviving inventors. The declarations include the name and citizenship of each of the surviving inventors. The declarations also include, as required, an unsigned signature block for the deceased inventor that sets forth the name and citizenship of the deceased inventor and all required information with respect to his non-signing legal representative. However, the declaration contains an unacceptable non-dated, non-initialed hand-written alteration, specifically with respect to the citizenship of the fifth inventor, Purakkattle J. BIJU. As set forth in MPEP section 605.04(a): "Any changes made in ink in the application or oath prior to signing should be initialed and dated by the applicants prior to execution of the oath or declaration. The Office will require a new oath or declaration if the alterations are not initialed and dated" (see 37 CFR 1.52(c)). Thus, the declaration filed with the present renewed petition may not be accepted with respect to inventor Purakkattle J. BIJU.

Applicants must provide a newly-executed declaration from inventor Purakkattle J. BIJU that includes all required information and does not include any non-dated, non-initialed hand-written alterations. Until this declaration is provided, the final element of a grantable petition under 37 CFR 1.47(a) remains unsatisfied.

CONCLUSION

The renewed petition under 37 CFR 1.47(a) for acceptance of the declaration without the signature of the non-signing legal representative of deceased inventor Daniel M. SOLOMON is **DISMISSED** without prejudice.

If reconsideration on the merits of the petition is desired, a proper response must be filed within **TWO (2) MONTHS** of the mail date of the present decision. Any request for reconsideration should be entitled "Second Renewed Petition Under 37 CFR 1.47(a)" and must include the additional materials required to satisfy item (3) of a grantable petition, as discussed above and in the MPEP, that is, a revised declaration from inventor Purakkattle J. BIJU in acceptable form.

Failure to file a proper response will result in abandonment of the application. Extensions of time are available under 37 CFR 1.136(a)

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

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Kenilworth NJ 07033-0530

In re Application of:
ANTHES, John, C., et al.
U.S. Application No.: 12/736,064
PCT No.: PCT/US2008/087301
International Filing Date: 18 December 2008
Priority Date: 21 December 2007
Attorney Docket No.: AL6777
For: C21 THIOETHERS AS GLUCO-CORTOID RECEPTOR AGONISTS

DECISION ON SECOND RENEWED PETITION UNDER 37 CFR 1.47(a)

This decision is issued in response to applicants' "Second Renewed Petition Under 37 CFR §1.47(a)" filed 17 May 2011. Applicants have previously paid the required petition fee.

BACKGROUND

The procedural background for the present application was set forth in the decisions mailed on 27 October 2010 and 22 March 2011. The 27 October 2010 decision granted applicants' petition for revival of the international application under 37 CFR 1.137(b); however, the decision dismissed without prejudice applicants' petition under 37 CFR 1.47(a). The 22 March 2011 decision dismissed without prejudice applicants' renewed petition under 37 CFR 1.47(a).

On 17 May 2011, applicants filed the "Second Renewed Petition Under 37 CFR §1.47(a)" considered herein. The second renewed petition under 37 CFR 1.47(a) again seeks acceptance of the declaration without the signature of the legal representative of deceased inventor Daniel M. SOLOMON, whom applicants assert has refused to execute the declaration.

DISCUSSION

The 22 March 2011 decision indicated that the declaration filed by applicants on 11 January 2011 included all required information with respect to the deceased inventor and his non-signing legal representative. However, the decision noted that the declaration was defective with respect to inventor Purakkattle J. BIJU because it contained a non-dated, non-initialed hand-written alteration with respect to this inventor's citizenship. The decision therefore stated that a newly-executed declaration from inventor Purakkattle J. BIJU was required.

The present second renewed petition was accompanied by a revised declaration executed by Purakkattle J. BIJU. In view of this submission, applicants have now submitted an acceptable declaration from each of the cooperating co-inventors. These declarations may be accepted as having been executed by the inventors on their own behalf and on behalf of the non-signing legal representative of the deceased inventor. Applicants have therefore satisfied the final outstanding element of a grantable petition under 37 CFR 1.47(a).

CONCLUSION

Applicants' second renewed petition under 37 CFR 1.47(a) is **GRANTED**.

The application is accepted without the signature of Philippa H. SOLOMON, the non-signing legal representative of deceased co-inventor Daniel M. SOLOMON.

A notice of the acceptance of the application will be published in the Official Gazette, and a letter informing the non-signing legal representative of the application will be forwarded to the address of the non-signing inventor, as set forth in the petition.

The application is being referred to the National Stage Processing Branch of the Office of PCT Operations for further processing. The date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) is 11 January 2011.

/RichardMRoss/

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UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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Mrs. Phillipa SOLOMON
Legal Representative of the Estate of Daniel M. SOLOMON
9 Marshall Drive
Edison, NJ 08817

MAILED

JUL 07 2011

PCT LEGAL ADMINISTRATION

In re Application of: ANTHES, John, C., et al.
U.S. Application No.: 12/736,064
PCT No.: PCT/US2008/087301
International Filing Date: 18 December 2008
Priority Date: 21 December 2007
Attorney Docket No.: AL6777
For: C21 THIOETHERS AS GLUCO-CORTOID RECEPTOR AGONISTS

Dear Mrs. SOLOMON:

You are identified as the legal representative of deceased inventor Daniel M. SOLOMON in the above identified United States patent application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor.

As the legal representative of a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

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Counsel Of Record:
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HUDAK, SHUNK & FARINE, CO., L.P.A.
2020 FRONT STREET
SUITE 307
CUYAHOGA FALLS, OH 44221

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NOV 16 2011

OFFICE OF PETITIONS

Applicants: Baumgartner, et al.
Appl. No.: 12/736,067
International Filing Date: February 25, 2009
Title: COOLING ELEMENT WITH SUB-COOLING PROTECTION
Attorney Docket: STT-EE-PCT-US(09 795 P US
Pub. No.: US 2011/0126557 A1
Pub. Date: June 2, 2011

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on July 13, 2011, for the above-identified application.

The request is granted

The corrected patent application publication will be published in due course, unless the patent issues before the application is republished.

Inquiries relating to this matter may be directed to Sherry D. Brinkley at (571) 272-3204.

/Christopher Bottorff/

Christopher Bottorff
Petitions Examiner
Office of Petitions

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DEC 17 2010

PCT LEGAL ADMINISTRATION

MCDERMOTT WILL & EMERY LLP
600 13TH STREET, N.W.
WASHINGTON DC 20005-3096

In re Application of	:	
KOHARA et al.	:	
Application No.: 12/736,079	:	DECISION
PCT No.: PCT/JP2009/054825	:	
Int. Filing Date: 06 March 2009	:	
Priority Date: 07 March 2008	:	
Attorney Docket No.: 086268-0126	:	
For: RECOMBINANT VACCINIA VIRUS HAVING HEPATITIS C VIRUS GENE	:	

This is a decision on applicants' "PETITION UNDER 37 CFR 1.47(a)" filed 16 November 2010. The petition is **DISMISSED** without prejudice.

BACKGROUND

On 06 March 2009, applicants filed international application PCT/JP2009/054825, which designated the United States and claimed a priority date of 07 March 2008. A copy of the international application was communicated from the International Bureau to the USPTO on 11 September 2009. The thirty-month period for paying the basic national fee in the United States expired at midnight on 08 September 2010 (07 September 201 being a Sunday).

On 07 September 2010, applicants filed a submission for entry into the national stage in the United States which was accompanied by, *inter alia*, the U.S. Basic National Fee.

On 29 September 2010, the United States Designated/Elected Office (DO/EO/US) issued a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating, *inter alia*, that an oath or declaration of the inventors in compliance with 37 CFR 1.497(a)-(b) was required.

On 16 November 2010, applicants filed the instant petition under 37 CFR 1.47(a) which was accompanied by, *inter alia*, a declaration of inventors and a statement of facts by Norio Ohmori and documentation in support thereof.

DISCUSSION

A petition under 37 CFR 1.47(a) must be accompanied by: (1) the fee under 37 CFR 1.17(i); (2) factual proof that the missing joint inventor refuses to execute the application or cannot be reached after diligent effort; (3) a statement of the last known address of the missing inventor; and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and on behalf of the non-signing joint inventor.

Items (1) and (3) have been met.

Item (2) has not been met. MPEP § 409.03(d), item I states in part:

> Where inability to find or reach a nonsigning inventor "after diligent effort" is the reason for filing under 37 CFR 1.47, a statement of facts should be submitted that fully describes the exact facts which are relied on to establish that a diligent effort was made.
>
> . . .
>
> The statement of facts must be signed, where at all possible, by a person having firsthand knowledge of the facts recited therein. Statements based on hearsay will not normally be accepted. Copies of documentary evidence such as internet searches, certified mail return receipts, cover letters of instructions, telegrams, that support a finding that the nonsigning inventor could not be found or reached should be made part of the statement. The steps taken to locate the whereabouts of the nonsigning inventor should be included >in the< statement of facts. It is important that the statement contain facts as opposed to conclusions.

The statement of Mr. Ohmori has been considered. It does not appear that any internet search using a people locator service was made to find a current address of non-signing inventor Fukashi MURAI.

Item (4) has not been met. The declaration of inventors filed 16 November 2010 is not in compliance with 37 CFR 1.69(b); specifically applicants have not used one of the pre-approved foreign language forms nor have applicants furnished the requisite statement attesting to the accuracy of the translation.

CONCLUSION

For the above reasons, applicants' petition under 37 CFR 1.47(a) is **DISMISSED** without prejudice.

If reconsideration on the merits of this petition is desired, a proper response must be filed within TWO (2) MONTHS from the mail date of this decision. **Failure to timely file the proper response will result in abandonment of this application.** Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)". No additional petition fee is required. Extensions of time may be obtained under 37 CFR 1.136(a).

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

/Daniel Stemmer/

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APR 04 2011

PCT LEGAL ADMINISTRATION

MCDERMOTT WILL & EMERY LLP
600 13TH STREET, N.W.
WASHINGTON DC 20005-3096

In re Application of	:	
KOHARA et al.	:	
Application No.: 12/736,079	:	DECISION
PCT No.: PCT/JP2009/054825	:	
Int. Filing Date: 06 March 2009	:	
Priority Date: 07 March 2008	:	
Attorney Docket No.: 086268-0126	:	
For: RECOMBINANT VACCINIA VIRUS HAVING HEPATITIS C VIRUS GENE	:	

This is a decision on applicants' "REVISED PETITION UNDER 37 CFR 1.47(a)" filed 02 February 2011. The petition is **DISMISSED** without prejudice.

BACKGROUND

On 06 March 2009, applicants filed international application PCT/JP2009/054825, which designated the United States and claimed a priority date of 07 March 2008. A copy of the international application was communicated from the International Bureau to the USPTO on 11 September 2009. The thirty-month period for paying the basic national fee in the United States expired at midnight on 08 September 2010 (07 September 201 being a Sunday).

On 07 September 2010, applicants filed a submission for entry into the national stage in the United States which was accompanied by, *inter alia*, the U.S. Basic National Fee.

On 29 September 2010, the United States Designated/Elected Office (DO/EO/US) issued a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating, *inter alia*, that an oath or declaration of the inventors in compliance with 37 CFR 1.497(a)-(b) was required.

On 16 November 2010, applicants filed a petition under 37 CFR 1.47(a) which was accompanied by, *inter alia*, a declaration of inventors and a statement of facts by Norio Ohmori and documentation in support thereof.

On 17 December 2010, a decision was mailed dismissing without prejudice applicants' petition under 37 CFR 1.47(a). Specifically, it was noted that factual proof that the missing joint inventor refuses to execute the application or cannot be reached after diligent effort and an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and on behalf of the non-signing joint inventor had not been provided.

On 02 February 2011, applicants filed the instant renewed petition under 37 CFR 1.47(a) which was accompanied by, *inter alia*, a new declaration of inventors and a second declaration of facts by Norio Ohmori with documentation in support thereof.

DISCUSSION

A petition under 37 CFR 1.47(a) must be accompanied by: (1) the fee under 37 CFR 1.17(i); (2) factual proof that the missing joint inventor refuses to execute the application or cannot be reached after diligent effort; (3) a statement of the last known address of the missing inventor; and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and on behalf of the non-signing joint inventor.

As noted in the decision mailed 02 February 2011, items (1) and (3) have been met.

Item (4) has now been met as well.

Item (2) still has not been met. MPEP § 409.03(d), item I states in part:

> Where inability to find or reach a nonsigning inventor "after diligent effort" is the reason for filing under 37 CFR 1.47, a statement of facts should be submitted that fully describes the exact facts which are relied on to establish that a diligent effort was made.
>
> . . .
>
> The statement of facts must be signed, where at all possible, by a person having firsthand knowledge of the facts recited therein. Statements based on hearsay will not normally be accepted. Copies of documentary evidence such as internet searches, certified mail return receipts, cover letters of instructions, telegrams, that support a finding that the nonsigning inventor could not be found or reached should be made part of the statement. The steps taken to locate the whereabouts of the nonsigning inventor should be included >in the< statement of facts. It is important that the statement contain facts as opposed to conclusions.

The second statement of Mr. Ohmori has been considered. This statement indicates that directory assistance was contacted and that requests for information regarding the whereabouts of non-signing inventor Fukashi MURAI were posted on an "Inquiry Site for Missing or Wanted Persons" and on a "Bulleting Board for Missing Persons in Japan". It is not clear why it is felt that posting on these sites would generate the whereabouts of Mr. Murai. For example, it is not clear if Mr. Murai is considered a missing person, what parties frequent these sites and/or add information regarding missing persons on these sites, or what the success rate of posting

information on these sites might be. Additionally, it is not clear why it is felt that posting on these sites is more beneficial than an internet search using a people locator service. Finally, the petition was filed only two weeks after each of the postings were made.

CONCLUSION

For the above reasons, applicants' petition under 37 CFR 1.47(a) is **DISMISSED** without prejudice.

If reconsideration on the merits of this petition is desired, a proper response must be filed within TWO (2) MONTHS from the mail date of this decision. **Failure to timely file the proper response will result in abandonment of this application.** Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)". No additional petition fee is required. Extensions of time may be obtained under 37 CFR 1.136(a).

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

/Daniel Stemmer/

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PCT LEGAL ADMINISTRATION

MCDERMOTT WILL & EMERY LLP
600 13TH STREET, N.W.
WASHINGTON DC 20005-3096

In re Application of
KOHARA et al.
Application No.: 12/736,079
PCT No.: PCT/JP2009/054825
Int. Filing Date: 06 March 2009
Priority Date: 07 March 2008
Attorney Docket No.: 086268-0126
For: RECOMBINANT VACCINIA VIRUS HAVING HEPATITIS C VIRUS GENE

DECISION

This is a decision on applicants' "SECOND REVISED PETITION UNDER 37 CFR 1.47(a)" filed 03 June 2011. The petition is **GRANTED**.

BACKGROUND

On 06 March 2009, applicants filed international application PCT/JP2009/054825, which designated the United States and claimed a priority date of 07 March 2008. A copy of the international application was communicated from the International Bureau to the USPTO on 11 September 2009. The thirty-month period for paying the basic national fee in the United States expired at midnight on 08 September 2010 (07 September 2010 being a Sunday).

On 07 September 2010, applicants filed a submission for entry into the national stage in the United States which was accompanied by, *inter alia*, the U.S. Basic National Fee.

On 29 September 2010, the United States Designated/Elected Office (DO/EO/US) issued a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating, *inter alia*, that an oath or declaration of the inventors in compliance with 37 CFR 1.497(a)-(b) was required.

On 16 November 2010, applicants filed a petition under 37 CFR 1.47(a) which was accompanied by, *inter alia*, a declaration of inventors and a statement of facts by Norio Ohmori and documentation in support thereof.

On 17 December 2010, a decision was mailed dismissing without prejudice applicants' petition under 37 CFR 1.47(a). Specifically, it was noted that factual proof that the missing joint

inventor refuses to execute the application or cannot be reached after diligent effort and an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and on behalf of the non-signing joint inventor had not been provided.

On 02 February 2011, applicants filed a renewed petition under 37 CFR 1.47(a) which was accompanied by, *inter alia*, a new declaration of inventors and a second declaration of facts by Norio Ohmori with documentation in support thereof.

On 04 April 2011, a decision was mailed dismissing without prejudice applicants' petition under 37 CFR 1.47(a).

On 03 June 2011, applicants filed the instant renewed petition under 37 CFR 1.47(a) which was accompanied by, *inter alia*, a third declaration of facts by Norio Ohmori.

DISCUSSION

A petition under 37 CFR 1.47(a) must be accompanied by: (1) the fee under 37 CFR 1.17(i); (2) factual proof that the missing joint inventor refuses to execute the application or cannot be reached after diligent effort; (3) a statement of the last known address of the missing inventor; and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and on behalf of the non-signing joint inventor.

As noted in the decision mailed 02 February 2011, items (1) and (3) have been met.

As noted in the decision mailed 04 April 2011, item (4) has been met.

Item (2) has now been met as well. The third declaration of facts by Mr. Ohmori answers why the requests for information regarding the whereabouts of non-signing inventor Fukashi MURAI were posted on an "Inquiry Site for Missing or Wanted Persons" and on a "Bulleting Board for Missing Persons in Japan" and also why an internet search using a people locator service has not been conducted. It has been established that a diligent effort has been made to reach non-signing inventor Fukashi MURAI but that he could not be located.

CONCLUSION

For the reasons set forth above, applicants' renewed petition under 37 CFR 1.47(a) is **GRANTED**.

As provided in 37 CFR 1.47(a), a notice of the filing of this application will be forwarded to each of the non-signing inventors at their respective last known address of record.

A notice of the filing of the application under 37 CFR 1.47(a) will be published in the Official Gazette.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application, including the accordation of a 35 U.S.C. §§371(c)(1), (c)(2), and (c)(4) date and a 35 U.S.C. 371 date of **02 February 2011**.

/Daniel Stemmer/

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JUL 26 2011

PCT LEGAL ADMINISTRATION

Fukashi Murai
3-9-12, Matsushiro, Tsukuba-Shi
Ibaraki-Ken 305-0035
JAPAN

In re Application of
KOHARA et al.
Application No.: 12/736,079
PCT No.: PCT/JP2009/054825
Int. Filing Date: 06 March 2009
Priority Date: 07 March 2008
Attorney Docket No.: 086268-0126
For: RECOMBINANT VACCINIA VIRUS HAVING HEPATITIS C VIRUS GENE

Dear Mr. Murai:

You are named as an inventor in the above-captioned United States national stage application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor.

As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

/Daniel Stemmer/

Daniel Stemmer
PCT Legal Examiner
PCT Legal Affairs
Office of Patent Cooperation Treaty
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MCDERMOTT WILL & EMERY LLP
600 13TH STREET, N.W.
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ROBERT D. BECKER
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PALO ALTO CA 94304

MAILED

NOV 08 2011

PCT LEGAL ADMINISTRATION

In re Application of :
BERBEN, et al. :
U.S. Application No.: 12/736,087 :
PCT No.: PCT/NL2009/050109 : DECISION ON PETITION
Int. Filing Date: 09 March 2009 :
Priority Date: 09 March 2008 : UNDER 37 CFR 1.137(b)
Attorney's Docket No.: 44439-030 :
For: DEVICE FOR GENERATING AN AIR WALL :
IN AN UPRIGHT REFRIGERATED CABINET :

The petition to revive under 37 CFR 1.137(b) filed 06 October 2011 in the above-captioned application is hereby **GRANTED** as follows:

Applicant previously provided a statement that "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional" and the prompt filing of the petition satisfies the requirement of 37 CFR 1.137(b)(3).

A review of the application file reveals that applicant has provided a compliant, executed declaration of the inventors on 12 September 2011. The declaration was not timely filed in response to the Form PCT/DO/EO/905 mailed 29 September 2010. However, applicant has now provided a statement of unintentional delay and the proper petition fee; therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

The application has an international filing date of 09 March 2009 under 35 U.S.C. 363 and will be given a date of **12 September 2011** under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for treatment in accordance with this decision.

Derek A. Putonen
Attorney Advisor
Office of PCT Legal Administration
Tel: (571) 272-3294

Doc Code: PPH.PCT.652
Document Description: Petition to make special under PCT-Patent Prosecution Highway

PTO/SB/20PCT-SP (05-10)
Approved for use through 01/31/2012. OMB 0651-0059
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE EUROPEAN PATENT OFFICE (EPO) AND THE USPTO

Application No:	12/736,120	Filing date:	September 10, 2010
First Named Inventor:	Andreas KUMMET		
Title of the Invention:	Printing Unit of a Printing Machine, a Method for Use Thereof and a Printing Machine with a Plurality of M		

THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT HTTP://WWW.USPTO.GOV/EBC/EFS_HELP.HTML

APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PROGRAM.

The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.

The corresponding PCT application number(s) is/are: PCT/EP2009/052844

The international date of the corresponding PCT application(s) is/are: March 11, 2009

I. List of Required Documents:

a. **A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above-identified corresponding PCT application(s)**

☐ is attached

☑ is not attached because the document is already in the U.S. application

b. **A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s).**

☐ is attached.

☑ is not attached because the document is already in the U.S. application

c. **English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.**

This collection of information is required by 35 U.S.C. 119, 37 CFR 1.55, and 37 CFR 1.102(a). This information is required to obtain or retain a benefit by the public, which is to be filed by the USPTO to process an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.

REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM BETWEEN THE EPO AND THE USPTO

(continued)

Application No.:	12/736,120
First Named Inventor:	Andreas KUMMET

8. (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 10, 2010

(2) Copies of all documents (except) for U.S. patents or U.S. patent application publications)

☐ Are attached

☑ Have already been filed in the above-identified U.S. application on September 10, 2010

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
16 - 23	1 - 8	direct correspondence
24	9	U.S. claim amended to remove multiple dependency
		present in PCT claim
25 - 30	10 - 15	direct correspondence

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature	Date September 28, 2010
Name (Print/Typed) Douglas R. Hanscom	Registration Number 26600

KARIN T. DUNN

GERMAN TRANSLATION AND LANGUAGE SERVICES
Certified by the American Translators Association

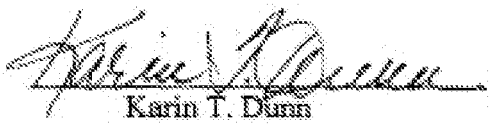
4706 OLDE FORGE CT., FAIRFAX, VA 22032
TELEPHONE, FAX: 703-426-1422 · DUNN66FAM@MSN.COM

Date: September 5th, 2010

DECLARATION

The undersigned, Karin T. Dunn, hereby states that she is well acquainted with both the English and German languages and that the attached is a true translation to the best of her knowledge and ability of the German text of PCT/EP2009/052844, filed on 11 March 2009 and published on 17 September 2009 under No. WO 2009/112514 A1. The undersigned further states that the prosecution documents associated with PCT/EP2009/052844 and translated by her are also true translations to the best of her knowledge and ability.

The undersigned declares that the above statement is true and that this statement was made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or document or any patent resulting therefrom.



Karin T. Dunn

Translation of the pertinent portions of a **Notification of the Transmittal of the International Search Report and the Written Opinion of the International Search Authority or the Declaration (Rule 44.1 PCT)**, mailed on 14 July 2009

This International Search Report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. The report comprises a total of 5 pages. Copies of each prior art document cited in this report are also enclosed.

1. **Basis of the Report**
   With regard to **language**, the international search was carried out on the basis of the international application in the language in which it was filed.

4. With regard to the **Title of the Invention**:

   The wording has been determined as submitted by the applicant.

5. With regard to the **Abstract**:

   The wording has been established in the version shown in Box No. IV, as determined by the Authority, in accordance with Rule 38.2b).

6. With regard to the **Drawings**:

   a. Figure 1 will be published with the abstract as determined by the Authority, as the applicant failed to suggest a figure.

Box No. IV Wording of the Abstract (continuation of Item 5 on page 1)

The invention relates to a printing unit (01) of a printing press with a pair of side frames (02) arranged opposite one another, between which at least one printing couple with a plurality of printing couple cylinders (03) and at least one inking unit (04) is arranged, wherein each of the two side frames has a longitudinal crossbar (17) oriented in the direction of transport of a print substrate (24) that can be fed through the printing unit, wherein the two longitudinal crossbars delimit a base area (09) of the printing unit on two parallel sides, wherein in the base area between the two longitudinal crossbars of this printing unit, a plurality of pipelines (11; 12; 13; 14) are arranged, which serve to supply media to this printing unit, wherein the medium that is conducted through these pipelines is liquid or gaseous, wherein at least one of the pipelines is connected to at least one consumer that is located in this printing unit and is to be supplied with the respective medium, or to at least one source which supplies the respective medium. A method of using this printing unit is also described, along with a printing press comprising a plurality of these printing units, for example.

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY (Rule 43*bis*.1 PCT)

1. This opinion contains indications relating to the following items:

Box I Basis of the opinion

Box V Reasoned statement under Rule 43*bis*.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

Box No. I Basis of the Opinion

1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed

Box No. V Reasoned statement under Rule 43*bis*.1(a)(i) with regard to novelty, inventive step and industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty	Yes: Claims	1-15
	No: Claims	
Inventive Step	Yes: Claims	1-15
	No: Claims	
Industrial Applicability	Yes: Claims	1-15
	No: Claims:	

2. Citations and Explanations
See attached sheet

Re Point V

1 Reference is made to the following documents:

D1: US 2001/017088 A1 (DILLING PEER [DE] ET AL) 30 August 2001 (2001/08/30)

2 INDEPENDENT CLAIM 1

2.1 Document D1 is viewed as the closest prior art. It discloses (references in parentheses refer to this document) a printing unit (2, 3, 4, 5) of a printing press (1) with a pair of side frames (34) arranged opposite one another, between which at least one printing couple with a plurality of printing couple cylinders (39, 40, 41, 42) and at least one inking unit (implicit) is arranged, wherein each of the two side frames (34) has a longitudinal crossbar (Figure 3) oriented in the direction of transport of a print substrate (53) that can be fed through the printing unit (2, 3, 4, 5), wherein the two longitudinal crossbars delimit a base area (Figure 3) of the printing unit (2, 3, 4, 5) on two parallel sides.

2.2 The subject of claim 1 differs from D1 in that in the base area between the two longitudinal crossbars of this printing unit, a plurality of pipelines are arranged, which serve to supply media to this printing unit, wherein the medium conducted through these pipelines is liquid or gaseous, wherein at least one of the pipelines is connected to at least one consumer that is located in this printing unit and is to be supplied with the respective medium, or to at least one queue [sic - Translator] that supplies the respective medium. The subject of claim 1 is therefore novel (PCT Article 33(2)).

2.3 The problem to be solved here consists in devising a simple configuration for supplying fluid and gas media.

2.4 The prior art provides those skilled in the art with no suggestion that would lead in an obvious manner to the solution proposed here. D1 does not disclose any supply of media. Customary media supply systems are located outside of the machine, or at least not underneath the machine.

The above stated solution requires complex technical adjustments that are not obvious to one skilled in the art.

Moreover, the subject of claim 1 is inventive (PCT Article 33(3)).

3 INDEPENDENT CLAIM 9

Reference is made to the Guidelines, Annex A5.21.

3.1 Document D1 discloses (references in parentheses refer to this document) a method for using a printing unit (2, 3, 4, 5).

3.2 The subject of claim 9 differs from D1 in that the printing unit is configured according to at least one of claims 1 through 8, and in that the pipelines of the printing unit are preassembled and fully connected to their respective consumers or sources located in the printing unit, before the printing unit is transported to a location where the printing press will be used.

The subject of claim 9 is therefore novel (PCT Article 33(2)).

3.3 For the same reason as was indicated for claim 1, the subject of claim 9 involves an inventive step (PCT Article 33(3)).

4 INDEPENDENT CLAIM 10

Claim 10 contains all the features of claim 1. Moreover, claim 10 fulfills the requirements of PCT Article 33(2)(3) with respect to novelty and inventive step.

5 DEPENDENT CLAIMS

5.1 Claims 2-8 are dependent upon claim 1 and therefore also fulfill the requirements of the PCT with respect to novelty and inventive step.

5.2 Claims 11-15 are dependent upon claim 10 and therefore also fulfill the requirements of the PCT with respect to novelty and inventive step.

6 ADDITIONAL REMARKS

Claims 1 to 15 relate to a printing unit and a method of using this printing unit. They therefore also fulfill the requirements of PCT Article 33(4).

Claims

1. Printing unit of a printing press with a pair of side frames (02) arranged opposite one another, between which at least one printing couple with a plurality of printing couple cylinders (03) and at least one inking unit (04) is arranged, wherein each of the two side frames (02) has a longitudinal crossbar (17) oriented in the direction of transport of a print substrate (24) that can be fed through the printing unit (01), wherein the two longitudinal crossbars (17) delimit a base area (09) of the printing unit (01) on two parallel sides, characterized in that a plurality of pipelines (11; 12; 13; 14) are arranged in the base area (09) between the two longitudinal crossbars (17) of this printing unit (01), which serve to supply media to this printing unit (01), wherein the medium conducted through these pipelines (11; 12; 13; 14) is liquid or gaseous, wherein at least one of the pipelines (11; 12; 13; 14) is connected to at least one consumer which is located in this printing unit (01) and is to be supplied with the respective medium, or to at least one source which supplies the respective medium.

2. Printing unit of claim 1, characterized in that the pipelines (11; 12; 13; 14) correspond to a length (l) of this printing unit (01), oriented in the direction of transport of the print substrate (24).

3. Printing unit of claim 1, characterized in that the pipelines (11; 12; 13; 14) extend parallel to one another in the direction of transport of the print substrate (24).

4. Printing unit of claim 1, characterized in that each of the pipelines (11; 12; 13; 14) is equipped with a coupling (33) at each of its respective ends.

5. Printing unit of claim 1, characterized in that at least one of the pipelines (11; 12; 13; 14) is connected via a branch (31) to at least one consumer located in this printing unit (01) or to at least one source.

6. Printing unit of claim 1, characterized in that an oil pump and/or a heat exchanger is arranged in or on one of the side frames (02), wherein the oil pump and/or the heat exchanger are each connected to at least one of the pipelines (11; 12; 13; 14).

7. Printing unit of claim 1, characterized in that a cable conduit (21) and/or a contact rail (22) for supplying this printing unit (01) with electric power are arranged outside of the base area (09) of this printing unit (01), directly on at least one of the longitudinal crossbars (17).

8. Printing unit of claim 1, characterized in that between the pair of side frames (02) arranged opposite one another, at least two printing couples are provided, wherein these printing couples are equipped with their own separately operable drives (06).

9. Method of using a printing unit (01) according to at least one of claims 1 through 8, characterized in that the pipelines (11; 12; 13; 14) of the printing unit (01) are preassembled and fully coupled to their respective consumers or sources arranged in the printing unit (01), before the printing unit (01) is transported to the location where the printing press will be used.

10. Printing press with a plurality of modules arranged in a row in the direction of transport of a print substrate (24) that can be fed through this printing press, wherein a plurality of these modules each have a pair of side frames (02) arranged opposite one another, wherein each of these side frames (02) has a longitudinal crossbar (17) oriented in the direction of transport of the print

substrate (24) that can be fed through this printing press, wherein the two longitudinal crossbars (17) of a pair of opposite side frames (02) delimit a base area (09) of this printing press on two parallel sides, characterized in that the respective longitudinal crossbars (17) of modules arranged in a row are arranged in a row, and form a continuous base area (09) in the printing press, wherein a plurality of pipelines (11; 12; 13; 14) that serve to supply media to the modules of this printing press are arranged in the continuous base area (09) of the printing press, wherein the medium conducted through these pipelines (11; 12; 13; 14) is liquid or gaseous, wherein at least one of the pipelines (11; 12; 13; 14) is connected to at least one consumer which is located in one of the modules of this printing press and is to be supplied with the respective medium, or to at least one source that supplies the respective medium.

11. Printing press of claim 10, characterized in that at least one of the pipelines (11; 12; 13; 14) extends through the entire length (l) of at least one of the modules, oriented in the direction of transport of the print substrate (24) that can be fed through this printing press, and is coupled to a pipeline (11; 12; 13; 14) arranged in the adjoining module, in a coupling plane (32) which extends between two adjoining modules, transversely to the direction of transport of the print substrate (24) that can be fed through this printing press.

12. Printing press of claim 10, characterized in that an adapter (34) in which multiple pipelines (11; 12; 13; 14) are held together is arranged on at least one end of a plurality of modules of this printing press arranged in a row.

13. Printing press of claim 10, characterized in that the adapter (34) is optionally arranged on one of the longitudinal crossbars (17) of the module which is arranged at the end of the plurality of modules of this printing press, arranged in a row.

14. Printing press of claim 10, characterized in that at least one of its modules is embodied as a printing unit (01) or as a reel changer or as an infeed unit or as a varnishing unit or as a dryer or as a folder.

15. Printing press of claim 10, characterized in that its modules are arranged within a shared setup plane (28).

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/736,120	09/10/2010	Andreas Kümmet	WI.2988 PCT-US	2239

23294 7590 11/23/2010
JONES, TULLAR & COOPER, P.C.
P.O. BOX 2266 EADS STATION
ARLINGTON, VA 22202

EXAMINER	
ART UNIT	PAPER NUMBER
2854	

MAIL DATE	DELIVERY MODE
11/23/2010	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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JONES, TULLAR & COOPER, P.C.
P.O. BOX 2266 EADS STATION
ARLINGTON VA 22202

In re Application of
KüMMET et al.
Application No.: 12/736,120
Filed: 10 September 2010
Attorney Docket No.: WI.2988 PCT-US
For: PRINTING UNIT OF A PRINTING MACHINE, A METHOD FOR USE THEREOF AND A PRINTING MACHINE WITH A PLURALITY OF MODULES

: DECISION ON REQUEST TO
: PARTICIPATE IN THE PCT PATENT
: PROSECUTION HIGHWAY PILOT
: PROGRAM AND PETITION
: TO MAKE SPECIAL UNDER
: 37 CFR 1.102(d)

This is a decision on the request to participate in the PCT Patent Prosecution Highway (PCT-PPH) pilot program and the petition under 37 CFR 1.102(a), filed 28 September 2010, to make the above-identified application special.

The request and petition are **GRANTED**.

Discussion

A grantable request to participate in the PCT-PPH pilot program and petition to make special require:

(1) The U.S. application must disclose an eligible relationship to one or more PCT applications where the ISA or IPEA are the JPO, EPO, KIPO, or USPTO;

(2) At least one claim in the PCT application has novelty, inventive step, and industrial applicability and must be free of any observations in Box VIII in the latest work product in the international stage or applicant must identify and explain why the claim(s) is/are not subject to the observation in Box VIII;

(3) Applicant must submit a copy of the claim(s) from the PCT application(s) that have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate, if the claims are not in the English language;

(4) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the claim(s) that have novelty, inventive step, and industrial applicability in the PCT application(s);

(5) Examination of the U.S. application has not begun;

(6) Applicant must submit a copy of the latest international work product from the PCT application indicating that the claim(s) have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate if the latest international work product is not in the English language;

(7) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

The request to participate in the PCT-PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Lee W. Young at 571-272-4549.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc.index.html.

This application will be forwarded to the examiner for action on the merits commensurate with this decision once this application's formality reviews have been completed.

Lee W. Young
TQAS Technology Center 2800 - Semiconductors,
Electrical & Optical Systems & Components

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/736,153	09/13/2010	Masaki Mizoguchi	52433/1065	9401

26646 7590 11/04/2011

KENYON & KENYON LLP
ONE BROADWAY
NEW YORK, NY 10004

EXAMINER	
KESSLER, CHRISTOPHER S	
ART UNIT	PAPER NUMBER
1733	

MAIL DATE	DELIVERY MODE
11/04/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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NOV 04 2011

CST

In re application of	:	DECISION ON REQUEST TO
Masaki Mizoguchi et al	:	PARTICIPATE IN PATENT
Serial No. 12/736,153	:	PROSECUTION HIGHWAY
Filed: September 13, 2010	:	PROGRAM AND
For: FIRE RESISTANT STEEL MATERIAL	:	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 July 15, 2011.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO, note where the JPO application with similar claims is not the same application from which the U.S. application claims priority that the applicant must identify the relationship between the JPO application with similar claims and the JPO priority application;

(2) Applicant must submit a copy of:
a. The allowable/patentable claim(s) from the JPO application(s) or if a copy of the allowable/patentable claims is available via the Dossier Access System (DAS) applicant may request the USPTO to obtain a copy from DAS; however, if the USPTO is unable to obtain a copy from the DAS, the applicant will be required to submit a copy;
b. An English translation of the allowable/ patentable claim(s), if applicable; and
c. A statement that the English translation is accurate, if applicable;

(3) Applicant must:
a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s); and
b. Submit a claims correspondence table in English;

(4) Examination of the U.S. application has not begun;

(5) Applicant must submit:
   a. Documentation of prior office action:
      i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claims(s) or
      ii. if the allowable/patentable claim(s) are from "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
      iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form:
      Further, if a copy of the documents from a or b is available via the Dossier Access System (DAS), applicant may request the USPO obtain a copy from the DAS; however, if the USPTO is unable to obtain a copy of the DAS, the applicant will be required to submit a copy;
   b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above if applicable; and
   c. A statement that the English translation is accurate; and

(6) Applicant must submit:
   a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application)
   b. Copies of documents except U.S. patents or U.S. patent application publications (unless already submitted in this application).

The request to participate in the PPH program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

Any inquiry regarding this decision should be directed to Christine Tierney, Quality Assurance Specialist, at (571) 272-1055.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc/index.html.

/Christine Tierney/

Christine Tierney
Quality Assurance Specialist
Technology Center 1700

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/736,154	09/13/2010	Masafumi Azuma	14696/9	8949

26646 7590 07/26/2011

KENYON & KENYON LLP
ONE BROADWAY
NEW YORK, NY 10004

EXAMINER	
VELASQUEZ, VANESSA T	
ART UNIT	PAPER NUMBER
1733	

MAIL DATE	DELIVERY MODE
07/26/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

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BC

In re application of Masafumi Azuma et al. Serial No. 12/736,154 Filed: September 13, 2010 Attorney Docket No: 1496/9	: : : : : :	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 April 01, 2011.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO, note where the JPO application with similar claims is not the same application from which the U.S. application claims priority that the applicant must identify the relationship between the JPO application with similar claims and the JPO priority application;

(2) Applicant must submit a copy of:
   a. The allowable/patentable claim(s) from the JPO application(s) or if a copy of the allowable/patentable claims is available via the Dossier Access System (DAS) applicant may request the USPTO to obtain a copy from DAS; however, if the USPTO is unable to obtain a copy from the DAS, the applicant will be required to submit a copy;
   b. An English translation of the allowable/ patentable claim(s), if applicable; and
   c. A statement that the English translation is accurate, if applicable;

(3) Applicant must:
   a. Ensure all the independent claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s); and
   b. Submit a claims correspondence table in English;

(4) Examination of the U.S. application has not begun;

(5) Applicant must submit:
   a. Documentation of prior office action:

i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claims(s) or
ii. if the allowable/patentable claim(s) are from "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form;
Further, if a copy of the documents from (i) or (ii) is available via the Dossier Access System (DAS), applicant may request the USPO obtain a copy from the DAS; however, if the USPTO is unable to obtain a copy of the DAS, the applicant will be required to submit a copy; and

b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above if applicable; and

(6) Applicant must submit:

a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application)
b. Copies of documents except U.S. patents or U.S. patent application publications (unless already submitted in this application).

The request to participate in the PPH program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

Any inquiry regarding this decision should be directed to Blaine Copenheaver, Quality Assurance Specialist, at (571) 272-1156.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc/index.html.

/Blaine Copenheaver/

Blaine Copenheaver
Quality Assurance Specialist
Technology Center 1700

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JAN 31 2011

PCT LEGAL ADMINISTRATION

Law Offices of Christopher L. Makay
1634 Milam Building
115 East Travis Street
San Antonio TX 78205

In re Application of :
HASKAYNE, et al. :
U.S. Application No.: 12/736,177 :
PCT No.: PCT/IB2009/005502 :
Int. Filing Date: 20 March 2009 :
Priority Date: 20 March 2008 :
Atty Docket No.: L-0171.42(I) :
For: BEVERAGE DISPENSE APPARATUS :

DECISION ON PETITION

UNDER 37 CFR 1.497(d)

This decision is in response to applicant's petition to add an inventor filed 07 December 2010 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 20 March 2009, applicant filed international application PCT/IB2009/005502 which claimed priority to a previous application filed 20 March 2008. A copy of the international application was transmitted to the USPTO from the International Bureau (IB) on 24 September 2009. Pursuant to 37 CFR 1.495, the thirty-month period for paying the basic national fee in the United States was set to expire at midnight on 20 September 2010.

On 17 September 2010, applicant filed a transmittal letter for entry into the national stage in the United States, which was accompanied by the requisite basic national fee as required by 35 U.S.C. 371(c)(1); an assignment and a preliminary amendment.

On 08 October 2010, applicant was mailed a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) informing applicant of the need to provide an executed oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. In addition, applicant was notified of the need to provide a surcharge of $130.00 for filing the oath or declaration later than 30 months from the earliest priority date. Applicant was given two months to respond and advised that this time period could be extended with a proper petition and payment of fees.

On 07 December 2010, applicant filed the present petition including a declaration.

DISCUSSION

A request under 37 CFR 1.497(d) [formally, 37 CFR 1.48] to correct an error in naming inventorship requires:

(1) a petition including a statement from each person being added or deleted as an inventor that the error in inventorship occurred without any deceptive intention on his or her part;

(2) an oath or declaration by the actual inventor(s) as required by 37 CFR 1.63;

(3) the fee set forth in 37 CFR 1.17(h); and

(4) if an assignment has been executed by any of the original named inventors, the written consent of the assignee in compliance with 37 CFR 3.73(b).

Applicant has satisfied all four items detailed above and it is proper to grant applicant's petition at this time.

CONCLUSION

For the reasons discussed above, the request under 37 CFR 1.497(d) is **GRANTED**.

A review of the application papers reveals that applicant has now completed all the requirements of 35 U.S.C. 371 for entry into the national stage.

This application has an international application filing date of 20 March 2009 and will be given a date of **07 December 2010** under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).

This application is being returned to the United States Designated/Elected Office for further processing in accordance with this decision.

Derek A. Putonen
Attorney Advisor
Office of PCT Legal Administration
Tel: (571) 272-3294

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KOHLER SCHMID MOEBUS
RUPPMANNSTRASSE 27
D-70565 STUTTGART DE GERMANY

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DEC 03 2010

PCT LEGAL ADMINISTRATION

In re Application of	:	DECISION ON
Artur SCHWOERER	:	
Application No.: 12/736,221	:	
PCT No.: PCT/DE2009/000380	:	PAPERS FILED
Int. Filing Date: 21 March 2009	:	
Priority Date: 25 March 2008	:	
Attorney's Docket No.: SP09512US(PCT)	:	UNDER 37 CFR 1.42
For: TRACK-GUIDED... EXTENSION PIECES	:	

This is a decision on the declaration filed 21 September 2010, which has been treated as a request for status under 37 CFR 1.42.

BACKGROUND

On 21 September 2010, applicants filed a transmittal letter for entry into the national stage in the United States which was accompanied by, inter alia, the requisite basic national fee as required by 35 U.S.C. 371(c)(1), and an executed declaration under 35 U.S.C. 371(c)(4).

The executed declaration is signed by Reinhold HOLZMULLER as legal representative of the inventor now deceased Artur SCHWOERER.

DISCUSSION

A review of the application file reveals that the declaration does not comply with 37 C.F.R. §1.497(b)(2).

Because the inventor Artur SCHWOERER is deceased and Reinhold HOLZMULLER has been appointed as the legal representative for the deceased inventor, 37 C.F.R. §1.497(b)(2) indicates that "[i]f the person making the oath or the declaration or any supplemental or oath or declaration is not the inventor (§§1.42, 1.43, or 1.47), the oath or declaration shall state the relationship of the person to the inventor, and, upon information and belief, the facts which the inventor would have been required to state (the inventor's citizenship and so on). If the person signing the oath or declaration is the legal representative of a deceased inventor, the oath or declaration shall also state that the person is a legal representative and the citizenship, residence and mailing address of the legal representative." (see MPEP § 409.01)

In this instance, only the information of the deceased inventor has been provided but the citizenship, residence and mailing address of the legal representative must also be provided in the declaration as required under 37 C.F.R. §1.497(b)(2).

Consequently, applicants have not satisfied the requirements under 37 CFR 1.42.

CONCLUSION

For the above reasons, the request for status under 37 CFR 1.42 is **not accepted**.

Applicant is required to provide an oath or declaration in compliance with 37 CFR 1.497(a)-(b) within TWO (2) MONTHS from the mail date of this Decision. Failure to respond will result in the abandonment of the application. Any reconsideration request should include a cover letter entitled "Renewed Submission Under 37 CFR 1.42." Extensions of time are available under 37 CFR 1.136(a).

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

Rafael Bacares
PCT Legal Examiner
PCT Legal Office
Tel: (571) 272-3276
Fax: (571) 273-0459

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KOHLER SCHMID MOEBUS
RUPPMANNSTRASSE 27
D-70565 STUTTGART DE GERMANY

MAILED
MAR 30 2011
PCT LEGAL ADMINISTRATION

In re Application of	:	DECISION ON
Artur SCHWOERER	:	
Application No.: 12/736,221	:	
PCT No.: PCT/DE2009/000380	:	PAPERS FILED
Int. Filing Date: 21 March 2009	:	
Priority Date: 25 March 2008	:	
Attorney's Docket No.: SP09512US(PCT)	:	UNDER 37 CFR 1.42
For: TRACK-GUIDED... EXTENSION PIECES	:	

This is a decision on the "Request for reconsideration of a design on papers filed under 37 CFR 1.42" filed on 18 January 2011.

BACKGROUND

In a decision from this Office on 18 January 2011, the request filed on 21 September 2010 was not accepted under 37 CFR 1.42.

On 18 January 2011, applicant filed the present renewed petition, which also included a renewed submission under 37 CFR § 1.42 accompanied with an executed declaration.

DISCUSSION

Applicant has provided a new executed declaration, which sets forth that Reinhold HOLZMULLER is the legal representative of the deceased inventor Artur SCHWOERER, and it also sets forth HIS citizenships and residences.

Accordingly, the requirements under 37 CFR 1.42 are satisfied and the declaration is acceptable at this time.

DECISION

The renewed submission filed under 37 CFR 1.42 is **ACCEPTED**.

The application is being returned to the United States Designated/Elected Office (DO/EO/US) for processing in accordance with this decision.

Rafael Bacares
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JUL 21 2011

PCT LEGAL ADMINISTRATION

In re Application of :
HIRANO, et al. :
Application No.: 12/736,247 : DECISION ON PETITION
PCT No.: PCT/JP2010/001572 :
Int. Filing Date: 05 March 2010 : UNDER 37 CFR 1.10(c)
Priority Date: 12 March 2009 :
Atty. Docket No.: 14696/10 :
For: METHOD OF PRODUCING COMMON RAIL AND COMMON RAIL :

This is a decision on applicant's request for corrected filing receipt filed 04 February 2011 in the United States Patent and Trademark Office (USPTO). The request is being treated as a petition to correct filing date under 37 C.F.R. § 1.10(c). No petition fee is required.

BACKGROUND

On 05 March 2010, applicant filed international application PCT/JP2010/001572 which claimed priority to an earlier application filed 12 March 2009. Pursuant to 37 CFR 1.495, the thirty-month period for paying the basic national fee in the United States expired at midnight on 12 September 2011.

Applicant filed a transmittal letter for entry into the national stage in the United States, which was accompanied by the requisite basic national fee as required by 35 U.S.C. 371(c)(1); an English translation of the international application as filed and an executed declaration of the inventors. Applicant's transmittal letter included an express request to begin national examination procedures. The USPTO accorded the papers a receipt date of 21 September 2010.

On 07 October 2010, applicant was mailed a "NOTICE OF ACCEPTANCE OF APPLICATION" (Form PCT/DO/EO/903) and official filing receipt indicating a 35 U.S.C. 371 completion date of 21 September 2010.

On 04 February 2011, applicant filed the present petition indicating that the national stage papers were filed on 22 September 2010 while the USPTO accorded a date of 21 September 2010.

DISCUSSION

37 CFR 1.10(c) states: Any person filing correspondence under this section that was received by the Office and delivered by the "Express Mail Post Office to Addressee" service of the USPS, who can show that there is a discrepancy between the filing date accorded by the Office to the correspondence and the date of deposit as shown by the "date-in" on the "Express Mail" mailing label or other official USPS notation, may petition the Commissioner to accord the correspondence a filing date as of the "date-in" on the "Express Mail" mailing label or other official USPS notation, provided that:

(1) The petition is filed promptly after the person becomes aware that the Office has accorded, or will accord, a filing date other than the USPS deposit date;

(2) The number of the "Express Mail" mailing label was placed on the paper(s) or fee(s) that constitute the correspondence prior to the original mailing by "Express Mail;" and

(3) The petition includes a true copy of the "Express Mail" mailing label showing the "date-in," and of any other official notation by the USPS relied upon to show the date of deposit.

Applicant has satisfied all three items above and it is proper to grant applicant's petition to accord the initial U.S. National stage papers a receipt date of 22 September 2010.

CONCLUSION

For the reasons stated above applicant's petitions under 37 CFR 1.10(c) is **GRANTED**.

The application has an international filing date of 05 March 2010 under 35 U.S.C. 363 and will be given a date of **22 September 2010** under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).

This application is being returned to the United States Designated/Elected Office (US/DO/EO) for further processing in accordance with this decision, namely the issuance of a "Notification of Acceptance of Application Under 35 U.S.C. 371 and 37 CFR 1.494 or 1.495" (Form PCT/DO/EO/903) and a corrected filing receipt indicating the correct 371 date as detailed above.

Derek A. Putonen
Attorney Advisor
Office of PCT Legal Administration
Tel: (571) 272-3294

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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OFFICE OF PETITIONS

MEREK, BLACKMON & VOORHEES, LLC
673 S. WASHINGTON ST.
ALEXANDRIA VA 22314

Applicant: Christensen
Appl. No.: 12/736,264
International Filing Date: August 21, 2008
Title: OUTWARDLY OPENING WINDOW OR DOOR ASSEMBLY
Attorney Docket: VKR.007
Pub. No.: US 20110056139 A1
Pub. Date: March 10, 2011

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on March 29, 2011 for the above-identified application.

The request is DISMISSED.

Applicant requests that the application be republished because the patent application publication contains an error on the front page of the application.

37 CFR 1.221 (b) is applicable "only when the Office makes a material mistake which is apparent from Office records.... Any request for a corrected publication or revised patent application publication other than provided as provided in paragraph (a) of this section must be filed within two months from the date of the patent application publication. This period is not extendable." A material mistake must affect the public's ability to appreciate the technical disclosure of the patent application publication, to determine the scope of the patent application publication, or to determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent. [1]

The error noted by requestor on the front page of the publication in the title of the invention is not a material Office error under 37 CFR 1.221(b). The mistake is a minor typographical error and it does not affect the public's ability to appreciate the technical disclosure of the patent application publication, or determine the scope of the patent application publication or determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent. See MPEP 1130B.

On November 26, 2010, a Filing Receipt was mailed by the Office, which improperly listed the title. A Request for a Corrected Filing Receipt was submitted on March 29, 2011. On March

[1] Changes to Implement Eighteen-Month Publication of Patent Applications, 65 FR 57023, 57038 (Sept. 20, 2000), 1239, Off. Gaz. Pat. Office Notices 63, 75 (Oct. 10, 2000) (final rule).

31, 2011, and on April 15, 2011, a Corrected Filing Receipt was mailed by the Office. To avoid this type of problem in the future, applicant's representative should correct the error, if applicable and make a request for a corrected filing receipt prior to export of the application to the publisher and publication of the application.

Applicants are encouraged to use and submit an **eADS** (PTO/SB/14) as an EFS-Web Fillable Form, rather than a scanned PDF image, to benefit from having the data loaded directly into USPTO electronic systems. For questions contact the Patent EBC (Electronic Business Center):
Telephone: 1-866-217-9197 (toll-free) or E-mail: ebc@uspto.gov
571-272-4100 (local)

The applicant is advised that a "request for republication of an application previously published" may be filed under 37 CFR 1.221 (a). Such a request for republication "must include a copy of the application compliance with the Office's electronic filing system requirements and be accompanied by the publication fee set forth in § 1.18 (d) and the processing fee set forth in § 1.17 (i)." If the request for republication does not comply with the electronic filing system requirements, the republication will not take place and the publication fee set forth in § 1.18 (d) will be refunded. The processing fee will be retained.

A guide for filing a request for a Pre-Grant Publication, such as a request for republication, may be found on the link below:

http://www.uspto.gov/patents/process/file/efs/guidance/index.jsp

http://www.uspto.gov/ebc/portal/efs/pgpub_quickstart.pdf

Any request for republication under 37 CFR 1.221(a), must be submitted via the EFS system, as a "Pre-Grant Publication".

Inquiries relating to this matter may be directed to Karen Creasy at (571) 272-3208.

/Christopher Bottorff/

Christopher Bottorff
Petitions Examiner
Office of Petitions

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OFFICE OF PETITIONS

MEREK, BLACKMON & VOORHEES, LLC
673 S. WASHINGTON ST
ALEXANDRIA, VA 22314

In re Application of Bjørn et al. :
Application No. 12/736,265 :
Int'l Filing Date: August 21, 2008 : Decision on Request
Attorney Docket No. VKR.008 :
Pub. No.: US 2011/0088217 A1 :
Pub. Date: April 21, 2011 :

This is a decision on the request for a corrected patent application publication under 37 C.F.R. § 1.221(b) filed May 25, 2011.

The request is **dismissed**.

Applicants request the application be republished because of the mistake in the patent application publication identified in the request.

37 C.F.R. § 1.221(b) states,

> [Relief under 37 C.F.R. § 1.221 is warranted] only when the Office makes a material mistake which is apparent from Office records.... Any request for corrected publication or revised patent application publication other than provided in paragraph (a) of this section must be filed within two months from the date of the patent application publication. This period is not extendable.

A mistake is only a "material" mistake if the mistake affects the public's ability to appreciate the technical disclosure of the patent application publication, determine the scope of the patent application publication, or determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent.[1]

The mistake identified in the instant request is not a material Office mistake as required under

[1] *See* Changes to Implement Eighteen-Month Publication of Patent Applications; Final Rule, 65 Fed. Reg. 57023, 57038 (Sept. 20, 2000), 1239 Off. Gaz. Pat. Office 63, 75 (Oct. 10, 2000). *See also* Section 1130 of the Manual of Patent Examining Procedure (8th ed., Rev. 8, July 2010).

37 C.F.R. § 1.221(b). Specifically, the mistake does not affect the public's ability to appreciate the technical disclosure of the patent application publication, determine the scope of the patent application publication, or determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent. *See* MPEP § 1130(B). Therefore, relief under 37 C.F.R. § 1.221(b) is unwarranted and the request is dismissed.

Applicants are advised that a "request for republication of an application previously published" may be filed under 37 C.F.R. § 1.221(a). The request must include a copy of the application, which complies with the Office's electronic filing system requirements set forth in 37 C.F.R. § 1.18(d), and the required processing fee set forth in 37 C.F.R. § 1.17(i).

If the request for republication does not comply with the electronic filing system requirements, the republication will not take place and the publication fee set forth in 37 C.F.R. § 1.18(d) will be refunded. However, the processing fee will be retained.

Guidance for filing a request for a Pre-Grant Publication, such as a request for republication, may be found at the links below:

http://www.uspto.gov/patents/process/file/efs/guidance/index.jsp

http://www.uspto.gov/ebc/portal/efs/pgpub_quickstart.pdf

Any request for republication under 37 C.F.R. § 1.221(a), must be submitted via the EFS system as a "Pre-Grant Publication" and questions or any request for reconsideration of the instant decision should be addressed as follows:

By mail to: Mail Stop PGPUB
Commissioner for Patents
P.O. Box 1450
Alexandria, Va. 22313-1450

Telephone inquiries regarding this communication should be directed to Senior Petitions Attorney Steven Brantley at (571) 272-3203.

Christopher Bottorff
Petitions Examiner
Office of Petitions

- 1 OCT 2010

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P.O. Box 1450
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www.uspto.gov

HOWREY LLP-HN
C/O IP DOCKETING DEPARTMENT
2941 FAIRVIEW PARK DRIVE, SUITE 200
FALLS CHURCH VA 22042-7195

In re Application of	:	
WANG, Hali, et al.	:	
Application No.: 12/736,314	:	DECISION ON
PCT No.: PCT/US2008/088041	:	
Int. Filing Date: 22 December 2008	:	PETITION
Priority Date: 20 December 2007	:	
Attorney Docket No.: 13461.0048.P	:	UNDER 37 CFR 1.182
For: COMPOSITION AND METHODS FOR REPAIR OF CONNECTIVE TISSUE	:	

This decision is in response to applicants' Petition Under 37 CFR 1.182, filed with the United States Patent and Trademark Office on 10 September 2010.

BACKGROUND

On 18 June 2010, applicants filed international application PCT/US2010/039230. Various included papers listed PCT/US2008/088041 and PCT/US2008/087016.

On 10 September 2010, applicants filed a petition under 37 CFR 1.182 to convert PCT/US2010/039230 into a national phase entry of PCT/US2008/088041.

DISCUSSION

Applicants have explained that their international filing PCT/US2010/039230 was intended as a national phase filing of PCT/US2008/088041 and have asked that it be converted to that national phase filing. The request to convert the international application to a national phase is granted. Any future communications with regards to the national phase of PCT/US2008/088041 should use application number 12/736,314. Application no. PCT/US2010/039230 will be deactivated.

CONCLUSION

For the reasons listed above, the Petition Under 37 CFR 1.182 is **GRANTED**.

This application is being forwarded to the National Stage Processing Division of the Office of the Patent Application Processing for continued processing in accordance with this decision.

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Telephone: 571-272-3292

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KANESAKA BERNER AND PARTNERS LLP
1700 DIAGONAL RD
SUITE 310
ALEXANDRIA, VA 22314-2848

MAILED
APR 27 2011
PCT LEGAL ADMINISTRATION

In re Application of KOBAYASHI :
U.S. Application No.: 12/736,338 :
PCT Application No.: PCT/JP2009/054924 :
Int. Filing Date: 13 March 2009 :
Priority Date Claimed: 31 March 2008 : DECISION
Attorney Docket No.: SHI-043 :
For: METHOD FOR PRODUCING PURE WATER AND PURE WATER PRODUCTION SYSTEM :

This is in response to applicant's correspondence filed 22 March 2011, which is being treated as a petition under 37 CFR 1.181. No petition fee is due.

BACKGROUND

On 13 March 2009, applicant filed international application PCT/JP2009/054924, which claimed priority of an earlier Japan application filed 31 March 2008. A copy of the international application was communicated to the USPTO from the International Bureau on 08 October 2009. The thirty-month period for paying the basic national fee in the United States expired on 30 September 2010.

On 30 September 2010, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1) and an executed declaration.

On 28 January 2011, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905), which indicated that the foreign language declaration filed 30 September 2010 did not use a standard USPTO form.

On 22 March 2011, applicant filed the present petition under 37 CFR 1.181, requesting that the Office withdraw the 28 January 2011 Notification of Missing Requirements.

DISCUSSION

37 CFR 1.69(b) states,

> Unless the text of any oath or declaration in a language other than English is in a form provided by the Patent and Trademark Office or in accordance with PCT Rule 4.17(iv), it must be accompanied by an English translation together with a statement that the translation is accurate, except that in the case of an oath or declaration filed under § 1.63, the translation may be filed in the Office no later than two months from the date applicant is notified to file the translation.

The petition states that the declaration submitted 30 September 2010 uses a form that was prepared and issued by the USPTO. However, a review of the declaration reveals no evidence of a USPTO form number. Accordingly, the declaration by itself is not in compliance with 37 CFR 1.69(b), and mailing of the Notification of Missing Requirements was proper. Therefore, it would not be appropriate to withdraw the Notification of Missing Requirements as requested by applicant. The declaration is, however, acceptable in light of the statement contained in the petition setting forth that the translation contained in the declaration is accurate.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.181 is DISMISSED without prejudice.

The application has an International Filing Date under 35 U.S.C. 363 of 13 March 2009, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 30 September 2010.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision.

Bryan Lin

Bryan Lin
PCT Legal Examiner
PCT Legal Office

Telephone: 571-272-3303
Facsimile: 571-273-0459

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/736,378	12/02/2010	Masaki Miyamoto	72770.0053	1445

13155 7590 08/11/2011

Edwards Neils PLLC
11710 Plaza America Drive, Suite 2000
Reston, VA 20190

EXAMINER	
CHAUHAN, ULKA J	
ART UNIT	PAPER NUMBER
2628	
MAIL DATE	DELIVERY MODE
08/11/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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Edwards Neils PLLC
11710 Plaza America Drive, Suite 2000
Reston VA 20190

In re Application of
Masaki MIYAMOTO
Application No.: 12/736,378
Filed: 02 December 2010
Attorney Docket No.: 72770.0053
For: INTERMEDIATE IMAGE GENERATION METHOD, APPARATUS, AND PROGRAM

: DECISION ON REQUEST TO
: PARTICIPATE IN THE PATENT
: PROSECUTION HIGHWAY
: PROGRAM AND PETITION
: TO MAKE SPECIAL UNDER
: 37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed 03 December 2010, to make the above-identified application special.

The request and petition are **GRANTED**.

Discussion

A grantable request to participate in the PPH pilot program and petition to make special require:

1. The U.S. application is

    a. a Paris Convention application which either
        i. validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the JPO, or
        ii. validly claims priority to a PCT application that contains no priority claims, or
    b. a national stage application under the PCT (an application which entered the national stage in the U.S. from a PCT international application after compliance with 35 U.S.C. 371), which PCT application
        i. validly claims priority to an application filed in the JPO, or
        ii. validly claims priority to a PCT application that contains no priority claims, or
        iii. contains no priority claim, or
    c. a so-called bypass application filed under 35 U.S.C. 111(a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application
        i. validly claims priority to an application filed in the JPO, or
        ii. validly claims priority to a PCT application that contains no priority claims, or

iii. contains no priority claim;

2. Applicant must submit a copy of:
    a. The allowable/patentable claim(s) from the JPO application(s);
    b. An English translation of the allowable/patentable claim(s) and
    c. A statement that the English translation is accurate;
3. Applicant must:
    a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s) and
    b. Submit a claims correspondence table in English;
4. Examination of the U.S. application has not begun;
5. Applicant must submit:
    a. Documentation of prior office action:
        i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claim(s) or
        ii. if the allowable/patentable claims(s) are from a "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
        iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form;
    b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above
    c. A statement that the English translation is accurate;
6. Applicant must submit:
    a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application)
    b. Copies of the documents except U.S. patents or U.S. patent application publications (unless already submitted in this application);

The request to participate in the PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Inquiries concerning this decision should be directed to Lee W. Young at 571-272-4549.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc.index.html.

This application will be forwarded to the examiner for action on the merits commensurate with this decision once this application's formality reviews have been completed.

Lee W. Young
TQAS, Technology Center 2600

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/736,396	03/18/2011	Jun Masumoto	72770.0054	8706

13155 7590 08/11/2011

Edwards Neils PLLC
11710 Plaza America Drive, Suite 2000
Reston, VA 20190

EXAMINER	
ART UNIT	PAPER NUMBER
2624	

MAIL DATE	DELIVERY MODE
08/11/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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Edwards Neils PLLC
11710 Plaza America Drive, Suite 2000
Reston VA 20190

In re Application of
Jun MASUMOTO
Application No.: 12/736,396
Filed: 18 March 2011
Attorney Docket No.: 72770.0054
For: APPARATUS, METHOD, AND PROGRAM FOR DETECTING THREE DIMENMSIONAL ABDOMINAL CAVITY REGIONS

: 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 20 April 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 (1-4) and (6) above are considered to have been met. However, the request to participate in the PPH pilot program and petition fails meet condition (5).

Regarding the requirement of condition (5), applicant has failed to submit a statement that the translation of the JPO office action is accurate.

Applicant is given **ONE** opportunity within a time period of **ONE MONTH or THIRTY DAYS**, whichever is longer, from the mailing date of this decision to correct the deficiencies. **NO EXTENSION OF TIME UNDER 37 CFR 1.136 IS PERMITTED.** If the deficiencies are not corrected with the time period given, the application will await action in its regular turn.

Response must be filed via the Electronic Filing System (EFS) using the document description: Petition to make special under Patent Pros Hwy. Any preliminary amendments and IDS submitted with the PPH documents must be separately indexed as a preliminary amendment and IDS, respectively.

Telephone inquiries concerning this decision should be directed to Lee W. Young at 571-272-4549.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc/index.html.

Lee W. Young
Quality Assurance Specialist – TC 2600

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/736,396	03/18/2011	Jun Masumoto	72770.0054	8706

13155 7590 09/13/2011

Edwards Neils PLLC
11710 Plaza America Drive, Suite 2000
Reston, VA 20190

EXAMINER	
ART UNIT	PAPER NUMBER
2624	

MAIL DATE	DELIVERY MODE
09/13/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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Edwards Neils PLLC
11710 Plaza America Drive, Suite 2000
Reston VA 20190

In re Application of
Jun MASUMOTO
Application No.: 12/736,396
Filed: 18 March 2011
Attorney Docket No.: 72770.0054
For: APPARATUS, METHOD, AND PROGRAM FOR DETECTING THREE DIMENMSIONAL ABDOMINAL CAVITY REGIONS

: 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 20 April 2011 and renewed on 01 September 2011, to make the above-identified application special.

The request and petition are **GRANTED**.

Discussion

A grantable request to participate in the PPH pilot program and petition to make special require:

1. The U.S. application is
    a. a Paris Convention application which either
        i. validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the JPO, or
        ii. validly claims priority to a PCT application that contains no priority claims, or
    b. a national stage application under the PCT (an application which entered the national stage in the U.S. from a PCT international application after compliance with 35 U.S.C. 371), which PCT application
        i. validly claims priority to an application filed in the JPO, or
        ii. validly claims priority to a PCT application that contains no priority claims, or
        iii. contains no priority claim, or
    c. a so-called bypass application filed under 35 U.S.C. 111(a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application

i. validly claims priority to an application filed in the JPO, or
ii. validly claims priority to a PCT application that contains no priority claims, or
iii. contains no priority claim;

2. Applicant must submit a copy of:
   a. The allowable/patentable claim(s) from the JPO application(s);
   b. An English translation of the allowable/patentable claim(s) and
   c. A statement that the English translation is accurate;
3. Applicant must:
   a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s) and
   b. Submit a claims correspondence table in English;
4. Examination of the U.S. application has not begun;
5. Applicant must submit:
   a. Documentation of prior office action:
      i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claim(s) or
      ii. if the allowable/patentable claims(s) are from a "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
      iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form;
   b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above
   c. A statement that the English translation is accurate;
6. Applicant must submit:
   a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application)
   b. Copies of the documents except U.S. patents or U.S. patent application publications (unless already submitted in this application);

The request to participate in the PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Inquiries concerning this decision should be directed to Lee W. Young at 571-272-4549.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc.index.html.

This application will be forwarded to the examiner for action on the merits commensurate with this decision once this application's formality reviews have been completed.

Lee W. Young
TQAS, Technology Center 2600

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
Washington, D.C. 20231
www.uspto.gov

MAILED

JUN 09 2011

PCT LEGAL ADMINISTRATION

Harness, Dickey & Pierce P.L.C.
P.O. Box 8910
Reston VA 20195

In re Application of	:	
VAN RAMSDONK et al.	:	DECISION ON
Serial No.: 12/736,403	:	
PCT No.: PCT/EP08/04391	:	PETITION
Int. Filing Date: 29 May 2008	:	
Priority Date: None	:	UNDER 37 CFR 1.47(a)
Atty Docket No.: 15081-000315/US/NP	:	
For: GENERATING A DISPLAY IMAGE	:	

This decision is in response to applicant's "Petition to Accept Application Under 37 CFR 1. 47(a)" filed 24 March 2011 in the United States Patent and Trademark Office (USPTO) requesting acceptance of the application without the signature of nonsigning inventor Ewoud Van Ramsdonk. Applicant's request for a three month extension of time is granted.

BACKGROUND

On 29 May 2008, applicant filed international application PCT/EP2008/04391. The application did not claim a priority date. The deadline for submission of the basic national fee was thirty months from the priority date, i.e., 29 November 2010.

On 05 October 2010, a Transmittal Letter for entry into the national stage in the United States was filed accompanied by, among other materials, payment of the basic national fee.

On 26 October 2010, a Notification Of Missing Requirements (Form PCT/DO/EO/905) was issued indicating, among other materials, that an oath or declaration in compliance with 37 CFR 1.497 was required.

On 24 March 2011, a response to the Notification Of Missing Requirements was filed. The response included request for extension of time and the "Petition Under 37 CFR §1.47(a)" considered herein. The petition requests acceptance of the application without the signature of inventor of record EWOUD VAN RAMSDONK, whom petitioner asserts has refused to execute the application.

DISCUSSION

A petition under 37 CFR §1.47(a) must be accompanied by (1) the requisite petition fee,

(2) factual proof that the non-signing joint inventor(s) refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the non-signing inventor(s), and (4) an oath or declaration by each available joint inventor on his or her own behalf and on behalf of the non-signing joint inventor(s).

Applicant paid $200 for the petition fee. Item (1) is satisfied.

With regard to item (2), applicant submitted the first hand statement of facts of Mike McGee, employee of Tom-Tom International B.V., assignee. Mr. McGee states that on or about 22 February 2011, he sent a complete copy of the application papers (including specification, claims and drawings), declaration and power of attorney and assignment to the nonsigning inventor to his last known address via UPS, asking the nonsigning inventor to sign the documents. Delivery of this letter was confirmed by UPS on 23 February 2011. As of 21 March 2011, the non-signing inventor has not responded to this communication. Thus, it can be concluded that the nonsigning inventor refuses to sign the application papers. Item (2) above is satisfied.

Regarding item (3), the petition includes an express statement of the last known address of the non-signing inventor. Item (3) is therefore satisfied.

Regarding item (4), the petition was accompanied by a declaration signed on behalf of the nonsigning inventor by the joint inventor. Item (4) is therefore satisfied.

In sum, Items (1)- (4) are satisfied. Thus, Petitioner has satisfied the requirements of 37 CFR 1.47(a). Accordingly, it is appropriate to accord the national stage application status under 37 CFR §1.47(a) at this time.

CONCLUSION

The petition under 37 CFR 1.47(a) is **GRANTED**.

The U.S. Designated/Elected Office has accepted the application as a 37 CFR 1.47(a) application using the declaration filed 24 March 2011. The application has an international filing date of 29 May 2008 under 35 U.S.C. 363, and a date of 24 March 2011 under 35 U.S.C. 371(c).

As provided in 37 CFR 1.47(a), a notice of the filing of this application will be forwarded to the non-signing inventor at his respective last known address of record. Also, a notice of the filing of this application will be published in the Official Gazette.

/Cynthia M. Kratz/
Cynthia M. Kratz
Attorney Advisor
PCT Legal Office
Office of PCT Legal Administration
Telephone: (571) 272-3286

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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JUN 09 2011

PCT LEGAL ADMINISTRATION

EWOUD VAN RAMSDONK
FILIPIJNEN 172
NL-3524 JP UTRECHT
THE NETHERLANDS

In re Application of
VAN RAMSDONK et al.
Serial No.: 12/736,403
PCT No.: PCT/EP08/04391
Int. Filing Date: 29 May 2008
Priority Date: None
Atty Docket No.: 15081-000315/US/NP
For: GENERATING A DISPLAY IMAGE

DECISION ON

PETITION

UNDER 37 CFR 1.47(a)

Dear Mr. Van Ramsdonk:

You are named as an inventor in the above identified United States patent application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. § 116. Should a patent be granted, you will be designated as an inventor.

As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. If you care to join in the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

/Cynthia M. Kratz/
Cynthia M. Kratz
Attorney Advisor
PCT Legal Office
Telephone: (571) 272-3286
Facsimile: (571) 273-0459

Harness, Dickey & Pierce P.L.C.
P.O. Box 8910
Reston VA 20195

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/736,417	10/06/2010	Masafumi Azuma	52433/1069	1469

26646 7590 07/28/2011

KENYON & KENYON LLP
ONE BROADWAY
NEW YORK, NY 10004

EXAMINER	
YEE, DEBORAH	
ART UNIT	PAPER NUMBER
1733	
MAIL DATE	DELIVERY MODE
07/28/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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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7/28/11 CST

In re application of	:	DECISION ON REQUEST TO
Masafumi Azuma et al	:	PARTICIPATE IN PATENT
Serial No. 12/736,417	:	PROSECUTION HIGHWAY
Filed: October 6, 2010	:	PROGRAM AND
For: HIGH STRENGTH STEEL SHEET	:	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 June 23, 2011.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO, note where the JPO application with similar claims is not the same application from which the U.S. application claims priority that the applicant must identify the relationship between the JPO application with similar claims and the JPO priority application;

(2) Applicant must submit a copy of:
a. The allowable/patentable claim(s) from the JPO application(s) or if a copy of the allowable/patentable claims is available via the Dossier Access System (DAS) applicant may request the USPTO to obtain a copy from DAS; however, if the USPTO is unable to obtain a copy from the DAS, the applicant will be required to submit a copy;
b. An English translation of the allowable/ patentable claim(s), if applicable; and
c. A statement that the English translation is accurate, if applicable;

(3) Applicant must:
a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s); and
b. Submit a claims correspondence table in English;

(4) Examination of the U.S. application has not begun;

(5) Applicant must submit:
- a. Documentation of prior office action:
  - i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claims(s) or
  - ii. if the allowable/patentable claim(s) are from "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
  - iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form:

  Further, if a copy of the documents from a or b is available via the Dossier Access System (DAS), applicant may request the USPO obtain a copy from the DAS; however, if the USPTO is unable to obtain a copy of the DAS, the applicant will be required to submit a copy;
- b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above if applicable; and
- c. A statement that the English translation is accurate; and

(6) Applicant must submit:
- a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application)
- b. Copies of documents except U.S. patents or U.S. patent application publications (unless already submitted in this application).

The request to participate in the PPH program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

Any inquiry regarding this decision should be directed to Christine Tierney, Quality Assurance Specialist, at (571) 272-1055.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc/index.html.

/Christine Tierney/

Christine Tierney
Quality Assurance Specialist
Technology Center 1700

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DEC 05 2011
OFFICE OF PETITIONS

KENYON & KENYON LLP
ONE BROADWAY
NEW YORK NY 10004

In re Application of :
Masafumi Azuma et al :
Application No. 12/736,417 : DECISION GRANTING PETITION
Filed: October 6, 2010 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 52433/1069 :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed, December 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 on October 31, 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 1733 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed Information Disclosure Statement.

/Irvin Dingle/
Irvin Dingle
Petitions Examiner
Office of Petitions

[1] The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Issue Fee Transmittal Form PTOL-85(b), which includes the following language thereon: Commissioner for Patents is requested to apply the Issue Fee and Publication Fee (if any) or re-apply any previously paid issue fee to the application identified above. Petitioner is advised that, whether a fee is indicated as being due or not, the Issue Fee Transmittal Form **must** be completed and timely submitted to avoid abandonment. Note the language in bold text on the first page of the Notice of Allowance and Fee(s) Due (PTOL-85).

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DYKEMA GOSSETT PLLC
FRANKLIN SQUARE, THIRD FLOOR WEST
1300 I STREET, NW
WASHINGTON DC 20005

MAILED

APR 13 2011

OFFICE OF PETITIONS

In re Application of	:	
Fabrizio et al.	:	
Application No. 12/736,432	:	NOTICE
Filed: October 07, 2010	:	
Attorney Docket No. **65736-001-7**	:	

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28 February 24, 2011.

The Office no longer investigates or rejects original or reissue applications under 37 CFR 1.56. **1098 Off. Gaz. Pat. Office 502 (January 3, 1989)**. Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby **ACCEPTED**.

This application is no longer entitled to small entity status. Accordingly, all future fees paid in this application must be paid at the large entity rate.

Inquiries related to this communication should be directed to the undersigned at (571) 272-2783.

/Tredelle D. Jackson/
Paralegal Specialist
Office of Petitions

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Peter A. Shaddock II
Bowman Green Hampton & Kelly, PLLC
501 Independence Parkway, Suite 201
Chesapeake VA 23320-5173

MAILED
DEC 22 2010
PCT LEGAL ADMINISTRATION

In re Application of MARX et al :
U.S. Application No.: 12/736,458 :
PCT Application No.: PCT/US2009/002238 : DECISION
Int. Filing Date: 08 April 2009 :
Priority Date Claimed: 08 April 2008 :
Attorney Docket No.: 729-437 :
For: LOAD BEARING SUSPENSION SYSTEM :

This is in response to applicant's "Petition for Revival of an International Application for Patent Designating the U.S. Abandoned Unintentionally Under 37 CFR 1.137(b)" filed 22 November 2010.

BACKGROUND

On 08 April 2009, applicant filed international application PCT/US2009/002238, which claimed priority of an earlier United States application filed 08 April 2008. The thirty-month period for paying the basic national fee in the United States expired on 08 October 2010.

On 08 October 2010, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was not accompanied by the basic national fee required by 35 U.S.C. 371(c)(1).

On 09 October 2010, international application PCT/US2009/002238 became abandoned as to the United States for failure to timely pay the basic national fee.

On 22 November 2010, applicant filed the present petition under 37 CFR 1.137(b).

DISCUSSION

Under 37 CFR 1.137(b), a petition requesting that an application be revived on the grounds of unintentional abandonment must be accompanied by: (1) the required reply unless previously filed, (2) the petition fee as set forth in 37 CFR 1.17(m), (3) a statement that the entire

delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional, and (4) a terminal disclaimer if the application was filed before 08 June 1995.

With regard to item (1), applicant has provided the required reply under 35 U.S.C. 371.

With regard to item (2), applicant has provided the required petition fee.

With regard to item (3), applicant has provided the required statement.

With regard to item (4), because the international application was filed after 08 June 1995, no terminal disclaimer is required.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.137(b) is GRANTED.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision, including preparation and mailing of a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497 must be filed.

Bryan Lin

Bryan Lin
PCT Legal Examiner
PCT Legal Office

Telephone: 571-272-3303
Facsimile: 571-273-0459

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/736,462	10/07/2010	Jun Maki	52433/1072	7754

26646 7590 07/27/2011

KENYON & KENYON LLP
ONE BROADWAY
NEW YORK, NY 10004

EXAMINER	
ROSS, DANA	
ART UNIT	**PAPER NUMBER**
3725	
MAIL DATE	**DELIVERY MODE**
07/27/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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Alexandria, VA 22313-1450
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KENYON & KENYON LLP
ONE BROADWAY
NEW YORK NY 10004

In re Application of:
MAKI, JUN
Serial No.: 12/736462
Filed: October 7, 2010
Attorney Docket No. : 52433/1072
Title: PLATED STEEL SHEET AND METHOD OF HOT-STAMPING PLATED STEEL SHEET

DECISION ON A REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PROGRAM AND PETITION TO MAKE SPECIAL UNDER CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed July 22, 2011 to make the above-identified application special.

The request and petition are **granted**.

A grantable request to participate in the PPH program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more corresponding application(s) filed in the JPO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of all the office actions from each of the JPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate; and
(6) Applicant must submit IDS listing the documents cited by the JPO examiner in the JPO office action along with copies of documents except U.S. patents or U.S. patent application publications.

In light of the petition being properly submitted, the request to participate in the PPH program and the petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

The applicant is encouraged to cite and submit all relevant prior art references, if any, to facilitate examination in this application.

Response must be filed via EFS-Web. Telephone inquiries concerning this decision should be directed to Henry C. Yuen, at 571-272-4856.

Petition is **granted**.

/Henry C. Yuen/

Henry C. Yuen
Special Programs Examiner
Technology Center 3700
Tel: 571-272-4856

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/736,549	10/18/2010	Teruhiko Ogawa	KKI-0121	2801

23353 7590 06/13/2011

RADER FISHMAN & GRAUER PLLC
LION BUILDING
1233 20TH STREET N.W., SUITE 501
WASHINGTON, DC 20036

EXAMINER	
DECADY, ALBERT	

ART UNIT	PAPER NUMBER
2121	

MAIL DATE	DELIVERY MODE
06/13/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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RADER FISHMAN & GRAUER PLLC
LION BUILDING
1233 20TH STREET N.W., SUITE 501
WASHINGTON DC 20036

In re Application of: OGAWA et al.
Application No. 12/736,549
Attorney Docket #: KKI-0121
Filed: October 18, 2010
For: **SYSTEM FOR SIMULATING HEAT AND POWER SUPPLY FACILITY**

DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(a)

This is a decision on the renewed request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed October 18, 2010, to make the above-identified application special.

The petition is **GRANTED.**

A grantable request to participate in the PPH program and petition to make special require:

(1) The U.S. application is
(a) a Paris Convention application which either
(i) validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the JPO, or
(ii) validly claims priority to a PCT application that contains no priority claims,

Or

(b) a national stage application under the PCT (an application which entered the national stage in the U.S. from a PCT international application after compliance with 35 U.S.C. 371), which PCT application
(i) validly claims priority to an application filed in the JPO, or
(ii) validly claims priority to a PCT application that contains no priority claims, or
(iii) contains no priority claim,

Or

(c) a so-called bypass application filed under 35 U.S.C. 111 (a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application
(i) validly claims priority to an application filed in the JPO, or

(ii) validly claims priority to a PCT application that contains no priority claims, or
(iii) contains no priority claim.

Where the JPO application that contains the allowable/patentable claims is not the same application for which priority is claimed in the U.S. application, applicant must identify the relationship between the JPO application that contains the allowable/patentable claims and the JPO priority application claimed in the U.S. application.

(2) Applicant must submit a copy of:
a. The allowable/patentable claim(s) from the JPO application(s) or if a copy of the allowable/patentable claims is available via the Dossier Access System (DAS) applicant may request the USPTO obtain a copy from the DAS, however if the USPTO is unable to obtain a copy from the DAS the applicant will be required to submit a copy;
b. An English translation of the allowable/patentable claim(s) and
c. A statement that the English translation is accurate;

Effective January 29, 2010, for a period of two years ending on January 28, 2012, the USPTO will accept claims written in dependent form in the U.S. application which are narrower in scope than the allowable/patentable claims in the Japanese application.

(3) Applicant must:
a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s) and
b. Submit a claims correspondence table in English;

(4) Examination of the U.S. application has not begun;

(5) Applicant must submit:
a. Documentation of prior office action:
i. a copy of the office action(s)just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claim(s) or
ii. if the allowable/patentable claims(s) are from a "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form;

Further, if a copy of the documents from a above is available via the Dossier Access System (DAS) applicant may request the USPTO obtain a copy from the DAS, however if the USPTO is unable to obtain a copy from the DAS the applicant will be required to submit a copy;

b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above

c. A statement that the English translation is accurate;

Effective January 29, 2010, Applicants may submit a machine translation into the English language of the copy of the latest JPO office action just prior to the "Decision to Grant a Patent" (e.g., the latest "Notification of Reasons for Refusal") from each of the JPO application(s) containing the allowable/patentable claims that are the basis for the PPH request. The machine translation into the English language must be one that is provided by the JPO. That is, the machine translation into the English language cannot be one that is provided by a commercial service. Where a machine translation into the English language of the copy of the latest JPO office action (obtained from the JPO) is submitted, it will not be necessary to include a statement that the English translation is accurate.

(6) Applicant must submit:
   a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application)
   b. Copies of the documents except U.S. patents or U.S. patent application publications (unless already submitted in this application);

The petition is **GRANTED.**

The request to participate in the PPH pilot program and petition are found to comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Mano Padmanabhan at 571-272-4210.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc/index.html.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

/Mano Padmanabhan/

Mano Padmanabhan
Quality Assurance Specialist, Technology Center 2100, Workgroup 2180
571-272-4210

UNITED STATES PATENT AND TRADEMARK OFFICE

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.
12/736,549	10/18/2010	Teruhiko Ogawa	KKI-0121	2801

23353 7590 06/13/2011

RADER FISHMAN & GRAUER PLLC
LION BUILDING
1233 20TH STREET N.W., SUITE 501
WASHINGTON, DC 20036

EXAMINER	
DECADY, ALBERT	

ART UNIT	PAPER NUMBER
2121	

MAIL DATE	DELIVERY MODE
06/13/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

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RADER FISHMAN & GRAUER PLLC
LION BUILDING
1233 20TH STREET N.W., SUITE 501
WASHINGTON DC 20036

In re Application of: OGAWA et al.
Application No. 12/736,549
Attorney Docket #: KKI-0121
Filed: October 18, 2010
For: **SYSTEM FOR SIMULATING HEAT AND POWER SUPPLY FACILITY**

DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(a)

This is a decision on the renewed request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed October 18, 2010, to make the above-identified application special.

The petition is **GRANTED.**

A grantable request to participate in the PPH program and petition to make special require:

(1) The U.S. application is
(a) a Paris Convention application which either
(i) validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the JPO, or
(ii) validly claims priority to a PCT application that contains no priority claims,

Or

(b) a national stage application under the PCT (an application which entered the national stage in the U.S. from a PCT international application after compliance with 35 U.S.C. 371), which PCT application
(i) validly claims priority to an application filed in the JPO, or
(ii) validly claims priority to a PCT application that contains no priority claims, or
(iii) contains no priority claim,

Or

(c) a so-called bypass application filed under 35 U.S.C. 111 (a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application
(i) validly claims priority to an application filed in the JPO, or

(ii) validly claims priority to a PCT application that contains no priority claims, or
(iii) contains no priority claim.

Where the JPO application that contains the allowable/patentable claims is not the same application for which priority is claimed in the U.S. application, applicant must identify the relationship between the JPO application that contains the allowable/patentable claims and the JPO priority application claimed in the U.S. application.

(2) Applicant must submit a copy of:

a. The allowable/patentable claim(s) from the JPO application(s) or if a copy of the allowable/patentable claims is available via the Dossier Access System (DAS) applicant may request the USPTO obtain a copy from the DAS, however if the USPTO is unable to obtain a copy from the DAS the applicant will be required to submit a copy;
b. An English translation of the allowable/patentable claim(s) and
c. A statement that the English translation is accurate;

Effective January 29, 2010, for a period of two years ending on January 28, 2012, the USPTO will accept claims written in dependent form in the U.S. application which are narrower in scope than the allowable/patentable claims in the Japanese application.

(3) Applicant must:

a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s) and
b. Submit a claims correspondence table in English;

(4) Examination of the U.S. application has not begun;

(5) Applicant must submit:

a. Documentation of prior office action:

i. a copy of the office action(s)just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claim(s) or
ii. if the allowable/patentable claims(s) are from a "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form;

Further, if a copy of the documents from a above is available via the Dossier Access System (DAS) applicant may request the USPTO obtain a copy from the DAS, however if the USPTO is unable to obtain a copy from the DAS the applicant will be required to submit a copy;

b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above

c. A statement that the English translation is accurate;

Effective January 29, 2010, Applicants may submit a machine translation into the English language of the copy of the latest JPO office action just prior to the "Decision to Grant a Patent" (e.g., the latest "Notification of Reasons for Refusal") from each of the JPO application(s) containing the allowable/patentable claims that are the basis for the PPH request. The machine translation into the English language must be one that is provided by the JPO. That is, the machine translation into the English language cannot be one that is provided by a commercial service. Where a machine translation into the English language of the copy of the latest JPO office action (obtained from the JPO) is submitted, it will not be necessary to include a statement that the English translation is accurate.

(6) Applicant must submit:
   a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application)
   b. Copies of the documents except U.S. patents or U.S. patent application publications (unless already submitted in this application);

The petition is **GRANTED.**

The request to participate in the PPH pilot program and petition are found to comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Mano Padmanabhan at 571-272-4210.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc/index.html.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

/Mano Padmanabhan/

_____

Mano Padmanabhan
Quality Assurance Specialist, Technology Center 2100, Workgroup 2180
571-272-4210

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

HARNESS, DICKEY & PIERCE, P.L.C.
P.O. BOX 8910
RESTON VA 20195

MAILED

JAN 11 2011

PCT LEGAL ADMINISTRATION

In re Application of :
DEURWAARDER :
U.S. Application No.: 12/736,557 : DECISION ON PETITION
PCT No.: PCT/EP2007/002169 :
Int. Filing Date: 08 March 2007 : UNDER 37 CFR 1.137(b)
Priority Date: 08 March 2006 :
Attorney Docket No.: 15081-000003/US/NP :
For: NAVIGATION DEVICE AND METHOD OF :
IMPLEMENTING AUDIO FEATURES IN A :
NAVIGATION DEVICE :

The petition to revive under 37 CFR 1.137(b) filed 18 October 2010 in the above-captioned application is hereby **GRANTED** as follows:

Applicant's statement that "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional" and the prompt filing of the petition satisfies the requirement of 37 CFR 1.137(b)(3).

A review of the application file reveals that applicant has now provided payment of the full, U.S. Basic National fee and the requirements of 37 CFR 1.137(b) have been satisfied. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

This application is being forwarded to the United States Designated/Elected Office (US/DO/EO) for continued processing.

Derek A. Putonen
Attorney Advisor
Office of PCT Legal Administration
Tel: (571) 272-3294

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.
12/736,595	10/21/2010	Norikazu Ishida	87363(47762)	1365

21874 7590 06/22/2011
EDWARDS ANGELL PALMER & DODGE LLP
P.O. BOX 55874
BOSTON, MA 02205

EXAMINER	
ART UNIT	PAPER NUMBER
1725	

MAIL DATE	DELIVERY MODE
06/22/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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Commissioner for Patents
United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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JUN 22 2011

WG

In re application of	:	DECISION ON REQUEST TO
Norikazu Ishida et al.	:	PARTICIPATE IN PATENT
Serial No. 12/736,595	:	PROSECUTION HIGHWAY
Filed: October 21, 2010	:	PROGRAM AND
For: INTERCONNECTOR FOR A SOLAR BATTERY AND MATERIAL OF THE SAME	:	PETITION TO MAKE UNDER 37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a) to make the above-identified application special filed May 11, 2011.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO, note where the JPO application with similar claims is not the same application from which the U.S. application claims priority that the applicant must identify the relationship between the JPO application with similar claims and the JPO priority application;

(2) Applicant must submit a copy of:

a. The allowable/patentable claim(s) from the JPO application(s) or if a copy of the allowable/patentable claims is available via the Dossier Access System (DAS) applicant may request the USPTO to obtain a copy from DAS; however, if the USPTO is unable to obtain a copy from the DAS, the applicant will be required to submit a copy;
b. An English translation of the allowable/ patentable claim(s), if applicable; and
c. A statement that the English translation is accurate, if applicable;

(3) Applicant must:

a. Ensure all the independent claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s); and
b. Submit a claims correspondence table in English;

(4) Examination of the U.S. application has not begun;

(5) Applicant must submit:
a. Documentation of prior office action:
i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claims(s) or
ii. if the allowable/patentable claim(s) are from "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form;
Further, if a copy of the documents from (i) or (ii) is available via the Dossier Access System (DAS), applicant may request the USPO obtain a copy from the DAS; however, if the USPTO is unable to obtain a copy of the DAS, the applicant will be required to submit a copy; and
b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above if applicable; and

(6) Applicant must submit:
a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application)
b. Copies of documents except U.S. patents or U.S. patent application publications (unless already submitted in this application).

The request to participate in the PPH program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

Any inquiry regarding this decision should be directed to Walter D. Griffin, Supervisory Patent Examiner, at (571) 272-1447.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc/index.html.

/Walter D. Griffin/

Walter D. Griffin
Supervisory Patent Examiner
Technology Center 1700

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FEB 23 2011

PCT LEGAL ADMINISTRATION

Harrington & Smith
4 Research Drive, Suite 202
Shelton CT 06484

In re Application of :
GABRIELSSON, Per Georg :
Application No.: 12/736,610 : NOTIFICATION
PCT No.: PCT/IB2008/001543 :
Int. Filing Date: 24 April 2008 : OF A
Priority Date: None :
Attorney Docket No.: 003D.0208.U1(US) : DEFECTIVE RESPONSE
For: CONNECTOR :

This decision is in response to applicants' Response to Notification of Missing Requirements, filed with the United States Patent and Trademark Office on 19 November 2010.

BACKGROUND

On 09 November 2010, the Office mailed Notification of Missing Requirements (Form PCT/DO/EO/905) indicating an oath or declaration in compliance with 37 CFR 1.497(a)-(b) and the surcharge for late filing of the search fee, examination fee or oath or declaration were required. The Notification further indicated that the one in the file had been improperly altered.

On 19 November 2010, applicants submitted this response asking that the Office accept the declaration filed on 22 October 2010.

DISCUSSION

The declaration does not comply with 37 CFR 1.497(a)-(b).

Applicant is not correct in their interpretation of 37 CFR 1.52(c)(1). As explained in MPEP 605.04(a):

> Any changes made in ink in the application or oath prior to signing should be initialed and dated by the applicants prior to execution of the oath or declaration. The Office will require a new oath or declaration if the alterations are not initialed and dated.

Any alterations must be made prior to execution and must be initialed and dated.

Further, the text of the declaration completed in ink is not legible.

CONCLUSION

Applicants' request to accept the 22 October 2010 declaration is **DISMISSED** without prejudice.

Applicants are required to supply an oath or declaration in compliance with 37 CFR 1.497(a)-(b) within a time limit of **ONE (1) MONTH** of the mailing of this Notification or the time remaining in the response set forth in the Notification of Missing Requirements, whichever is the longer. No extension of this time limit may be granted under 37 CFR 1.136, but the period for response set in the Notification of Missing Requirements may be extended under 37 CFR 1.136(a). Failure to timely respond will result in the abandonment of this application.

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Telephone: 571-272-3292

UNITED STATES PATENT AND TRADEMARK OFFICE

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DEC 29 2010

PCT LEGAL ADMINISTRATION

Commissioner for Patents
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COLLARD & ROE, P.C.
1077 NORTHERN BOULEVARD
ROSLYN NY 11576

In re Application of	:	
VINZANT et al.	:	
Application No.: 12/736,629	:	DECISION
PCT No.: PCT/FR2009/050474	:	
Int. Filing Date: 20 March 2009	:	
Priority Date: 21 March 2008	:	
Attorney Docket No.: VINZANT ET AL - 1 PCT	:	
For: CIRCULAR ROLLING MILL WITH SHAPING ROLLER	:	

This decision is in response to applicant's submission filed 25 October 2010 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 20 March 2009, applicant filed international application PCT/FR2009/050474 which designated the U.S. and claimed a priority date of 21 March 2008. A copy of the international application was communicated to the USPTO from the International Bureau on 15 October 2009. The thirty-month period for paying the basic national fee in the United States expired at midnight on 21 September 2010.

On 25 October 2010, applicant filed a transmittal letter for entry into the national stage in the United States, which was accompanied by, *inter alia*, the Basic National Fee and a petition under 37 CFR 1.137(b) to revive the application.

DISCUSSION

A petition to revive the present application under 37 CFR 1.137(b) must include:

(1) The required reply;
(2) The petition fee;
(3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional.

As to item (1), applicant submitted the basic national fee on 25 October 2010.

As to item (2), applicant submitted the petition fee on 25 October 2010.

As to item (3), the required statement has been provided.

A review of the application file reveals that, with the filing of the present petition and accompanying papers, a proper response has been submitted and all of the requirements of 37 CFR 1.137(b) for revival have been satisfied and revival is therefore appropriate.

CONCLUSION

The petition under 37 CFR 1.137(b) is **GRANTED** for the reasons set forth above.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application including preparing and mailing a NOTIFICATION OF MISSING REQUIREMENTS (Form PCT/DO/EO/905) requiring an executed oath or declaration of the inventors.

/Daniel Stemmer/

Daniel Stemmer
Legal Examiner
PCT Legal Affairs
Office of Patent Cooperation Treaty
Legal Administration
Telephone: (571) 272-3301

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Suite 300
McLean, VA 22101

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APR 07 2011

PCT LEGAL ADMINISTRATION

In re Application of
SONDERHOLM et al.
U.S. Application No.: 12/736,632
PCT No.: PCT/DK2009/050092
Int. Filing Date: 14 April 2009
Priority Date: 25 April 2008
Attorney Docket No.: PATRADE
For: STOOL COLLECTOR

DECISION ON PETITION
UNDER 37 CFR 1.47(a)

This decision is issued in response to applicants' "Petition under 37 CFR 1.47(a) For Unsigned Inventor" filed 09 February 2011 to accept the application without the signature of joint-inventor, Soren Peter Sogaard.

BACKGROUND

On 14 April 2009, applicants filed international application PCT/DK2009/050092 which claimed a priority date of 25 April 2008. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 29 October 2009. Pursuant to 37 CFR 1.495, the thirty-month period for paying the basic national fee in the United States expired at midnight on 25 October 2010.

On 25 October 2010, applicants filed a transmittal letter for entry into the national stage in the United States, which accompanied by, inter alia: 'the requisite basic national fee as required by 35 U.S.C. 371(c)(1); a copy of the international application; and a preliminary amendment.

On 09 November 2010, the United Stated Designated/Elected Office mailed a Notification of Missing Requirements (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497(a) and (b) must be filed. The notification set a two-month time limit in which to respond.

On 09 February 2011, applicants filed a petition under 37 CFR 1.47(a).

DISCUSSION

A grantable petition under 37 CFR 1.47(a) must be accompanied by: (1) the fee under 37 CFR 1.17; (2) a statement of the last known address of the nonsigning inventor; (3) an oath or declaration executed by the other inventors on behalf of themselves and the

nonsigning inventor; and (4) factual proof that the inventor refuses to execute the application or cannot be reached after diligent effort.

Applicants here have submitted the required petition fee, an oath or declaration executed by the other inventors on behalf of themselves and the non-signing inventor, and the petition expressly states the last known address of the non-signing inventor. Items (1) - (3) have been satisfied.

Regarding item (4) above, section 409.03(d) of the Manual of Patent Examining Procedure (M.P.E.P.), **Proof of Unavailability or Refusal**, states, in part:

> Where inability to find or reach a nonsigning inventor "after diligent effort" is the reason for filing under 37 CFR 1.47, a statement of facts should be submitted that fully describes the exact facts which are relied on to establish that a diligent effort was made....The statement of facts must be signed, where at all possible, by a person having firsthand knowledge of the facts recited therein. Statements based on hearsay will not normally be accepted. Copies of documentary evidence such as internet searches, certified mail return receipts, cover letters of instructions, telegrams, that support a finding that the nonsigning inventor could not be found or reached should be made part of the statement. The steps taken to locate the whereabouts of the nonsigning inventor should be included statement of facts. It is important that the statement contain facts as opposed to conclusions.
>
> * * *
>
> 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.

A review of the present petition reveals that petitioner has not satisfied item (4) above, in that, the petitioner has not shown that a bona fide attempt was made to present the application papers, including the specification, claims, and drawings to Soren Peter Sogaard. Petitioner fails to include evidence to demonstrate that the application papers were actually received by the nonsigning inventors at his last known address. Where the Office is being asked to accept the silence of the nonsigning inventor as evidence of a refusal to sign, petitioner must provide some evidence that the application materials have been received by the nonsigning applicant.

Additionally, it is unclear whether the petitioner is asserting that the nonsigning inventor (Soren Peter Sogaard) has refused to execute the application or cannot be located to execute the application. If Soren Peter Sogaard cannot be located, applicants must show that alternative means were employed, such as a search of telephone and/or Internet directories, in an attempt to locate the nonsigning inventors. As stated above, copies of documentary evidence such as a certified mail return receipt, cover letter of instruction, telegrams, etc., should be supplied by a person having firsthand knowledge of the facts. Therefore, item (4) has not been satisfied.

For the reasons stated above, it would not be appropriate to accept the application without the signature of Soren Peter Sogaard under 37 CFR 1.47(a) at this time.

CONCLUSION

The petition under 37 CFR 1.47(a) is **DISMISSED** without prejudice.

If reconsideration on the merits of this petition is desired, a proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)." No additional petition fee is required.

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Tel: (571) 272-3298
Fax: (571) 273-0459

UNITED STATES PATENT AND TRADEMARK OFFICE

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McLean, VA 22101

MAILED
JUN 03 2011
PCT LEGAL ADMINISTRATION

In re Application of
SONDERHOLM et al.
U.S. Application No.: 12/736,632
PCT No.: PCT/DK2009/050092
Int. Filing Date: 14 April 2009
Priority Date: 25 April 2008
Attorney Docket No.: PATRADE
For: STOOL COLLECTOR

DECISION ON PETITION
UNDER 37 CFR 1.47(a)

This decision is issued in response to applicants' "Response to Decision on Petition" filed 03 May 2011 treated herein as a renewed petition under 37 CFR 1.47(a). In a decision dated 07 April 2011, applicants' petition under 37 CFR 1.47(a) to accept the application without the signature of joint inventor, Soren Peter Sogaard; was dismissed without prejudice.

The petition for status under 37 CFR 1.47(a) is moot since the declaration filed 03 May 2011 with the present renewed petition was executed by the named inventor, the previous non-signing inventor, Soren Peter Sogaard.

However, the declaration filed on 03 May 2011 is defective pursuant to 37 CFR 1.497(a)(3) which requires that the declaration "identify each inventor and the residence and country of citizenship of each inventor." Section 201.03 of the Manual of Patent Examining Procedure states, in part,

> While each inventor need not execute the same oath or declaration, each oath or declaration executed by an inventor must contain a complete listing of all inventors so as to clearly indicate what each inventor believes to be the appropriate inventive entity . . . For example, where the inventive entity is A and B, a declaration may not be executed only by A naming only A as the inventor and a different declaration may not be executed only by B naming only B as the inventor . . .

Here, the declaration filed on 03 May 2011 is executed by the joint-inventors (Henning Hedegaard, Christian Emil Erfurt-Hansen, Soren Peter Sogaard, and Lars Erik Lund) but fails to identify the co-inventor, Morten Hostrup Sonderholm, which is improper. Thus, applicants are required to file a newly executed declaration which complies with 37 CFR 1.497(a) and (b).

CONCLUSION

For the reasons above, the renewed petition under 37 CFR 1.47(a) is **DISMISSED** as MOOT.

If reconsideration on the merits of this petition is desired, a proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)." No additional petition fee is required.

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

Anthony Smith
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MAILED

SEP 29 2011

PCT LEGAL ADMINISTRATION

James C. Wray
1493 Chain Bridge Road
Suite 300
McLean, VA 22101

In re Application of:
SONDERHOLM et al.
U.S. Application No.: 12/736,632
PCT No.: PCT/DK2009/050092
Int. Filing Date: 14 April 2009
Priority Date: 25 April 2008
Attorney Docket No.: PATRADE
For: STOOL COLLECTOR

REQUEST FOR REFUND

This decision is issued in response to applicant's "Petition to Request a Refund" filed in the United States Patent and Trademark Office (USPTO) on 16 August 2011.

37 CFR 1.26(a) provides that the Director may refund any fee paid by mistake or in excess of that required. Applicant is requesting a refund in the amount of $865 for the extension of time fee charged to Deposit Account no. 02-3704 on 25 July 2011. A review of the application file reveals that the $865 extension of time fee charged to Deposit Account no. 02-3704 on 25 July 2011 was processed in error.

Accordingly, applicants' request for refund under 37 CFR 1.26 is GRANTED and $865 will be refunded to Deposit Account no. 02-3704.

It is noted that the communication mailed 25 August 2011 denying applicant's request is hereby vacated.

The application is being returned to the United States Designated/Elected Office for processing in accordance with this decision.

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3298
Facsimile: (571) 273-0459

Doc Code: PPH.PCT.662
Document Description: Petition to make special under PCT-Patent Pros Hwy

PTO/SB/30/PCT-EP (05-10)
Approved for use through 01/31/2012. OMB 0651-0058
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE EUROPEAN PATENT OFFICE (EPO) AND THE USPTO

Application No:	12/736,672	Filing date:	October 29, 2010
First Named Inventor:	Johannes Matthias Rudolf REPP		
Title of the Invention:	Reel Changer Having a Holder for Supporting a Material Reel with a Winding Sleeve		

THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT HTTP://WWW.USPTO.GOV/EBC/EFS_HELP.HTML.

APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PROGRAM.

The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.

The corresponding PCT application number(s) is/are: PCT/EP2009/051793

The international date of the corresponding PCT application(s) is/are: February 16, 2009

I. List of Required Documents:

a. **A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above-identified corresponding PCT application(s)**

☐ is attached.

☑ is not attached because the document is already in the U.S. application.

b. **A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s).**

☐ is attached.

☑ is not attached because the document is already in the U.S. application.

c. **English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.**

This collection of information is required by 35 U.S.C. 119, 37 CFR 1.55, and 37 CFR 1.102(a). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.

PTO/SB/20PCT-EP (05-10)
Approved for use through 01/31/2012. OMB 0651-0068
U.S Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE
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REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM BETWEEN THE EPO AND THE USPTO

(continued)

Application No.:	12/736,672
First Named Inventor:	Johannes Matthias Rudolf REPP

d. **(1) An information disclosure statement listing the documents cited in the international work products (ISR, WO/ISA, WO/IPEA, IPER) of the corresponding PCT application.**

☐ is attached

☑ Has already been filed in the above-identified U.S. application on October 29, 2010

(2) Copies of all documents (except) for U.S. patents or U.S. patent application publications)

☐ Are attached

☑ Have already been filed in the above-identified U.S. application on October 29, 2010

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
21 - 24	1 -4	direct correspondence
25, 26	5, 6	U.S. claims amended to remove multiple dependency
27	7	direct correspondence
28	8	U.S. claims amended to remove multiple dependency
29	9	direct correspondence
30	10	U.S. claims amended to remove multiple dependency
31	11	direct correspondence
32, 33	12, 13	U.S. claims amended to remove multiple dependency
34	14	direct correspondence
35, 36	15, 16	U.S. claims amended to remove multiple dependency
37, 38	17, 18	direct correspondence
39	19	U.S. claims amended to remove multiple dependency
40	20	direct correspondence

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature: Douglas R Hanscom	Date: November 9, 2010
Name (Print/Typed): Douglas R. Hanscom	Registration Number: 26600

KARIN T. DUNN

GERMAN TRANSLATION AND LANGUAGE SERVICES
Certified by the American Translators Association

4706 OLDE FORGE CT., FAIRFAX, VA 22032
TELEPHONE, FAX: 703-426-1422 · DUNN6FAM@MSN.COM

Date: October 26th, 2010

DECLARATION

The undersigned, Karin T. Dunn, hereby states that she is well acquainted with both the English and German languages and that the attached is a true translation to the best of her knowledge and ability of the German text of PCT/EP2009/051793, filed on 16 February 2009 and published on 19 November 2009 under No. WO 2009/138258 A1. The undersigned further states that the prosecution documents associated with PCT/EP2009/051793 and translated by her are also true translations to the best of her knowledge and ability.

The undersigned declares that the above statement is true and that this statement was made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or document or any patent resulting therefrom.

Karin T. Dunn

Translation of the pertinent portions of a **Notification of the Transmittal of the International Search Report and the Written Opinion of the International Search Authority or the Declaration (Rule 44.1 PCT)**, mailed on 25 May 2009

This International Search Report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. The report comprises a total of 5 pages. Copies of each prior art document cited in this report are also enclosed.

1. **Basis of the Report**
   With regard to **language**, the international search was carried out on the basis of the international application in the language in which it was filed

4. With regard to the **Title of the Invention**:

   The wording has been established as submitted by the applicant.

5. With regard to the **Abstract**:

   The wording has been established in the version shown in Box No. IV, as determined by this Authority, in accordance with Rule 38.2(b).

6. With regard to the **Drawings**:

   a. Figure 5 is to be published with the abstract as established by this Authority, because the applicant failed to suggest a figure.

Box No. IV Wording of the Abstract (continuation of Item 5 on page 1)

The invention relates to a reel changer having a holder for supporting a material reel (24) with a winding sleeve (26), wherein the holder has a support journal (03) and a number of driver elements (06; 07) and wherein the driver elements (06; 07) are arranged such that they engage in an end surface (27) of the winding sleeve (26). The number of driver elements (06; 07) that engage in the end surface (27) of the winding sleeve (26) can be varied.

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY (Rule 43bis.1 PCT)

1. This opinion contains indications relating to the following items:

Box I Basis of the opinion

Box 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. I Basis of the Opinion

1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed

Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step and industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty	Yes: Claims 1-20 No: Claims
Inventive Step	Yes: Claims 1-20 No: Claims
Industrial Applicability	Yes: Claims 1-20 No: Claims:

2. Citations and Explanations
See attached sheet

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY (EXTRA SHEET)

Re Box V

1. Reference is made to the following document:
   D1: US 5 651 511 A (CROWLEY H W [US] ET AL) 29 July 1997 (07/29/1997)

2. Document D1 is considered to be the closest prior art. It discloses (the references between parentheses relate to said document) a reel changer having a holder for supporting a material reel with a winding sleeve, wherein the holder comprises a support journal and a number of driver elements, wherein the driver elements are arranged so as to engage in an end surface of the winding sleeve

   from which the subject matter of independent claim 1 differs in that the number of driver elements engaging in the end surface of the winding sleeve can be varied.

2.1 The subject matter of claim 1 is therefore novel (PCT Article 33(2)).
The problem addressed by the present invention can therefore be considered that of processing material reels of different embodiments, particularly material reels having winding sleeves of different hardnesses, with the reel changer.

2.2 None of the documents cited in the search report provides a person skilled in the art with any indication that might lead him in an obvious manner to the subject matter of claim 1. Therefore, the solution to this problem proposed in claim 1 of the present application involves an inventive step (PCT Article 33(3)); the same is true of dependent claims 2-20.

Claims

1. A reel changer having a holder (01) for supporting a material reel (24) with a winding sleeve (26), wherein the holder (01) has a support journal (03) and a number of driver elements (06; 07), wherein the driver elements (06; 07) are arranged so as to engage in an end surface (27) of the winding sleeve (26), characterized in that the number of driver elements (06; 07) engaging in the end surface (27) of the winding sleeve (26) can be varied.

2. The reel changer of claim 1, characterized in that the position of at least some of the driver elements (06; 07) relative to the support journal (03) can be varied.

3. The reel changer having a holder (01) for supporting a material reel (24) with a winding sleeve (26), wherein the holder (01) has a support journal (03) and a number of driver elements (06; 07), wherein the direction of action of the driver elements (06; 07) is oriented parallel to a rotational axis of the holder (01), characterized in that the position of at least some of the driver elements (06; 07) relative to the support journal (03) can be varied.

4. The reel changer of claim 3, characterized in that the driver elements (06; 07) are arranged engaging in an end surface (27) of the winding sleeve (26), wherein the number of driver elements (06; 07) engaging in the end surface (27) of the winding sleeve (26) can be varied.

5. The reel changer of claim 1 or 3, characterized in that in a first operating status, a first winding sleeve (26) having a first material property is arranged on the holder (01) and a first number of driver elements (06; 07) are arranged engaged in the end surface (27) of

the first winding sleeve (26), and in a second operating status, a second winding sleeve (26) having a second material property, which is different from the first material property, is arranged on the holder (01), and a second number of driver elements (06; 07), which is different from the first number of driver elements (06; 07), are arranged engaged in the end surface (27) of the second winding sleeve (26).

6. The reel changer of claim 1 or 3, characterized in that the holder (01) comprises a switching ring (10) with a sleeve mounting surface (04).

7. The reel changer of claim 6, characterized in that the driver elements (06; 07) are arranged in the holder (01) projecting out of the sleeve mounting surface (04), at least when the switching ring (10) is pushed back.

8. The reel changer of claim 1 or 3, characterized in that during uploading of a material reel (24), the driver elements (06; 07) engage in a positive and frictional connection in the end surface of the winding sleeve (26) in an axial direction for transmitting torque.

9. The reel changer of claim 6, characterized in that at least one of the driver elements (07) can be retracted at least partially into the sleeve mounting surface (04).

10. The reel changer of claim 1 or 3, characterized in that at least some of the driver elements (07) are mounted so as to be axially displaceable in a body (14).

11. The reel changer of claim 10, characterized in that when the holder (01) is in an active status, the axial displacement of some of the driver elements (07) is blocked.

12. The reel changer of claim 1 or 3, characterized in that when the holder (01) is in a passive status, at least some of the driver elements (07) are arranged so as to yield to the winding sleeve (26) during uploading of the material reel (24).

13. The reel changer of claim 1 or 3, characterized in that the holder (01) further comprises a switching element (09) which allows at least some of the driver elements (07) to switch between an active and a passive status.

14. The reel changer of claim 13, characterized in that the switching element (09) is a switching ring (09) which is arranged on the body (14), wherein by turning the switching ring (09), at least some of the driver elements (07) can be switched between the active and passive status, in that a blocking surface limits the axial movement of said driver elements (07) in the active status, and an opening (11) allows the axial movement of said driver elements (07) in the passive status.

15. The reel changer of claim 1 or 3, characterized in that each of the driver elements (07) has at least one cutting edge.

16. The reel changer of claim 1 or 3, characterized in that three movable driver elements (07) are arranged alternating with fixed driver elements (06) in the holder (01).

17. The reel changer of claim 10, characterized in that the movable driver elements (07) can

be switched together.

18. The reel changer of claim 10, characterized in that the one or more movable driver elements (07) are flattened at their ends that are located in the body (14), wherein the flattened end is guided by at least one guide edge.

19. The reel changer of claim 1 or 3, characterized in that the support journal (03) has additional driver elements (08).

20. The reel changer of claim 10, characterized in that the additional driver elements (08) of the support journal (03) are embodied as conical.

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/736,672	10/29/2010	Johannes Matthias Rudolf Repp	W1.2963 PCT-US	4230

23294 7590 02/03/2011
JONES, TULLAR & COOPER, P.C.
P.O. BOX 2266 EADS STATION
ARLINGTON, VA 22202

EXAMINER	
ART UNIT	PAPER NUMBER
3654	

MAIL DATE	DELIVERY MODE
02/03/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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FEB - 3 2011

JONES, TULLAR & COOPER, P.C.
P.O. BOX 2266 EADS STATION
ARLINGTON VA 22202

In re application of	:	**DECISION ON REQUEST TO**
Repp et al.	:	**PARTICIPATE IN PATENT**
Application No. 12/736,672	:	**PROSECUTION HIGHWAY**
Filed: October 29, 2010	:	**PROGRAM AND PETITION**
For: REEL CHANGER HAVING A HOLDER FOR SUPPORTING A MATERIAL REEL WITH A WINDING SLEEVE	:	**TO MAKE SPECIAL UNDER 37 CFR 1.102(a)**

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed November 9, 2010, to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

(1) The U.S. application must disclose an eligible relationship to one or more PCT applications filed in the EPO or USPTO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the PCT application(s) latest international work product (the written opinion or the IPER) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the PCT application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of the latest international work product from the PCT application containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;
(6) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

In light of the petition being properly submitted via EFS-Web as is required, the request to participate in the PPH program complies with the above requirements, the above-identified application has been accorded "special" status.

All other inquiries concerning the examination or status of the application should be directed to the Patent Application Information Retrieval (PAIR) system.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

Any inquiry regarding this decision should be directed to Mikado Buiz, Quality Assurance Specialist, at (571) 272-6578.

/ Mikado Buiz /

Mikado Buiz,
Quality Assurance Specialist
Technology Center 3600

BM/BM: 02/02/11

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ROYLANCE, ABRAMS, BERDO & GOODMAN, LLP
1300 19TH STREET, N.W., SUITE 600
WASHINGTON, DC 20036

MAILED
MAY 10 2011
PCT LEGAL ADMINISTRATION

In re Application of HOWELL et al :
U.S. Application No.: 12/736,678 :
PCT Application No.: PCT/US2009/002947 :
Int. Filing Date: 13 May 2009 : DECISION
Priority Date Claimed: 14 May 2008 :
Attorney Docket No.: 57698 (P-5909) :
For: SEPARATABLE INFUSION SET WITH :
CLEANABLE INTERFACE AND :
STRAIGHT LINE ATTACHMENT :

This is in response to applicant's petition under 37 CFR 1.47(a) filed on 14 March 2011.

BACKGROUND

On 13 May 2009, applicant filed international application PCT/US2009/002947, which claimed priority of an earlier United States application filed 14 May 2008. A copy of the international application was communicated to the USPTO from the International Bureau on 19 November 2009. The thirty-month period for paying the basic national fee in the United States expired on 15 November 2010.

On 29 October 2010, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

On 15 November 2010, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905), which indicated that an oath or declaration in compliance with 37 CFR 1.497 must be filed.

On 14 March 2011, applicant filed the present petition under 37 CFR 1.47(a).

DISCUSSION

A petition under 37 CFR 1.47(a) must be accompanied by: (1) an oath or declaration by each applicant on his or her own behalf and on behalf of the nonsigning joint inventors, (2)

factual proof that the missing joint inventors refuse to join in the application or cannot be reached after diligent effort, (3) the fee set forth in §1.17(i), and (4) the last known addresses of the nonsigning joint inventors.

With regard to item (1) above, applicant has submitted a declaration signed by the available inventors each on his/her own behalf and on behalf of the nonsigning inventor.

With regard to item (2) above, MPEP 409.03(d) states in relevant part,

> A refusal by an inventor to sign an oath or declaration when the inventor has not been presented with the application papers does not itself suggest that the inventor is refusing to join the application unless it is clear that the inventor understands exactly what he or she is being asked to sign and refuses to accept the application papers. A copy of the application papers should be sent to the last known address of the nonsigning inventor, or, if the nonsigning inventor is represented by counsel, to the address of the nonsigning inventor's attorney. . . . It is reasonable to require that the inventor be presented with the application papers before a petition under 37 CFR 1.47 is granted since such a procedure ensures that the inventor is apprised of the application to which the oath or declaration is directed. In re Gray, 115 USPQ 80 (Comm'r Pat. 1956).
>
> Where a refusal of the inventor to sign the application papers is alleged, the circumstances of the presentation of the application papers and of the refusal must be specified in a statement of facts by the person who presented the inventor with the application papers and/or to whom the refusal was made. Statements by a party not present when an oral refusal is made will not be accepted.
>
> Proof that a bona fide attempt was made to present a copy of the application papers (specification, including claims, drawings, and oath or declaration) to the nonsigning inventor for signature, but the inventor refused to accept delivery of the papers or expressly stated that the application papers should not be sent, may be sufficient. When there is an express oral refusal, that fact along with the time and place of the refusal must be stated in the statement of facts. When there is an express written refusal, a copy of the document evidencing that refusal must be made part of the statement of facts. The document may be redacted to remove material not related to the inventor's reasons for refusal.
>
> When it is concluded by the 37 CFR 1.47 applicant that a nonsigning inventor's conduct constitutes a refusal, all facts upon which that conclusion is based should be stated in the statement of facts in support of the petition or directly in the petition. If there is documentary evidence to support facts alleged in the petition or in any statement of facts, such evidence should be submitted. Whenever a nonsigning inventor gives a reason for refusing to sign the application oath or declaration, that reason should be stated in the petition.

The petition states that joint inventor Glade Howell refuses to sign the application papers. The petition adequately demonstrates that a bona fide attempt was made to present a copy of the application papers to Howell for signature that that Howell received such papers (see Exhibits B-E). Furthermore, the petition sufficiently illustrates that Howell refuses to sign. In particular, Howell's failure to return an executed declaration in response to the letters mailed to him constitutes a constructive refusal to cooperate. Thus, it can be concluded with reasonable certainty that Howell refuses to join in the application.

With regard to item (3) above, applicant has provided the requisite petition fee.

With regard to item (4) above, the petition states the last known address of the nonsigning inventor.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.47(a) is GRANTED.

The application has an International Filing Date under 35 U.S.C. 363 of 13 May 2009, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 14 March 2011.

As set forth in 37 CFR 1.47(a), a notice of the filing of this application will be forwarded to the nonsigning inventor at the last known address of record and will be published in the *Official Gazette*.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision.

Bryan Lin

Bryan Lin
PCT Legal Examiner
PCT Legal Office

Telephone: 571-272-3303
Facsimile: 571-273-0459

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Glade Howell
1202 East 11000 South
Sandy, UT 84094

MAILED
MAY 10 2011
PCT LEGAL ADMINISTRATION

In re Application of HOWELL et al
U.S. Application No.: 12/736,678
PCT Application No.: PCT/US2009/002947
Int. Filing Date: 13 May 2009
Priority Date Claimed: 14 May 2008
For: SEPARATABLE INFUSION SET WITH CLEANABLE INTERFACE

Dear Glade Howell:

You are named as a joint inventor in the above-captioned United States national stage application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor.

As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost set forth in 37 CFR 1.19) or to make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. If you choose to join in the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Bryan Lin
PCT Legal Examiner
PCT Legal Office
Telephone: 571-272-3303
Facsimile: 571-273-0459

ROYLANCE, ABRAMS, BERDO & GOODMAN, LLP
1300 19TH STREET, N.W., SUITE 600
WASHINGTON, DC 20036
Attorney Docket No.: 57698 (P-5909)

United States Patent and Trademark Office

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JAN 18 2011

PCT LEGAL ADMINISTRATION

COLLARD & ROE, P.C.
1077 NORTHERN BOULEVARD
ROSLYN NY 11576

In re Application of
Schmidt et al.
Application No.: 12/736,696
PCT No.: PCT/DE2009/000640
Int. Filing Date: 07 May 2009
Priority Date: 10 May 2008
Attorney Docket No.: SCHMIDT ET AL- 12 PCT
For: Regulatable Coolant Pump And
Method For Its Regulation

DECISION

This is in response to the declaration of the inventors filed on 01 November 2010, which is being treated under 37 CFR 1.42.

BACKGROUND

This international application was filed on 07 May 2009, claimed an earliest priority date of 10 May 2008, and designated the U.S. The International Bureau transmitted a copy of the published international application to the USPTO on 19 November 2009. The 30 month time period for paying the basic national fee in the United States expired at midnight on 10 November 2010. Applicants filed *inter alia* the basic national fee on 01 November 2010.

DISCUSSION

Review of the declaration filed on 01 November 2010 reveals that it indicates that inventor Eugen Schmidt is deceased. 37 CFR 1.42 provides in part that

> In case of the death of the inventor, the legal representative (executor, administrator, etc.) of the deceased inventor may make the necessary oath or declaration, and apply for and obtain the patent.

Meanwhile, 37 CFR 1.497(b)(2), as amended effective 08 September 2000, provides that

> If the person making the oath or declaration is not the inventor (§§ 1.42, 1.43 or 1.47), the oath or declaration shall state the relationship of the person to the inventor, and, upon information and belief, the facts which the inventor would have been required to state. If the person signing the oath or declaration is the legal representative of a deceased inventor, the oath or declaration shall also state that the person is a legal representative and the citizenship, residence and mailing address of the legal representative.

Examination of the declaration reveals that it has been signed on behalf of the deceased inventor by Andreas Schmidt in the capacity of "legal representative." The declaration provides citizenship, residence and mailing address information for both the deceased inventor and the

legal representative. It also is signed by and provides the required information for Franz Pawellek. This declaration is acceptable under 37 CFR 1.42 and 1.497(a) and (b).

DECISION

The declaration filed on 01 November 2010 is **ACCEPTED** under 37 CFR 1.42 and 37 CFR 1.497(a) and (b).

This application is being returned to the Office of Patent Application Processing.

/George Dombroske/
George Dombroske
PCT Legal Examiner
Office of PCT Legal Administration
Tel: (571) 272-3283

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JUN 09 2011

PCT LEGAL ADMINISTRATION

Harness, Dickey & Pierce P.L.C.
P.O. Box 8910
Reston VA 20195

In re Application of:
VAN RAMSDONK, Ewoud
U.S. Application No.: 12/736,744
PCT No.: PCT/EP2008/004604
International Filing Date: 29 May 2008
Priority Date: 29 May 2008
Attorney's Docket No.: 15081-000332/US/NP
For: GENERATING A MAP DISPLAY IMAGE

DECISION ON PETITION UNDER 37 CFR 1.47(b)

This decision is issued in response to the "Petition To Accept Application Under 37 C.F.R. §1.47(b)" filed on 15 April 2011. Applicant has submitted $130 as the petition fee; however, the applicable petition fee is $200. Deposit Account No. 08-0750 will be charged the additional $70 needed to complete the required fee.

BACKGROUND

On 03 December 2009, applicant filed international application PCT/EP2008/004604. The application did not claim an earlier priority date, and it designated the United States. On 03 December 2009, the International Bureau (IB) communicated a copy of the international application to the United States Patent and Trademark Office (USPTO). The deadline for submission of the basic national fee was thirty months from the priority date, i.e. 29 November 2010.

On 05 November 2010, a Transmittal Letter requesting entry into the national stage in the United States was filed accompanied by, among other materials, payment of the basic national fee.

On 24 November 2010, the United States Designated/Elected Office (DO/EO/US) mailed a Notification Of Missing Requirements (Form PCT/DO/EO/905) indicating that an executed oath or declaration in compliance with 37 CFR 1.497 was required.

On 15 April 2011, petitioner filed a response to the Notification Of Missing Requirements (with required extension fee). The response included the "Petition To Accept Application Under 37 C.F.R. §1.47(b)" considered herein under 37 CFR 1.47(b). The petition requests acceptance of the application without the signature of the sole inventor of record, whom petitioner asserts has refused to execute the application.

DISCUSSION

A grantable petition under 37 CFR 1.47(b) must be accompanied by: (1) the fee under 37 CFR 1.17; (2) factual proof that the inventor refuses to execute the application or cannot be reached after diligent effort; (3) a statement of the last known address of the non-signing inventor; (4) an oath or declaration by the 37 CFR 1.47(b) applicant on behalf of and as agent for the non-signing inventor; (5) proof of proprietary interest in the application: and (6) a showing that such action is necessary to preserve the rights of the parties or to prevent irreparable damages.

Regarding item (1), petitioner has submitted $130 as the petition fee and provided the authorization to charge Deposit Account No. 08-0750 additional fees. Pursuant to the authorization, the Deposit Account will be charged the additional $70 needed to complete the required $200 petition fee. Item (1) is therefore satisfied.

Regarding item (2), MPEP section 409.03(d) states that, before it can be concluded that an inventor has refused to execute the application papers, "[a] copy of the application papers should be sent to the last known address of the nonsigning inventor, or, if the nonsigning inventor is represented by counsel, to the address of the nonsigning inventor's attorney." nonsigning inventor's attorney." The MPEP also states the following:

> Where a refusal of the inventor to sign the application papers is alleged, the circumstances of the presentation of the application papers and of the refusal must be specified in a statement of facts by the person who presented the inventor with the application papers and/or to whom the refusal was made. Statements by a party not present when an oral refusal is made will not be accepted.

The petition here was accompanied by a statement of Mike McGee, with accompanying documents. The statement indicates that a request for signature, accompanied by a copy of the complete application, was delivered to the inventor at his last known address via UPS and that the inventor failed to provide the requested signature in response to such request. These materials provide an acceptable showing that the non-signing inventor has refused to execute the application. Item (2) is therefore satisfied.

Regarding item (3), the petition includes an express statement of the last known address of the non-signing inventor. Item (3) is therefore satisfied.

Regarding item (4), the petition was accompanied by a declaration signed on behalf of the inventor by a Director of 37 CFR 1.47(b) applicant TomTom International B.V. ("TomTom"). Item (4) is therefore satisfied.

Regarding item (5), section 409.03(f) of the MPEP states the following:

> When an application is deposited pursuant to 37 CFR 1.47(b), the 37 CFR 1.47(b) applicant must prove that: (A) the invention has been assigned to the applicant, or (B) the inventor has agreed in writing to assign the invention to the applicant, or (C) the applicant

> otherwise has sufficient proprietary interest in the subject matter to justify the filing of the application.

Here, the petition does not assert that the application has been expressly assigned to the 37 CFR 1.47(b) applicant by the non-signing inventor. Rather, petitioner's assertion of proprietary interest is based on the terms of the inventor's employment. With respect to such a claim, the MPEP states the following:

> When an inventor has agreed in writing to assign an invention described in an application deposited pursuant to 37 CFR 1.47(b), a copy of that agreement should be submitted. If an agreement to assign is dependent on certain specified conditions being met, it must be established by a statement of facts by someone with first hand knowledge of the circumstances in which those conditions have been met. A typical agreement to assign is an employment agreement where an employee (nonsigning inventor) agrees to assign to his or her employer (37 CFR 1.47(b) applicant) all inventions made during employment. When such an agreement is relied on, it must be established by a statement of a person having firsthand knowledge of the facts that the invention was made by the employee while employed by the 37 CFR 1.47(b) applicant.

The present petition includes a copy of the employment between the inventor and TomTom and such employment agreement includes a provision indicating that all intellectual property rights, including those related to inventors, are solely owned by TomTom. However, petitioner has not provided the required firsthand statement confirming that the invention underlying the present application was made by the inventor during the course of his employment duties with TomTom and that the application therefore falls within the scope of the provisions of the employment agreement. It is noted that the affidavit of Mike McGee filed with the present petition includes a statement that the present patent application was conceived of and/or reduced to practice by the inventor during the course of his employment with TomTom; however, the affidavit does not indicate that Mr. McGee has firsthand knowledge to support this claim, nor does the affidavit refer to or include to any evidence on which Mr. McGee relies to make this assertion.

Based on the above, the present record does not include an acceptable showing that 37 CFR 1.47(b) applicant has the necessary proprietary interest in the present application. Item (5) is therefore not satisfied.

Regarding item (6), the petition includes the required express statement that granting of the present petition is necessary to preserve the rights of the 37 CFR 1.47(b) applicant. Item (6) is therefore satisfied.

Based on the above, petitioner has failed to satisfy all the requirements for a grantable petition.

CONCLUSION

The petition under 37 CFR 1.47(b) is **DISMISSED** without prejudice.

If reconsideration on the merits of the petition is desired, a proper response must be filed within **TWO (2) MONTHS** of the mail date of the present decision. Any request for reconsideration should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(b)" and must include the materials required to satisfy item (5) of a grantable petition, as discussed above and in the applicable sections of the MPEP.

Failure to provide a proper and timely response will result in abandonment of the application. Extensions of time are available under 37 CFR 1.136(a).

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

/RichardMRoss/

Richard M. Ross
Attorney Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3296

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MAILED

OCT 25 2011

PCT LEGAL ADMINISTRATION

Harness, Dickey & Pierce P.L.C.
P.O. Box 8910
Reston VA 20195

In re Application of:
VAN RAMSDONK, Ewoud
U.S. Application No.: 12/736,744
PCT No.: PCT/EP2008/004604
International Filing Date: 29 May 2008
Priority Date: 29 May 2008
Attorney's Docket No.: 15081-000332/US/NP
For: GENERATING A MAP DISPLAY IMAGE

DECISION ON RENEWED PETITION UNDER 37 CFR 1.47(b)

This decision is issued in response to the "Renewed Petition To Accept Application Under 37 C.F.R. §1.47(b)" filed on 21 June 2011. No additional petition fee is required.

BACKGROUND

The procedural background for the present application was set forth in the decision mailed on 09 June 2011. The decision dismissed without prejudice the petition under 37 CFR 1.47(b) filed on 15 April 2011, finding that petitioner had not satisfied all the requirements of a grantable petition. Specifically, petitioner had not provided an acceptable showing with respect to the proprietary interest of 37 CFR 1.47(b) applicant TomTom International B.V. ("TomTom").

On 21 June 2011, petitioner filed the renewed petition considered herein.

DISCUSSION

The present renewed petition includes a revised statement from Mike McGee in which an error in the referenced application number has been corrected. As discussed in the renewed petition, paragraph number 2 of this statement does indicate that Mr. McGee has firsthand knowledge with respect to the assertions therein, including the assertion in paragraph number 7 that the present patent application was "conceived of and/or reduced to practice" by the inventor during his employment with Tom Tom. This revised statement, in combination with the materials filed with the original petition, provides an acceptable showing of the 37 CFR 1.47(b) applicant's proprietary interest in the present application, satisfying this requirement of a grantable petition under 37 CFR 1.47(b).

Based on the above, petitioner has now satisfied the final outstanding requirement for a grantable petition under 37 CFR 1.47(b).

CONCLUSION

The renewed petition under 37 CFR 1.47(b) is **GRANTED**.

The application is accepted without the signature of non-signing inventor Edwoud VAN RAMSDONK.

A notice of the acceptance of the application will be published in the Official Gazette, and a letter informing the non-signing inventor of the application will be forwarded to the address of the non-signing inventor, as set forth in the petition.

The application is being referred to the National Stage Processing Branch of the Office of PCT Operations for further processing. The date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) is 15 April 2011.

/RichardMRoss/

Richard M. Ross
Attorney Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3296

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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MAILED

OCT 25 2011

PCT LEGAL ADMINISTRATION

Edwoud VAN RAMSDONK
Filipijnen 172
NL-3524 JP Utrecht
THE NETHERLANDS

In re Application of: VAN RAMSDONK, Ewoud
U.S. Application No.: 12/736,744
PCT No.: PCT/EP2008/004604
International Filing Date: 29 May 2008
Priority Date: 29 May 2008
Attorney's Docket No.: 15081-000332/US/NP
For: GENERATING A MAP DISPLAY IMAGE

Dear Mr. VAN RAMSDONK:

You are identified as the inventor in the above identified United States patent application, filed under the provisions of 37 CFR 1.47(b) and 35 U.S.C. 116. Should a patent be granted, you will be designated as the inventor.

As the named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

/RichardMRoss/

Richard M. Ross
Attorney Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3296

Counsel Of Record:
John W. Fitzpatrick
Harness, Dickey & Pierce P.L.C.
P.O. Box 8910
Reston VA 20195

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APR 14 2011

PCT LEGAL ADMINISTRATION

KENYON & KENYON LLP
ONE BROADWAY
NEW YORK NY 10004

In re Application of: BAYER, Michael, et al.
U.S. Application No.: 12/736,754
PCT No.: PCT/EP2009/055517
International Filing Date: 07 May 2009
Priority Date: 09 May 2008
Attorney's Docket No.: 10191/6713
For: ELECTRIC MACHINE HAVING AT LEAST TWO PAIRS OF CARBON BRUSHES

DECISION
(37 CFR 1.42)

This decision is issued in response to applicants' submission on 23 February 2011 of a declaration executed on behalf of deceased co-inventor Walter GERSCHWITZ by his heir and legal representative, considered herein as a submission under 37 CFR 1.42.

BACKGROUND

On 07 May 2009, applicants filed international application PCT/EP2009/055517. The international application claimed a priority date of 09 May 2008, and it designated the United States. On 12 November2009, the International Bureau (IB) communicated a copy of the international application to the United States Patent and Trademark Office (USPTO). The deadline for submission of the basic national fee was thirty months from the priority date, i.e., 09 November 2010.

On 04 November 2010, applicants filed a Transmittal Letter for entry into the national stage in the United States accompanied by, among other materials, payment of the basic national fee, an English translation of the international application, and an unexecuted declaration.

On 24 November 2010, the United States Designated/Elected Office (DO/EO/US) mailed a "Notification Of Missing Requirements" (Form PCT/DO/EO/905) requiring an executed oath or declaration in compliance with 37 CFR 1.497 and the surcharge for filing the oath or declaration later than thirty months after the priority date.

On 23 February 2011, applicants filed a response to the Notification Of Missing Requirements (with required one-month extension fee). The response included payment of the required surcharge and a declaration executed by the surviving inventor and by the heir and legal representative of the deceased second inventor, Walter GERSCHWITZ. The declaration is considered herein under 37 CFR 1.42 and 1.497.

DISCUSSION

37 CFR 1.42 states in part:

> In case of the death of the inventor, the legal representative (executor, administrator, etc.) of the deceased inventor may make the necessary oath or declaration, and apply for and obtain the patent.

Section 409.01(a) of the MPEP states that the application can also be executed by all of the heirs of the deceased inventor, where no legal representative has been appointed or is required to be appointed by law.

37 CFR 1.497(b)(2) states the following:

> If the person making the oath or declaration or any supplemental oath or declaration is not the inventor (§§ 1.42, 1.43, or 1.47) the oath or declaration shall state the relationship of the person to the inventor, and, upon information and belief, the facts which the inventor would have been required to state. If the person is the legal representative of a deceased inventor, the oath or declaration shall also state that the person is a legal representative and the citizenship, residence, and mailing address of the legal representative.

Pursuant to 37 CFR 1.497(b)(2), the citizenship for both the deceased inventor and the legal representatives must be identified on the declaration, as well as the mailing address and residence information of the legal representative and all other information required under 37 CFR 1.497. Here, the declaration filed 23 February 2011 includes the required citizenship, residence, and mailing address information for the person signing the declaration on behalf of the deceased inventor, Gerlinde GERSCHWITZ, as well as the required citizenship of the deceased inventor, Walter GERSCHWITZ. The declaration also states the relationship of the person signing to the deceased inventor (i.e., "heir and legal representative"). The declaration therefore includes all information required under 37 CFR 1.497(b)(2).

CONCLUSION

Applicant's request for status under 37 CFR 1.42 with respect to deceased inventor Walter GERSCHWITZ is **GRANTED**.

The application is being referred to the National Stage Processing Branch of the Office of PCT Operations for further processing in accordance with this decision. The date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) is 23 February 2011.

/RichardMRoss/

Richard M. Ross
Attorney Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3296

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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JAN 14 2011

PCT LEGAL ADMINISTRATION

TRASKBRITT, P.C.
P.O. BOX 2550
SALT LAKE CITY UT 84110

In re Application of	:	
RUTGEERTS et al.	:	
Application No.: 12/736,759	:	DECISION ON
PCT No.: PCT/BE2009/000021	:	
Int. Filing Date: 30 March 2009	:	PETITION UNDER
Priority Date: 28 March 2008	:	
Attorney Docket No.: 3292-8869.1US	:	37 CFR 1.137(b)
For: MUCOSAL GENE SIGNATURES	:	

This decision is in response to applicant's submission filed 05 November 2010.

BACKGROUND

On 30 March 2009, applicant filed international application PCT/BE2009/000021 which designated the U.S. and claimed a priority date of 28 March 2008. A copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) from the International Bureau on 01 October 2009. The thirty-month period for paying the basic national fee in the United States expired at midnight on 28 September 2010.

On 05 November 2010, applicant filed a transmittal letter for entry into the national stage in the United States, which was accompanied by, *inter alia*, the basic national fee.

On 01 December 2010, a NOTICE OF ACCEPTANCE OF APPLICATION UNDER 35 U.S.C. 371 AND 37 CFR 1.495 (Form PCT/DO/EO/903) was mailed indicating a 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) date of 05 November 2010 and a 35 U.S.C. 371 date of 05 November 2010.

DISCUSSION

A petition to revive the present application under 37 CFR 1.137(b) must include:

(1) The required reply;
(2) The petition fee;

(3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional.

As to item (1), applicant submitted the basic national fee on 05 November 2010.

As to item (2), applicant submitted the petition fee on 05 November 2010.

As to item (3), the required statement has been provided.

A review of the application file reveals that, with the filing of the present petition and accompanying papers, a proper response has been submitted and all of the requirements of 37 CFR 1.137(b) for revival have been satisfied and revival is therefore appropriate.

Notification of Acceptance Mailed 01 December 2010

The NOTIFICATION OF ACCEPTANCE OF APPLICATION UNDER 35 U.S.C. 371 (Form DO/EO/903) mailed 01 December 2010 was mailed prematurely, i.e., before the decision applicant's petition to revive the application under 37 CFR 1.137(b) had been granted. Because applicants' petition has been granted, the application has met the requirements of 35 U.S.C. 371, and the 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) date and 35 U.S.C. 371 dates accorded in Form DO/EO/903 are correct, Form DO/EO/903 is hereby affirmed.

CONCLUSION

The petition under 37 CFR 1.137(b) is **GRANTED** for the reasons set forth above.

This application is being forwarded to National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application in accordance with this decision.

/Daniel Stemmer/

Daniel Stemmer
Legal Examiner
PCT Legal Affairs
Office of Patent Cooperation Treaty
Legal Administration
Telephone: (571) 272-3301

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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ROBINS & PASTERNAK
1731 EMBARCADERO ROAD
SUITE 230
PALO ALTO, CA 94303

MAILED
FEB 04 2011
OFFICE OF PETITIONS

In re Application of
Jeffrey Edwards
Application No. 12/736,771
Filed: 00/00/0000
Attorney Docket No. 9150-0002

NOTICE

This is a Notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28, filed on November 23, 2010.

The present request is not signed by an attorney of record. However, in accordance with 37 CFR 1.34(a), the signature of Dahna S. Pasternak appearing on the request 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 request is **not approved**. Therefore, the fee deficiency cannot be accepted at this time.

37 CFR 1.28(c)(2)(ii) requires an itemization of the total fee deficiency. The itemization must include the following information:

(A) Each particular type of fee that was erroneously paid as a small entity, (e.g., basic statutory filing fee, two-month extension of time fee) along with the current fee amount for a non-small entity;

(B) The small entity fee actually paid, and when. This will permit the Office to differentiate, for example, between two one-month extension of time fees erroneously paid as a small entity but on different dates;

(C) The deficiency owed amount (for each fee erroneously paid); and

(D) The total deficiency payment owed, which is the sum or total of the individual deficiency owed amounts set forth in paragraph (c)(2)(ii)(C) of this section.

Petitioner should submit the itemization within **TWO (2) MONTHS** from the mail date of this Notice. Failure to timely respond may result in the return of the fee deficiency paper, at the option of the Office.

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 regarding this decision should be directed to the undersigned at (571) 272-322

Andrea Smith
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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ROBINS & PASTERNAK
1731 EMBARCADERO ROAD
SUITE 230
PALO ALTO, CA 94303

MAILED
APR 28 2011
OFFICE OF PETITIONS

In re Application of :
Jeffrey Edwards :
Application No. 12/736,771 : NOTICE
Filed: 00/00/0000 :
Attorney Docket No. 9150-0002 :

This is a Notice regarding your renewed request for acceptance of a fee deficiency submission under 37 CFR 1.28, filed on April 4, 2011.

The present request is not signed by an attorney of record. However, in accordance with 37 CFR 1.34(a), the signature of Dahna S. Pasternak appearing on the request 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 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**. Therefore, status as a small entity has been removed and any future fee(s) submitted must be paid at the large entity rate.

Inquiries related to this communication should be directed to the undersigned at (571) 272-3226.

Andrea Smith
Petitions Examiner
Office of Petitions

Doc Code: PPH.PCT.652
Document Description: Petition to make special under PCT-Patent Pros Hwy

PTO/SB/20PCT-EP (05-10)
Approved for use through 01/31/2012. OMB 0651-0058
U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE EUROPEAN PATENT OFFICE (EPO) AND THE USPTO

Application No:	12/736,775	Filing date:	November 8, 2010
First Named Inventor:	Erich Max Karl GERNER		
Title of the Invention:	DEVICE IN A PRINTING UNIT OF A PRINTING MACHINE		

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/DE2009/05004

The international date of the corresponding PCT application(s) is/are: January 26, 2009

I. List of Required Documents:

a. **A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above–identified corresponding PCT application(s)**

☐ Is attached

☑ Is not attached because the document is already in the U.S. application.

b. **A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s).**

☐ Is attached.

☑ Is not attached because the document is already in the U.S. application.

c. **English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.**

This collection of information is required by 35 U.S.C. 119, 37 CFR 1.55, and 37 CFR 1.102(d). The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM BETWEEN THE EPO AND THE USPTO

(continued)

Application No.:	12/736,775
First Named Inventor:	Erich Max Karl GERNER

d. **(1) An information disclosure statement listing the documents cited in the international work products (ISR, WO/ISA, WO/IPEA, IPER) of the corresponding PCT application.**

☐ Is attached

☑ Has already been filed in the above-identified U.S. application on November 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 November 8, 2010

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
23 - 27	1 - 5	direct correspondence
28, 29	6, 7	U.S. claims amended to remove multiple dependencies
30	8	direct correspondence
31, 32	9, 10	U.S. claims amended to remove multiple dependencies
33, 34	11, 12	direct correspondence
35, 36	13, 14	U.S. claims amended to remove multiple dependencies
37 - 39	15 - 17	direct correspondence
40 - 42	18 - 20	U.S. claims amended to remove multiple dependencies
43	21	direct correspondence

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature	Date November 16, 2010
Name (Print/Typed) Douglas R. Hanscom	Registration Number 26600

KARIN T. DUNN, LLC

GERMAN TRANSLATION AND LANGUAGE SERVICES
Certified by the American Translators Association

4706 OLDE FORGE CT., FAIRFAX, VA 22032
TELEPHONE, FAX: 703-426-1422 · DUNN6FAM@MSN.COM

Date: November 3rd, 2010

DECLARATION

The undersigned, Karin T. Dunn, hereby states that she is well acquainted with both the English and German languages and that the attached is a true translation to the best of her knowledge and ability of the German text of PCT/DE2009/050004, filed on 26 January 2009 and published on 26 November 2009 under No. WO 2009/140958 A2. The undersigned further states that the prosecution documents associated with PCT/DE2009/050004 and translated by her are also true translations to the best of her knowledge and ability.

The undersigned declares that the above statement is true and that this statement was made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or document or any patent resulting therefrom.

Karin T. Dunn

Translation of the pertinent portions of a **Notification of the Transmittal of the International Preliminary Report on Patentability** in accordance with PCT Rule 71.1, mailed on 4 June, 2010

2. This report comprises a total of 5 pages including this cover sheet.

3. Enclosures are also included with the report; these include

   A total of 6 pages *(sent to the applicant and to the International Authority)*, which include

   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).

4. This report contains information relating to the following items:

Box I Basis of the Report

Box V Reasoned statement according to Article 35(2) with regard to novelty, inventive step and industrial applicability; citations and explanations to support such statement

Box I Basis of the Report

1. With regard to **language,** this report is based on:

   the international application in the language in which it was filed.

2. With regard to the **elements** of the international application, this report is based on

   the description, pages

1, 3-18	as originally filed/furnished
2, 2a	received with the letter dated 2 February 2010

   the claims, Nos.

1-21	received with the letter dated 2 February 2010

   the drawings, pages

1/7-7/7	as originally filed/furnished

Box V. Reasoned statement according to Article 35(2) with regard to novelty, inventive step and industrial applicability; citations and explanations to support such statement

1. Statement

Novelty (N)	Yes: Claims 1-21 No: Claims
Inventive Step (IS)	Yes: Claims 1-21 No: Claims
Industrial Applicability (IA)	Yes: Claims 1-21 No: Claims

2. Citations and Explanations (Rule 70.7):
See extra sheets

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY (EXTRA SHEETS)

Box V

Reference is made to the following document:

D1 DE 10 2006 007581 A1 (SCHAEFFLER KG [DE]) 23 August 2007 (08/23/2007)

1 **INDEPENDENT CLAIM 1**

1.1 Document D1 discloses (the references between parentheses relate to said document) a device in a printing couple of a printing press (§ [0001]), at least having at least one roller (2) of an inking unit (§[0001]) or dampening unit (§[0001]) of the printing couple, at least one oscillating drive (1) for generating an axial oscillating stroke of the roller (2), and at least one drive means (8) for generating a rotational movement of the roller (2), wherein the at least one drive means (8) is embodied as an electric motor (8) or has an electric motor (8).

1.2 The subject matter of claim 1 differs from D1 in that

- a magnetic coupling with inner rotor and outer rotor is arranged between roller and drive means,

- to compensate for the oscillating stroke of the roller elicited by the oscillating drive, the inner rotor and the outer rotor are capable of moving relative to one another in the direction of the rotational axis of the roller.

Therefore, the subject matter of claim 1 is novel (PCT Article 33(2)).

1.3 The problem addressed here consists in providing a device that has an oscillating drive, wherein the oscillating stroke of a roller is compensated for without wear and tear, and with low maintenance requirements.

1.4 The solution proposed here is not known from or suggested by the prior art. Although D1 does disclose a coupling (§ [0019]), said coupling does not serve as a magnetic coupling between roller and drive means. The claimed coupling requires costly technical modifications to existing devices (especially torque transmission, installation in the device), which are not obvious to a person skilled in the art.

Therefore, the subject matter of claim 1 is inventive (PCT Article 33(3)).

2. DEPENDENT CLAIMS

Claims 2 to 21 are dependent upon claim 1 and therefore also fulfill the requirements of the PCT in respect of novelty and inventive step.

3. ADDITIONAL REMARKS

Claims 1 to 21 relate to a device having an oscillating drive. Therefore, the subject matter of these claims fulfills the requirements of PCT Article 33(4).

allowing the bearing body to move axially relative to the shaft.

DE 101 61 889 A1 describes an inking unit of a printing press with an ink distribution roller, wherein the ink distribution roller is connected to a drive motor via a magnetic coupling comprising permanent magnets. The two coupling halves of the magnetic coupling are not able to move relative to one another in the direction of the rotational axis.

DE 39 17 074 A1 and DE 1 233 416 B disclose electromagnetic clutches in inking units. A compensation for an oscillating stroke within the clutch is not suggested.

DE 10 2006 007 581 A1 describes an oscillating drive of a cylinder of a printing press, which has a torque motor for rotationally driving the printing press cylinder, wherein the rotor of the torque motor is rigidly connected to a journal of the printing press cylinder. Oscillating motion is enabled by a journal extension that extends beyond the torque motor, with which extension a linear drive engages.

The problem addressed by the invention is that of providing a device in a printing couple of a printing press, in which an oscillating stroke of a roller is compensated for, without wear and tear, and with low maintenance.

The problem is solved according to the invention by the features of claim 1.

The benefits to be achieved by the invention consist especially in that the oscillating stroke of the roller is compensated for in a contactless fashion due to the presence of a magnetic bearing or a magnetic coupling. The device is therefore free from wear and tear and requires low maintenance.

A further benefit is provided by the ease of assembly or production of the device, as comparatively complex and thus sensitive components can be dispensed with. In the simplest case, a magnetic bearing or magnetic coupling consists of two components, namely the outer rotor and the inner rotor, which enables a relatively simple production and assembly of the device.

Claims

1. A device in a printing couple (101) of a printing press, at least having at least one roller (129) of an inking unit (105) or dampening unit (106) of the printing couple (101), at least one oscillating drive for generating an axial oscillating stroke of the roller (129), and at least one drive means (302) for generating a rotational movement of the roller (129), wherein the at least one drive means (302) is embodied as an electric motor (302) or has an electric motor (302), wherein a magnetic coupling comprising inner rotor (301) and outer rotor (300) is arranged between roller (129) and drive means (302), characterized in that to compensate for the oscillating stroke of the roller (129) elicited by the oscillating drive, the inner rotor (301) and the outer rotor (300) are capable of moving relative to one another in the direction of the rotational axis of the roller (129).

2. The device of claim 1, characterized in that the at least one drive means (302) is embodied in the form of a separate drive (302) for rotationally driving the roller (129), wherein torque is transmitted from said drive means to the roller (129) via the magnetic coupling.

3. The device of claim 1, characterized in that the relative position of outer rotor (300) and inner rotor (301) is variable in the direction of the rotational axis of the roller (129).

4. The device of claim 1, characterized in that when the roller (129) is in a first oscillating stroke position, the outer rotor (300) and the inner rotor (301) are arranged in a first position, and when the roller (129) is in a second oscillating stroke position, the outer rotor (300) and the inner rotor (301) are arranged in a second position, which is different from the first position.

5. The device of claim 1, characterized in that the electric motor (302) is arranged coaxially in relation to the rotational axis of the roller (129).

6. The device of claim 1 or 2, characterized in that the roller (129) is embodied as a distribution roller (129) of the dampening unit (106) of the printing couple (101).

7. The device of any one of the preceding claims, characterized in that the roller (129) is embodied as a chromium roller (129), which cooperates with other rollers (128; 130) of the dampening unit (106) which have a rubber-coated surface.

8. The device of claim 7, characterized in that the other rollers (128; 130) of the dampening unit (106) consist of a forme roller (128) for applying the of moisture to the forme cylinder (104) of the printing couple (101) and a dipping roller (130) for taking up dampening agent from a dampening agent reservoir (132).

9. The device of any one of the preceding claims, characterized in that the roller (129) is the only roller (129) of the dampening unit (106) that is equipped with its own separate drive (302).

10. The device of any one of the preceding claims, characterized in that the drive means (302) has a drive shaft (303).

11. The device of claim 1, characterized in that the outer rotor (300) of the magnetic coupling is non-rotatably connected to the drive shaft (303).

12. The device of claim 1, characterized in that either inner rotor (301) or outer rotor (300) is positioned as stationary in the direction of the rotational axis of the roller (129).

13. The device of any one of the preceding claims, characterized in that the inner rotor (301) is non-rotatably connected to the roller (129).

14. The device of claim 1, 11, 12, or 13, characterized in that the outer rotor (300) is non-rotatably connected to the drive shaft (303) of the drive means (302) by means of a clamp ring (304), and/or that the inner rotor (301) is non-rotatably connected to the roller (129) by means of a clamp ring (307).

15. The device of claim 1, characterized in that the at least one drive means (302) is positioned as stationary.

16. The device of claim 1, characterized in that the oscillating drive is embodied as a crank mechanism.

17. The device of claim 16, characterized in that the crank mechanism comprises a drive unit (400) and an eccentric (401), which cooperates with a connecting rod (402), which applies a force to the roller (129), which force acts in the axial direction of the roller (129).

18. The device of any one of claims 1 to 16, characterized in that the oscillating drive comprises an oscillating transmission, which derives the oscillating stroke from the rotational movement of the roller (129).

19. The device of any one of the preceding claims, characterized in that the

dampening unit (106) comprises a forme roller (128), which can be pivoted away from the forme cylinder (104) for the purpose of washing.

20. The device of any one of the preceding claims, characterized in that the oscillating drive is arranged on the end surface of the roller (129) that is opposite the drive means (302).

21. The device of claim 1, characterized in that the roller (129) and other rollers have no shared rotational drive, i.e., they are not in a positive drive connection.

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/736,775	11/08/2010	Erich Max Karl Gerner	W1.2018 PCT-US	5773

23294 7590 03/02/2011
JONES, TULLAR & COOPER, P.C.
P.O. BOX 2266 EADS STATION
ARLINGTON, VA 22202

EXAMINER	
ART UNIT	PAPER NUMBER
2854	

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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JONES, TULLAR & COOPER, P.C.
P.O. BOX 2266 EADS STATION
ARLINGTON VA 22202

In re Application of	
GERNER et al.	**: DECISION ON REQUEST TO**
Application No.: 12/736,775	**: PARTICIPATE IN THE PATENT**
Filed: 08 November 2010	**: PROSECUTION HIGHWAY**
Attorney Docket No.: W1.2018 PCT-US	**: PROGRAM AND PETITION**
For: DEVICE IN A PRINTING UNIT	**: TO MAKE SPECIAL UNDER**
OF A PRINTING MACHINE	**: 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 16 November 2010, to make the above-identified application special.

The request and petition are **GRANTED**.

Discussion

A grantable request to participate in the PCT-PPH pilot program and petition to make special require:

(1) The U.S. application must disclose an eligible relationship to one or more PCT applications where the ISA or IPEA are the JPO, EPO, KIPO, or USPTO;

(2) At least one claim in the PCT application has novelty, inventive step, and industrial applicability and must be free of any observations in Box VIII in the latest work product in the international stage or applicant must identify and explain why the claim(s) is/are not subject to the observation in Box VIII;

(3) Applicant must submit a copy of the claim(s) from the PCT application(s) that have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate, if the claims are not in the English language;

(4) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the claim(s) that have novelty, inventive step, and industrial applicability in the PCT application(s);

(5) Examination of the U.S. application has not begun;

(6) Applicant must submit a copy of the latest international work product from the PCT application indicating that the claim(s) have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate

if the latest international work product is not in the English language;

(7) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

The request to participate in the PCT-PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Lee W. Young at 571-272-4549.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc.index.html.

This application will be forwarded to the examiner for action on the merits commensurate with this decision once this application's formality reviews have been completed.

Lee W. Young
TQAS Technology Center 2800 - Semiconductors,
Electrical & Optical Systems & Components

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/736,826	11/10/2010	Aladar A. Szalay	33316.00108.US01/108US	4813

13565 7590 07/28/2011

McKenna Long & Aldridge LLP
4435 Eastgate Mall
Suite 400
San Diego, CA 92121

EXAMINER	
SHEN, WU CHENG WINSTON	

ART UNIT	PAPER NUMBER
1632	

MAIL DATE	DELIVERY MODE
07/28/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND
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JUL 2 8 2011

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McKenna Long & Aldridge LLP
4435 Eastgate Mall
Suite 400
San Diego CA 92121

In re Application of:
Szalay et al.
Serial No.: 12/736,826
Filed: November 10, 2010
Attorney Docket No:
33316.00108.US01/108US

: PETITION DECISION

This is in response to the petition filed on July 14, 2011 under 3 7 CFR 1.181 to correct the misclassification of submitted Information Disclosure Statements. Specifically, applicants request correction of the classification in PAIR of the Information Disclosure Statement submitted on April 27, 2011 in connection with the above-referenced application and consideration by the Examiner of the documents and information contained therein.

Applicants argue the "Information Disclosure Statement was submitted in connection with the above-captioned application on April 27, 2011. Each Information Disclosure Statement was prepared in accordance with 37 C.F.R 1.97 and 1.98. As required under 37 C.F.R 1.98, each Information Disclosure Statement contained 1) a list of all patents, publications, applications, or other information submitted for consideration by the Office, including a column that provides a space next to each document to be considered, for the examiner's initials and a heading that clearly indicates that the list is an Information Disclosure Statement; and 2) legible copies of all items listed. The items either were in English or a translation was provided. A copy of the misclassified Information Disclosure Statement filed on April 27, 2011 is attached.

The submitted Information Disclosure Statement included a tabular Form PTO-1449, which was classified as an "IDS," and a written disclosure of information. In each instance, the written disclosure of information was misclassified in PAIR as a "Transmittal Letter" (April 27, 2011, "Transmittal Letter" of 3 pages). Consequently, the information contained therein may not be considered or reviewed by the Examiner."

Applicants' argument has been accorded careful consideration and is persuasive. PAIR will be corrected to reflect the misclassification of the submitted Information Disclosure Statement of April 27, 2011.

DECISION

The petition is **GRANTED.**

The examiner is instructed to consider the IDS of April 27, 2011 which was misclassified in PAIR as a "Transmittal Letter" (April 27, 2011, "Transmittal Letter" of 3 pages)

Should there be any questions about this decision please contact Marianne C. Seidel, by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0584 or by facsimile sent to the general Office facsimile number, 571-273-8300.

/MC Seidel/
Marianne C. Seidel, Quality Assurance Specialist
Technology Center 1600

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MCKENNA LONG & ALDRIDGE LLP
4435 EASTGATE MALL
SUITE 400
SAN DIEGO CA 92121

MAILED
NOV 21 2011
OFFICE OF PETITIONS

Applicant: Aladar A. Szalay
Appl. No.: 12/736,826
International Filing Date: May 15, 2009
Title: MICROORGANISMS FOR PREVENTING AND TREATING NEOPLASMS ACCOMPANYING CELLULAR THERAPY
Attorney Docket: 33316.00108.US01/108US
Pub. No.: US 20110064650 A1
Pub. Date: March 17, 2011

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on May 11, 2011, for the above-identified application.

The request is granted.

The corrected patent application publication will be published in due course, unless the patent issues before the application is republished.

Inquiries relating to this matter may be directed to Karen Creasy at (571) 272-3208.

/Christopher Bottorff/

Christopher Bottorff
Petitions Examiner
Office of Petitions

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MAILED

JAN 18 2011

PCT LEGAL ADMINISTRATION

Horst M Kasper
13 Forest Drive
Warren NJ 07059

In re Application of :
WARBURG, Dierk :
Application No.: 12/736,830 : DECISION
PCT No.: PCT/EP2009/003197 :
Int. Filing Date: 05 May 2009 : ON PETITION UNDER
Priority Date: 09 May 2008 :
Docket No.: BUS 211 : 37 CFR 1.137(b)
For: METHOD FOR COMPRESSING A :
COMPONENT MADE OF ALUMINUM :
AND/OR AN ALUMINUM ALLOY :

Applicant's Petition For Revival Under 37 CFR 1.137(b), filed in the above-captioned application on 10 November 2010 is **GRANTED**.

Applicant states that the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional, as required by 37 CFR 1.137(b)(3). The basic national fee and petition fee have been paid. A terminal disclaimer is not required as the application was filed on or after 08 June 1995. Accordingly, all requirements under 37 CFR 1.137(b) have been satisfied.

The fee for filing the search fee, examination fee or oath or declaration after 30 months and the processing fee for furnishing the translation after 30 months will be charged to deposit account no. 11-0224, as authorized.

This application is being forwarded to the National Stage Processing Branch of the Office of Patent Application Processing for further action consistent with this decision.

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Telephone: 571-272-3292

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/736,844	11/10/2010	Hiroshige Inoue	14793/14	2926

26646 7590 02/23/2011

KENYON & KENYON LLP
ONE BROADWAY
NEW YORK, NY 10004

EXAMINER	
ART UNIT	PAPER NUMBER
3742	

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.

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KENYON & KENYON LLP
ONE BROADWAY
NEW YORK NY 10004

In re Application of	:	
INOUE, HIROSHIGE et al	:	DECISION ON REQUEST TO
Application No. 12/736,844	:	PARTICIPATE IN PATENT
Filed: Nov. 10, 2010	:	PCT/PROSECUTION HIGHWAY
Attorney Docket No. 14793/14	:	PROGRAM AND PETITION
For: FLUX CORED WIRE FOR WELDING DUPLEX STAINLESS STEEL WHICH REFINES SOLIDIFIED CRYSTAL GRAINS	:	TO MAKE SPECIAL UNDER 37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed Feb. 18, 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. This application will be forwarded to an examiner for examination.

Telephone inquiries concerning this decision should be directed to Henry C. Yuen at 571-272-4856. All other inquiries concerning the examination or status of the application should be directed to Tu Hoang, SPE of Art Unit 3742, and 571-272-4780 for Class 219/145 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

Doc Code: PPH.PCT.652
Document Description: Petition to make special under PCT-Patent Pros Hwy

PTO/SB/20PCT-EP (05-10)
Approved for use through 01/31/2012. OMB 0651-0058
U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE
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REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE EUROPEAN PATENT OFFICE (EPO) AND THE USPTO

Application No:	12736872	Filing date:	2010-11-18
First Named Inventor:	Ettore Cernuschi		
Title of the Invention:	ROLLING MILL STAND AND RELATED ROLLING MILL FOR LONGITUDINALLY ROLLING ROD-SHAPED BODIES		

THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT HTTP://WWW.USPTO.GOV/EBC/EFS_HELP.HTML

APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PROGRAM.

The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.

The corresponding PCT application number(s) is/are: PCT/EP2009/056201

The international filing date of the corresponding PCT application(s) is/are: 2009-05-21

I. List of Required Documents:

a. **A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above–identified corresponding PCT application(s)**

☐ Is attached

☒ Is not attached because the document is already in the U.S. application.

b. **A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s).**

☐ Is attached.

☒ Is not attached because the document is already in the U.S. application.

c. **English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.**

This collection of information is required by 35 U.S.C. 119, 37 CFR 1.55, and 37 CFR 1.102(d). The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.

PTO/SB/20PCT-EP (05-10)
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REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM BETWEEN THE EPO AND THE USPTO

(continued)

Application No.:	12736872
First Named Inventor:	Ettore Cernuschi

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 11-18-2010

(2) Copies of all documents (except) for U.S. patents or U.S. patent application publications)

☐ Are attached.

☒ Have already been filed in the above-identified U.S. application on 11-18-2010

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature /kit m. stetina/	Date 2011-12-28
Name (Print/Typed) Kit M. Stetina	Registration Number 29445

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450

MAILED
FEB 23 2012
OFFICE OF PETITIONS

STETINA BRUNDA GARRED & BRUCKER
75 ENTERPRISE, SUITE 250
ALISO VIEJO CA 92656

In re Application of : DECISION ON REQUEST TO
Cernuschi ETTORE et al. : PARTICIPATE IN PCT-PPH PROGRAM
Application No. 12/736,872 : AND PETITION TO MAKE SPECIAL
Filed: November 18, 2010 : UNDER 37 CFR 1.102(a)
Atty. Docket No.: NOTAR-098US
For: ROLLING MILL STAND AND RELATED ROLLING MILL FOR LONGITUDINALLY ROLLING ROD-SHAPED BODIES

This is a decision on the request to participate in the PCT Patent Prosecution Highway (PCT-PPH) program and the petition under 37 CFR 1.102(a), filed December 28, 2011, to make the above-identified application special.

The request is **DISMISSED**.

A grantable request to participate in the PCT –PPH program and petition to make special under 37 CFR 1.102(a) require:

(1) the U.S. application must have an eligible relationship to one or more PCT application where the ISA or IPEA are the JPO, EPO, KIPO, IPAU, Russia, Spain, Finland, Austria, or USPTO;

(2) at least one claim in the PCT application has novelty, inventive step, and industrial applicability and must be free of any observations in Box VIII in the latest work product in the international stage or applicant must identify and explain why the claim(s) is/are not subject to the observation in Box VIII;

(3) applicant must submit a copy of the claim(s) from the PCT application(s) that have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate, if the claims are not in the English language;

(4) all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the claim(s) that have novelty, inventive step, and industrial applicability in the PCT application(s);

(5) examination of the U.S. application has not begun;

(6) applicant must submit a copy of the latest international work product from the PCT application indicating that the claim(s) have novelty, inventive step, and industrial applicability along with an English translation thereof;

(7) applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications; and

(8) applicant is required to submit a claims correspondence table in English which indicates how all the claims in the U.S. application correspond to the claims indicated as having novelty, inventive step, and industrial applicability in the latest international work product.

Requirements (1) to (3) and (5) to (8) above are considered to have been met. However, the requirement to participate in the PPH and petition fail to meet requirement (4).

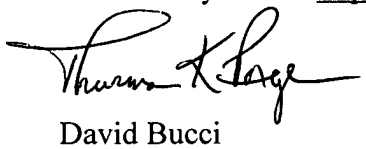
Regarding the requirement of condition (4), it is not apparent that the claims submitted with the U.S. application sufficiently correspond with to the claims in the EPO application as claims correspondence table has not been provided.

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.



David Bucci
Petitions Examiner
Office of Petitions

Doc Code: PPH.PCT.652
Document Description: Petition to make special under PCT-Patent Pros Hwy

PTO/SB/20PCT-EP (05-10)
Approved for use through 01/31/2012. OMB 0651-0058
U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE EUROPEAN PATENT OFFICE (EPO) AND THE USPTO

Application No:	12736872	Filing date:	2010-11-18
First Named Inventor:	Ettore Cernuschi		
Title of the Invention:	ROLLING MILL STAND AND RELATED ROLLING MILL FOR LONGITUDINALLY ROLLING ROD-SHAPED BODIES		

THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT HTTP://WWW.USPTO.GOV/EBC/EFS_HELP.HTML

APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PROGRAM.

The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.

The corresponding PCT application number(s) is/are: PCT/EP2009/056201

The international filing date of the corresponding PCT application(s) is/are: 2009-05-21

I. List of Required Documents:

a. **A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above–identified corresponding PCT application(s)**

☐ Is attached

☒ Is not attached because the document is already in the U.S. application.

b. **A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s).**

☐ Is attached.

☒ Is not attached because the document is already in the U.S. application.

c. **English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.**

This collection of information is required by 35 U.S.C. 119, 37 CFR 1.55, and 37 CFR 1.102(d). The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.

PTO/SB/20PCT-EP (05-10)
Approved for use through 01/31/2012. OMB 0651-0058
U.S.Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM BETWEEN THE EPO AND THE USPTO

(continued)

Application No.:	12736872
First Named Inventor:	Ettore Cernuschi

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 11-18-2010

(2) Copies of all documents (except) for U.S. patents or U.S. patent application publications)

☐ Are attached.

☒ Have already been filed in the above-identified U.S. application on 11-18-2010

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1	1	Claim 1 has undergone minor amendment to conform to U.S. practice
2	2	Claim 2 has undergone minor amendment to conform to U.S. practice
3	3	Claim 3 in the US Application corresponds to Claim 3 in the corresponding PCT Application
4	4	Claim 4 has undergone minor amendment to conform to U.S. practice
5	5	Claim 5 has undergone minor amendment to conform to U.S. practice
6	6	Claim 6 has undergone minor amendment to conform to U.S. practice
7	7	Claim 7 has undergone minor amendment to conform to U.S. practice
8	8	Claim 8 has undergone minor amendment to conform to U.S. practice
9	9	Claim 9 in the US Application corresponds to Claim 9 in the corresponding PCT Application
10	10	Claim 10 has undergone minor amendment to conform to U.S. practice
11	11	Claim 11 has undergone minor amendment to conform to U.S. practice
12	12	Claim 12 has undergone minor amendment to conform to U.S. practice
13	13	Claim 13 has undergone minor amendment to conform to U.S. practice

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature /kit m. stetina/	Date 2012-3-20
Name (Print/Typed) Kit M. Stetina	Registration Number 29445

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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Commissioner for Patents
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P.O. Box 1450

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MAR 30 2012

OFFICE OF PETITIONS

STETINA BRUNDA GARRED & BRUCKER
75 ENTERPRISE, SUITE 250
ALISO VIEJO CA 92656

In re Application of : DECISION ON REQUEST TO
Cernuschi ETTORE et al. : PARTICIPATE IN PCT-PPH PROGRAM
Application No. 12/736,872 : AND PETITION TO MAKE SPECIAL
Filed: November 18, 2010 : UNDER 37 CFR 1.102(a)
Atty. Docket No.: NOTAR-098US
For: ROLLING MILL STAND AND RELATED ROLLING MILL FOR LONGITUDINALLY ROLLING ROD-SHAPED BODIES

This is a decision on the renewed request to participate in the PCT Patent Prosecution Highway (PCT-PPH) program and the petition under 37 CFR 1.102(a), filed March 20, 2012, to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PCT –PPH program and petition to make special under 37 CFR 1.102(a) require:

(1) the U.S. application must have an eligible relationship to one or more PCT application where the ISA or IPEA are the JPO, EPO, KIPO, IPAU, Russia, Spain, Finland, Austria, or USPTO;

(2) at least one claim in the PCT application has novelty, inventive step, and industrial applicability and must be free of any observations in Box VIII in the latest work product in the international stage or applicant must identify and explain why the claim(s) is/are not subject to the observation in Box VIII;

(3) applicant must submit a copy of the claim(s) from the PCT application(s) that have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate, if the claims are not in the English language;

(4) all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the claim(s) that have novelty, inventive step, and industrial applicability in the PCT application(s);

(5) examination of the U.S. application has not begun;

(6) applicant must submit a copy of the latest international work product from the PCT application indicating that the claim(s) have novelty, inventive step, and industrial applicability along with an English translation thereof;

(7) applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications; and

(8) applicant is required to submit a claims correspondence table in English which indicates how all the claims in the U.S. application correspond to the claims indicated as having novelty, inventive step, and industrial applicability in the latest international work product.

The request to participate in the PCT-PPH program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Robert DeWitty, 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 3725 for action commensurate with this decision.

David Bucci
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
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P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
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NIXON & VANDERHYE, PC
901 NORTH GLEBE ROAD, 11TH FLOOR
ARLINGTON, VA 22203

MAILED
AUG 10 2011
PCT LEGAL ADMINISTRATION

In re Application of VLASOPOULOS et al :
U.S. Application No.: 12/736,928 :
PCT Application No.: PCT/GB2009/001610 : DECISION
Int. Filing Date: 26 June 2009 :
Priority Date Claimed: 26 June 2008 :
Attorney Docket No.: 4702-202 :
For: BINDER COMPOSITION :

This is in response to applicant's petition filed 14 June 2011, which is being treated under 37 CFR 1.182.

BACKGROUND

On 26 June 2009, applicant filed international application PCT/GB2009/001610, which claimed priority of an earlier European Patent Office application filed 26 June 2008. A copy of the international application was communicated to the USPTO from the International Bureau on 30 December 2009. The thirty-month period for paying the basic national fee in the United States expired on 27 December 2010.

On 23 November 2010, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The transmittal letter identified the international application number as "PCT/EP2009/001610".

On 26 May 2011, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905), which indicated that an English translation and additional claims fees must be submitted.

On 14 June 2011, applicant filed the present petition under 37 CFR 1.182.

DISCUSSION

The petition indicates that the wrong international application number was entered on the transmittal letter filed 23 November 2010 and declaration filed 17 December 2010. A review of

the papers filed on 23 November 2010 reveals that the correct international application number PCT/GB2009/001610 was present on at least one document (e.g. the copy of the international search report). Accordingly, correction of the application is permissible.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.182 is GRANTED.

The Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905) mailed 26 May 2011 is hereby VACATED.

The application has an International Filing Date under 35 U.S.C. 363 of 26 June 2009, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 14 June 2011

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision.

Bryan Lin
PCT Legal Examiner
PCT Legal Office

Telephone: 571-272-3303
Facsimile: 571-273-0459

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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K&L Gates LLP
3580 Carmel Mountain Road
Suite 200
San Diego CA 92130

MAILED
DEC 20 2011
OFFICE OF PETITIONS

In re Application of
GUYON et al.
Application No.: 12/736,959
PCT No.: PCT/EP09/003862
Int. Filing Date: 29 May 2009
Priority Date: 29 May 2008
Atty. Docket No.: 3800073-00111 / 942US

DECISION

This is a decision on the petition under 37 C.F.R. 1.47(a) filed in the U.S. Patent and Trademark Office (USPTO) on 04 August 2011, which requests that the application be accepted without the signature of three of the joint inventors, Thierry Guyon, Lila Drittanti and Manuel Vega, on the grounds that they refuse to execute the application. The petition is **GRANTED** as discussed below.

A review of the application file reveals that the present petition was accompanied by, *inter alia*, an acceptable showing of inventors Thierry Guyon, Lila Drittanti and Manuel Vega's refusal. Therefore the requirements of 37 CFR 1.47(a) have been satisfied.

A further review of the application file reveals that the requirements for entry into the national stage in the U.S. under 35 U.S.C. 371 have also now been satisfied.

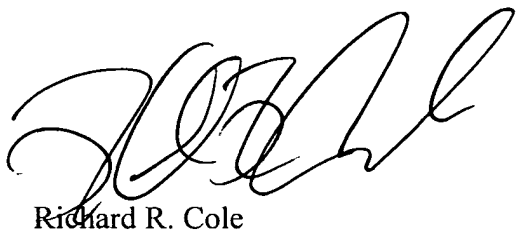
As provided in 37 CFR 1.47(a), a notice of the filing of this application will be forwarded to the non-signing inventors at the last known address of record as set forth in the present papers, and a notice of the filing of the application under 37 CFR 1.47(a) will be published in the Official Gazette.

The application has an international filing date of 29 May 2009, under 35 U.S.C. 363 and a date of **4 August 2011**, under 35 U.S.C. 371(c).

This application is being forwarded to the National Stage Processing Branch of the International Division for further processing in accordance with this decision.

Telephone inquiries regarding this decision should be directed to Jose G Dees at (571) 272-1569.

Jose' G. Dees
Petitions Examiner
Office of Petitions
Fax : (571) 273-8300



Richard R. Cole
Senior PCT Legal Examiner
Office of PCT Legal Administration

OFFICIAL GAZETTE NOTICE

37 CFR 1.47 Notice by Publication

Notice is hereby given of the filing of an national stage application with a petition under 37 CFR 1.47 requesting acceptance of the application without the signature of all inventors. The petition has been granted. A notice has been sent to the last known address of the non-signing inventor. The inventors whose signatures are missing (Thierry Guyon, Lila Drittanti and Manuel Vega) may join in the application by promptly filing an appropriate oath or declaration complying with 37 CFR 1.497. The international application number is PCT/EP09/003862 and was filed on 29 May 2009, in the names of Thierry Guyon, Gilles Borrelly, Xavier Gallet, Lila Drittanti and Manuel Vega for the invention entitled MODIFIED ERYTHROPOIETIN (EPO) POLYPEPTIDES THAT EXHIBIT INCREASED PROTEASE RESISTANCE AND PHARMACEUTICAL COMPOSITIONS THEREOF. The national stage application number is 12/736,959 and has a 35 U.S.C. 371(c) date of 4 August 2011.

UNITED STATES PATENT and TRADEMARK OFFICE

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PO BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

MAILED
DEC 20 2011
OFFICE OF PETITIONS

Dr. Thierry Guyon
8 Residence les Terres Rouges
91120 Palaiseau
FRANCE

In re Application of
GUYON et al.
Application No.: 12/736,959
PCT No.: PCT/EP09/003862
Int. Filing Date: 29 May 2009
Priority Date: 29 May 2008
Atty. Docket No.: 3800073-00111 / 942US

NOTIFICATION

Dear Thierry Guyon:

You are named as an inventor in the above-captioned United States national stage application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor.

As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.497.

Richard R. Cole
Senior PCT Legal Examiner
Office of PCT Legal Administration

(571) 272-3281

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COMMISSIONER FOR PATENTS
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ALEXANDRIA, VA 22313-1450
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Dr. Lila Drittani
Alvear 1738
Bahia Blnca , 8000
ARGENTINA

MAILED
DEC 20 2011
OFFICE OF PETITIONS

In re Application of
GUYON et al.
Application No.: 12/736,959
PCT No.: PCT/EP09/003862
Int. Filing Date: 29 May 2009
Priority Date: 29 May 2008
Atty. Docket No.: 3800073-00111 / 942US

NOTIFICATION

Dear Lila Drittanti:

You are named as an inventor in the above-captioned United States national stage application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor.

As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.497.

Richard R. Cole
Senior PCT Legal Examiner
Office of PCT Legal Administration

(571) 272-3281

UNITED STATES PATENT and TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
PO BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

Dr. Manuel Vega
Alvear 1742
Bahia Blanca, 8000
ARGENTINA

MAILED
DEC 20 2011
OFFICE OF PETITIONS

In re Application of
GUYON et al.
Application No.: 12/736,959
PCT No.: PCT/EP09/003862
Int. Filing Date: 29 May 2009
Priority Date: 29 May 2008
Atty. Docket No.: 3800073-00111 / 942US

NOTIFICATION

Dear Manuel Vega:

You are named as an inventor in the above-captioned United States national stage application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor.

As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.497.

Richard R. Cole
Senior PCT Legal Examiner
Office of PCT Legal Administration

(571) 272-3281

Doc Code: PPH.PCT.662
Document Description: Petition to make special under PCT-Patent Prosecution Highway

PTO/SB/23/PCT-EP (08-10)
Approved for use through 01/31/2012. OMB 0651-0068
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE EUROPEAN PATENT OFFICE (EPO) AND THE USPTO

Application No:	12/736,972	Filing date:	November 29, 2010
First Named Inventor:	Andreas Ewald Heinrich BERNARD		
Title of the Invention:	Web Offset Press as well as Method for Operating the Web Offset Press		

THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT HTTP://WWW.USPTO.GOV/EBC/EFS_HELP.HTML

APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PROGRAM.

The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.

The corresponding PCT application number(s) is/are: PCT/EP2009/056461

The international filing date of the corresponding PCT application(s) is/are: May 27, 2009

I. List of Required Documents:

a. **A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above-identified corresponding PCT application(s)**

☐ is attached

☒ is not attached because the document is already in the U.S. application.

b. **A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s).**

☐ is attached.

☒ is not attached because the document is already in the U.S. application.

c. **English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.**

This collection of information is required by 35 U.S.C. 119, 37 CFR 1.55, and 37 CFR 1.102(a). The information is required to obtain or retain a benefit by the public, which is to be used by the USPTO to process an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.

PTO/SB/29PCT-EP (05-10)
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REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM BETWEEN THE EPO AND THE USPTO

(continued)

Application No.	12/736,972
First Named Inventor	Andreas Ewald Heinrich BERNARD

d. (1) An information disclosure statement listing the documents cited in the international work products (ISR, WO/ISA, WO/IPEA, IPER) of the corresponding PCT application.

☐ Is attached.

☒ Has already been filed in the above-identified U.S. application on November 29, 2010

(2) Copies of all documents (except for U.S. patents or U.S. patent application publications)

☐ Are attached.

☒ Have already been filed in the above-identified U.S. application on November 29, 2010

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
36, 37	1, 2	direct correspondence
38 - 41	3 - 6	U.S. claims amended to remove multiple dependencies
42, 43	7, 8	direct correspondence
44	9	U.S. claims amended to remove multiple dependencies
45, 46	10, 11	direct correspondence
47 - 51	12 - 16	U.S. claims amended to remove multiple dependencies
52	17	direct correspondence
53 - 58	18 - 23	U.S. claims amended to remove multiple dependencies
59 - 70	24 - 35	direct correspondence

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature	Date December 3, 2010
Name (Print/Typed) Douglas R. Hanscom	Registration Number 26600

KARIN T. DUNN, LLC

GERMAN TRANSLATION AND LANGUAGE SERVICES
Certified by the American Translators Association

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Date: 18 November 2010

DECLARATION

The undersigned, Karin T. Dunn, hereby states that she is well acquainted with both the English and German languages and that the attached is a true translation to the best of her knowledge and ability of the German text of PCT/EP2009/056461, filed on 27 May 2009 and published on 17 December 2009 under No. WO 2009/150054 A1. The undersigned further states that the prosecution documents associated with PCT/EP2009/056461 and translated by her are also true translations to the best of her knowledge and ability.

The undersigned declares that the above statement is true and that this statement was made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or document or any patent resulting therefrom.

Karin T. Dunn

Translation of the pertinent portions of a **Notification of the Transmittal of the International Preliminary Report on Patentability** in accordance with Rule 71.1 PCT, mailed on 12 May, 2010

2. This report comprises a total of 6 pages including this cover sheet.

3. Enclosures are also included with the report; these include

   A total of 5 pages *(sent to the applicant and to the International Authority)*, which include

   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).

4. This report contains information relating to the following items:

Box I Basis of the Report

Box V Reasoned statement according to Article 35(2) with regard to novelty, inventive step and industrial applicability; citations and explanations to support such statement

Box I Basis of the Report

1. With regard to **language**, this report is based on:

   the international application in the language in which it was filed.

2. With regard to the **elements** of the international application, this report is based on

   the description, pages

3-8, 12-29, 31-53	as originally filed/furnished
1, 2, 2a, 9-11, 30	received with the letter dated 19 October 2009

   the claims, No.

4 (part 2), 5-23	as originally filed/furnished
1-3, 4 (part 1)	received with the letter dated 19 October 2009
24-35	

   the drawings, pages

1/35-4/35 6/35-10/35, 12/35 13/35, 15/35-31/35, 33/35-35/35	as originally filed/furnished
5/35, 11/35, 14/35, 32/35	received with the letter dated 19 October 2009

Box V. Reasoned statement according to Article 35(2) with regard to novelty, inventive step and industrial applicability; citations and explanations to support such statement

1. Statement

Novelty (N)	Yes: Claims 1-35 No: Claims
Inventive Step (IS)	Yes: Claims 1-35 No: Claims
Industrial Applicability (IA)	Yes: Claims 1-35 No: Claims

2. Citations and Explanations (Rule 70.7):
See supplementary pages

Box V.

Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step and industrial applicability; citations and explanations supporting such statement

Reference is made to the following document:

D1: EP 1 742 796 A (KOENIG & BAUER AG [DE]) 17 January 2007 (2007/01/17), cited in the application

1 **CLARITY**

1.1 In the specification, on page 1, the applicant specifies that four printed pages in DIN A4 side by side correspond to a web width of 1,000 mm. Accordingly, the claimed feature "of at least 8 vertical or horizontal printed pages" is understood as a web width of 2,000 mm.

1.2 Claim 1 is defined by its reference to a different subject matter, namely the web and the web ribbons produced from it (Guideline 5.37). It has been understood that the web and the web ribbons produced from it are part of the subject matter of the invention.

1.3 In claim 29, the phrase "particularly for operating a web-fed offset printing press according to one or more of claims 1 to 28" is unclear. It has been understood that the features of device claim 1 are part of the subject matter of claim 29, particularly for the bale width of the forme cylinder.

2 **INDEPENDENT CLAIM 1**

2.1 Document D1 discloses (the references between parentheses relate to said document) a web-fed offset printing press (page 8, last paragraph) with a plurality from one web (03) [sic – Translator], with printing units (02) and with at least one first folding unit (12), wherein the printing units (02) each have at least one forme cylinder (16) and one transfer cylinder (17) which interacts with the web (03), wherein a usable cylinder width of the forme cylinder (16) has a width which corresponds to the printing images of at least $x = 8$ vertical or horizontal printed pages in a DIN-A4 format (A4) (in other words 2,000 mm, see remark above, page 11, 2nd paragraph).

2.2 The subject matter of claim 1 therefore differs from that of D1 in that:

(i) the web passes through in an essentially horizontal direction;

(ii) the printing units are embodied as blanket-to-blanket printing units, as I-type printing units;

(iii) the folding units serve to form a cross fold;

(iv) a first number x; y; z of first web ribbons produced by slitting the web are fed to the first folding unit, and, at the same time, a second number y; x of second web ribbons, produced from the same web by slitting, are fed to a second folding unit to form a cross fold.

Therefore, the subject matter of claim 1 is novel (PCT Article 33(2)).

2.3 The problem addressed here can be considered that of increasing the variability and cost-effectiveness of a web-fed rotary printing press for large numbers of pages.

2.4 The features (i) and (ii) could be considered structural alternatives to the H-type printing units of D1. However, the combination of features (i) to (iv) is not considered a routine variant for a person skilled in the art, because this combination requires costly technical adjustments to existing web-fed rotary printing presses.

The solution proposed here is therefore neither known nor obvious.

Therefore, the subject matter of claim 1 is inventive (PCT Article 33(3)).

3 INDEPENDENT CLAIM 29

3.1 Document D1 discloses (the references between parentheses relate to said document) a method for operating a web-fed offset printing press (page 8, last paragraph), particularly for operating a web-fed offset printing press according to one or more of claims 1 to 28, wherein a web (03) is fed from a reel stand (05) to multiple printing units (02) via an infeed unit (10).

3.2 The subject matter of claim 29 differs from that of D1 in that

(i) The printing units are embodied in manner of blanket-to-blanket printing units, as I-type printing units;

(ii) The web is imprinted with a plurality of printed pages side by side, and a first number x; y; z of first web ribbons produced from the web by slitting are fed to a first folding unit to form a cross fold, and a second number y; x of second web ribbons produced from the same web by slitting are fed to a second folding unit to form a cross fold.

Therefore, the subject matter of claim 29 is novel (PCT Article 33(2)).

3.3 For the same reason as was given for claim 1, the subject matter of claim 29 is also inventive (PCT Article 33(3)).

4 DEPENDENT CLAIMS

4.1 Claims 2 to 28 are dependent on claim 1 and therefore also meet the requirements of PCT Article 33(2)(3).

4.2 Claims 30 to 35 are dependent upon claim 29 and therefore also meet the requirements of PCT Article 33(2)(3).

5 ADDITIONAL REMARKS

Claims 1 to 35 relate to a web-fed rotary printing press and to a method for operating the same. Therefore, they also meet the requirements of PCT Article 33(4).

Claims

1. A web-fed offset printing press comprising a plurality of I-type printing units (300) embodied as blanket-to-blanket printing units, through which a web (B; B') passes essentially in a horizontal direction, and at least one first folding unit (800; 800.1; 800.2) for forming a cross fold, wherein each of the printing units (300) has at least one forme cylinder (304) and one transfer cylinder (303) that interacts with the web (B; B'), wherein an effective cylinder width of the forme cylinder (304) have a width which corresponds to the printing images of at least x = 8 vertical or horizontal printed pages in a DIN A4 format (A4), characterized in that a first number x; y; z of first web ribbons (bx; by; bz), produced by slitting the web (B; B'), are fed to a first folding unit (800; 800.1; 800.2), and at the same time, a second number y; x of second web ribbons (bx; by; bz), produced by slitting the same web (B; B'), are fed to a second folding unit (800; 800.1; 800.2), to form a cross fold.

2. The web-fed offset printing press according to claim 1, characterized in that in a first operating situation, the body of the forme cylinder (304) carries only printing images of the same first format (A; A2; A3; A4) and the same orientation (h; v).

3. The web-fed offset printing press according to claim 1 or 2, characterized in that in a first operating situation, all web ribbons (bx; by; bz) produced from the same web (B; B') are imprinted with printing images of the same first format (A; A2; A3; A4) and the same orientation (h; v).

4. The web-fed offset printing press according to claim 2 or 3, characterized in that in a second operating situation, the body of the forme cylinder (304) carries only print images of a second format (A; A2; A3; A4; S; Z) which is different from the first format (A; A2;

Claims

1. A web-fed offset printing press comprising a plurality of printing units (300) through which a web (B; B') passes essentially in a horizontal direction, and at least one first folding unit (800; 800.1; 800.2), wherein each of the printing units (300) has at least one forme cylinder (304) and one transfer cylinder (303) that interacts with the web (B; B'), wherein an effective cylinder width of the forme cylinder (304) have a width which corresponds to the printing images of at least x = 8 vertical or horizontal printed pages in a DIN A4 format (A4), characterized in that a first number x; y; z of first web ribbons (bx; by; bz), produced by slitting the web (B; B'), are fed for further processing to a first folding unit (800; 800.1; 800.2), and at the same time, a second number y; x of second web ribbons (bx; by; bz), produced by slitting the same web (B; B'), are fed for further processing to a second folding unit (800; 800.1; 800.2).

2. The web-fed offset printing press according to claim 1, characterized in that in a first operating situation, the body of the forme cylinder (304) carries only printing images of the same first format (A; A2; A3; A4) and the same orientation (h; v).

3. The web-fed offset printing press according to claim 1 or 2, characterized in that in a first operating situation, all web ribbons (bx; by; bz) produced from the same web (B; B') are imprinted with printing images of the same first format (A; A2; A3; A4) and the same orientation (h; v).

4. The web-fed offset printing press according to claim 2 or 3, characterized in that in a second operating situation, the body of the forme cylinder (304) carries only print images of a second format (A; A2; A3; A4; S; Z) which is different from the first format (A; A2; A3; A4), and/or an orientation (h; v) which is different from the first orientation (h; v).

5. The web-fed offset printing press according to claim 2 or 3, characterized in that in a second operating situation, all web ribbons (bx; by; bz) produced from the same web (B; B') are imprinted with printing images of a second format (A; A2; A3; A4; S; Z) which is different from the first format (A; A2; A3; A4) and/or an orientation (h; v) which is different from the first orientation (h; v).

6. The web-fed offset printing press according to claim 1 or 2, characterized in that in one operating situation, the forme cylinder (304) carries in its longitudinal direction, side by side, printing images of a first format (A; A2; A3; A4; S; Z) and/or of a first orientation (h; v), and second printing images, which are different from the first printing images in terms of format (A; A2; A3; A4; S; Z) and/or orientation (h; v).

7. The web-fed offset printing press according to claim 6, characterized in that in one operating situation, the forme cylinder (304) carries a number of four or six printing images of a first format (A; A2; A3; A4; S; Z) on one longitudinal section of its outer surface, one in front of the other in the circumferential direction, and at the same time carries half this number of printing images of a second format (A; A2; A3; A4; S; Z) in another longitudinal section, one in front of the other in the circumferential direction.

8. The web-fed offset printing press according to claim 6, characterized in that in one operating situation, a number (y) of web ribbons (by) produced from one web (B; B') carries a number of four or six printing images of a first format (A; A2; A3; A4; S; Z), one in front of the other over a printing length (a), and a number (z) of partial webs (bz) produced from the same web (B; B') carries half the number of printing images of a second format (A; A2; A3; A4; S; Z), one in front of the other, over a printing length (a).

9. The web-fed offset printing press according to claim 1 or 6, characterized in that a forme cylinder (304) carries a number of printing images of a first format (A; A2; A3; A4; Z; S) which number corresponds to n times ($n \in N$) three, on one longitudinal section, and at the same time carries a number of printing images of a second format (A; A2; A3; A4; Z;

S), which number is not divisible by three, one in front of the other in the circumferential direction, on another longitudinal section.

10. The web-fed offset printing press according to claim 9, characterized in that the forme cylinder (304) carries six printing images of a first format (A; A2; A3; A4; Z; S), one in front of the other, on one longitudinal section, and at the same time carries four or eight printing images of a second format (A; A2; A3; A4; Z; S), one in front of the other in the circumferential direction, on another longitudinal section.

11. The web-fed offset printing press according to claim 1 or another of the preceding claims, characterized in that the forme cylinder (304) carries a single printing forme (333) on its outer surface, on which all printing images to be printed are arranged.

12. The web-fed offset printing press according to claim 1 or 6, characterized in that a width of the first web ribbon (bx; by; bz) is different from the width of the second web ribbons (bx; by; bz).

13. The web-fed offset printing press according to claim 1 or another of the preceding claims, characterized in that at least one of the folding units (800; 800.1; 800.2) is embodied as a folding unit (800; 800.1; 800.2) with a variably adjustable cut length (a).

14. The web-fed offset printing press according to claim 1 or another of the preceding claims, characterized in that the two folding units (800; 800.1; 800.2) are embodied with cut lengths (a) on the transport cylinder (801) that differ from one another.

15. The web-fed offset printing press according to claim 1 or another of the preceding claims, characterized in that the two folding units (800; 800.1; 800.2) are embodied as folding units (800; 800.1; 800.2) of different types, particularly as two of the different types pin-and-fold unit, folding jaw unit, and rotary folding unit.

16. The web-fed offset printing press according to claim 1 or another of the preceding claims, characterized in that a bundle consisting of first web ribbons (bx; by; bz) is fed to one of the folding units (800; 800.1; 800.2) without passing through a fold former (708), and a bundle consisting of second web ribbons (bx; by; bz) is fed to the other folding unit (800; 800.1; 800.2) after passing through a fold former (708).

17. The web-fed offset printing press according to claim 16, characterized in that the first web ribbons (bx; by; bz) have printed pages of a first format (A; A2; A3; A4; Z; S) imprinted in a horizontal orientation (h) on the forme cylinder (304), and the second web ribbons (bx; by; bz) have printed pages of a second format (A; A2; A3; A4; Z; S) imprinted in a vertical orientation (v) on the forme cylinder (304).

18. The web-fed offset printing press according to claim 12 or another of the preceding claims, characterized in that to produce a heterogeneous product, particularly a popup product having a part which projects beyond the remaining layers, at least one first web ribbon (bx; by; bz) and one second web ribbon (bx; by; bz) with a different width are fed together to a folding unit (800; 800.1; 800.2).

19. The web-fed offset printing press according to claim 1 or another of the preceding claims, characterized in that the forme cylinder (304) has a width that corresponds to the width of eight, particularly horizontal, printed pages in a DIN A4 format (A4) and a circumference that corresponds to the length of six, particularly horizontal, printed pages in a DIN A4 format (A4).

20. The web-fed offset printing press according to claim 1 or another of the preceding claims, characterized in that the forme cylinder (304) has a width that corresponds to the width of twelve, particularly vertical, printed pages in a DIN A4 format (A4) and a circumference that corresponds to the length of four, particularly vertical, printed pages in a DIN A4 format (A4).

21. The web-fed offset printing press according to claim 1 or another of the preceding claims, characterized in that the rotational axes of the forme and transfer cylinders (304; 303) of a printing unit (300) are embodied as lying essentially within a shared plane (E) in the print-on position.

22. The web-fed offset printing press according to claim 1 or another of the preceding claims, characterized in that the forme and transfer cylinders (304; 303) of the printing unit (300), which are to be moved with respect to a print-on/print-off adjustment, are arranged in bearings with a linear adjustment path (L).

23. The web-fed offset printing press according to claim 1 or another of the preceding claims, characterized in that the forme cylinder (304) has at least one groove (331) which extends continuously over the effective cylinder length (L304), for fastening one printing plate (333) which is continuous over the length or multiple printing plates (333) arranged side by side.

24. The web-fed offset printing press according to claim 1, characterized in that at least one reel changer (100) is situated upstream of the printing units (300), wherein the support (103) of said reel changer, which supports a reel (104; 106), can be swiveled by means of drive motors (112) acting at both of its sides.

25. The web-fed offset printing press according to claim 1, characterized in that at least one reel changer (100) is situated upstream of the printing units (300), wherein the support (103) of said reel changer has a braking device (107), which can be placed in direct contact with the reel (104; 106), in the manner of a friction wheel.

26. The web-fed offset printing press according to claim 1, characterized in that two reel changers (100) are situated upstream of the printing units (300) of a printing couple line (M), through which, at the same time, two web (B; B'), each of which is narrower than the usable cylinder width, can be fed side by side to the printing units (300).

24. The web-fed offset printing press according to claim 1, characterized in that at least one reel changer (100) is situated upstream of the printing units (300), wherein the support (103) of said reel changer, which supports a reel (104; 106), can be swiveled by means of drive motors (112) acting at both of its sides.

25. The web-fed offset printing press according to claim 1, characterized in that at least one reel changer (100) is situated upstream of the printing units (300), wherein the support (103) of said reel changer has a braking device (107), which can be placed in direct contact with the reel (104; 106), in the manner of a friction wheel.

26. The web-fed offset printing press according to claim 1, characterized in that two reel changers (100) are situated upstream of the printing units (300) of a printing couple line (M), through which, at the same time, two web (B; B'), each of which is narrower than the usable cylinder width, can be fed side by side to the printing units (300).

27. The web-fed offset printing press according to claim 1, characterized in that a superstructure (700) has a slitter (701) comprising a plurality of blade units (705) which are movable transversely to the direction of the incoming web (B; B').

28. The web-fed offset printing press according to claim 27, characterized in that at least x-1 blade units (705) are provided side by side.

29. A method for operating a web-fed offset printing press, particularly for operating a web-fed offset printing press according to one or more of claims 1 to 28, wherein a web (B; B') is fed from a reel stand (100) via an infeed unit (200) to multiple I-type printing units (300) embodied as blanket-to-blanket printing units, characterized in that the web (B; B')

is imprinted with a plurality of printed pages side by side, and a first number x; y; z of first web ribbons (bx; by; bz) produced by slitting the web (B; B') are fed to a first folding unit (800; 800.1; 800.2) to form a cross fold, and a second number y; x of second web ribbons (bx; by; bz) produced by slitting the same web (B; B') are fed to a second folding unit (800; 800.1; 800.2) to form a cross fold.

30. The method according to claim 29, characterized in that in a first operating situation, the same number of web ribbons (bx; by; bz) imprinted with the same printed page format is fed to both fold formers (800; 800.1; 800.2), and at each of their delivery points, a partial product having the same number of pages is delivered.

31. The method according to claim 30, characterized in that in each case a 48-page DIN A4 product is delivered.

32. The method according to claim 29, characterized in that, in a second operating situation, a number of web ribbons (bx; by; bz) which are imprinted with different printed page formats (A; A2; A3; A4; S; Z) is fed into each of the two folding units (800; 800.1; 800.2), and at the delivery points thereof, products of different formats (A; A2; A3; A4; S; Z) are delivered.

33. The method according to claim 29, characterized in that with one printing couple (301), a number of printing images of a first format (A; A2; A3; A4; Z; S), which number corresponds to n times ($n \in N$) three, and at the same time, a number of printing images of a second format (A; A2; A3; A4; Z; S), which number is not divisible by three, are imprinted side by side onto a printing length (a) of the same web (B).

34. The method according to claim 33, characterized in that the first web ribbons (bx; by; bz) carry printed images of the first format (A; A2; A3; A4; Z; S), and the second web ribbons

(bx; by; bz) carry printed images of the second format (A; A2; A3; A4; Z; S).

35. The method according to claim 32, characterized in that, from web ribbons (bx; by; bz) of the same original web (B), a product in a DIN A4 format (T) is delivered to a folding unit (800.1), and a product either in a tabloid format, particularly a DIN A3 format (A3), or a newspaper format (Z), particularly a DI A2 format (A2), or a special format (S) which differs from DIN formats, is delivered to another folding unit (800.2).

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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
BERNARD et al.
Application No.: 12/736,972
Filed: 09 February 2011
Attorney Docket No.: W1.3028 PCT-US
For: WEB OFFSET PRESS AS WELL AS METHOD FOR OPERATING THE WEB OFFSET PRESS

: 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 03 December 2010, to make the above-identified application special.

The request and petition are **GRANTED**.

Discussion

A grantable request to participate in the PCT-PPH pilot program and petition to make special require:

(1) The U.S. application must disclose an eligible relationship to one or more PCT applications where the ISA or IPEA are the JPO, EPO, KIPO, IPAU, 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 not in English);

(7) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

The request to participate in the PCT-PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Lee W. Young at 571-272-4549.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc.index.html.

This application will be forwarded to the examiner for action on the merits commensurate with this decision once this application's formality reviews have been completed.

Lee W. Young
TQAS Technology Center 2800 - Semiconductors,
Electrical & Optical Systems & Components

UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. Box 1450
Alexandria, VA 22313-1450
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MAY 17 2011

PCT LEGAL ADMINISTRATION

Steven W. Weinrieb
Law Offices Of Steven W. Weinrieb
8717 Cold Spring Road
Potomac MD 20854

In re Application of TERRISE et al.	
Application No.: 12/736,973	DECISION ON
PCT No.: PCT/FR09/00505	
Int. Filing: 29 April 2009	PETITION TO REVIVE
Priority Date: 30 April 2008	
Attorney Docket No.: 135-006-1	UNDER
For: HYDROPHOBIC ACRYLIC POLYMER MATERIAL	
FOR AN INTRACULAR LENS, HAVING AN ENHANCED	37 CFR 1.137(b) &1.181
FLEXIBILITY DUE TO THE USE OF A TRANSFER AGENT	

This decision is in response to applicant's "Supplemental Communication Re: Petition to Revive", treated as a petition under 37 CFR 1.181, filed 08 March 2011 in the United States Patent and Trademark Office (USPTO) in the above-captioned application. This is also responsive to applicant's petition to revive under 37 CFR 1.137(b) filed on 29 November 2010.

BACKGROUND

On 29 April 2009, applicant filed international application PCT/FR09/00505, which claimed a priority date of 30 April 2008. The thirty month period expired at midnight on 30 October 2010.

On 29 November 2010, after the expiration of the thirty month period, applicant filed the U.S. national stage application for international application PCT/FR09/00505, under 35 U.S.C. 371 accompanied by the basic national fee and a petition to revive the international application. These papers were assigned U.S. serial number 12/736,973.

On 15 December 2010, a Notification of Abandonment was mailed to applicant indicating that applicant failed to respond to provide the basic national fee.

On 08 March 2011, applicant filed the instant petition, accompanied by a copy of the petition to revive and the itemized postcard receipt with USPTO date-stamp 29 November 2010, indicating, *inter alia*, receipt of the petition to revive along with a check in the amount of $1355 and declaration executed by the inventor.

DISCUSSION

Applicant requests withdrawal of the holding of abandonment, indicating that the submission of the petition and the basic national fee was mailed on 29 November 2010.

As stated in section 503 of the Manual of Patent Examining Procedure, a postcard receipt which itemizes and properly identifies the items which are being filed serves as *prima facie* evidence of receipt in the USPTO of all the items listed thereon on the date stamped thereon by the USPTO.

Applicant states that a complete copy of the petition to revive was originally filed on 29 November 2010 and provides a copy of the USPTO date-stamped postcard receipt. The postcard identifies the title of the invention, inventor name and docket number. Listed on the postcard receipt is "Petition to Revive International Application PCT Application for Patent Designating the US - Abandoned Unintentionally". The postcard is date-stamped by the USPTO "OPAP NOV 29 2010".

A review of the USPTO date-stamped, itemized postcard receipt indicates that the petition to revive was deposited with the USPTO on 29 November 2010. Applicant has now presented a copy of these papers originally filed on 29 November 2010 and provided a copy of the date-stamped postcard receipt. Thus, the evidence is sufficient to establish that the declaration was received in the USPTO on 29 November 2010 and that the postcard receipt indicating a date of 29 November 2010 was mailed by the USPTO. Accordingly, the Office accepts the copy of the papers as a replacement for the missing original documents with a deposit date of 29 November 2010. The Notification of Abandonment is hereby VACATED. Applicant's petition under 37 CFR 1.181 is GRANTED.

A review of the declaration reveals that the declaration identifies and is executed by the sole inventor, and states the residency, citizenship and mailing address of the inventor. The declaration is acceptable and the requirements of 37 CFR 1.497(a) and (b).

Petition to Revive

The petition to revive under 37 CFR 1.137(b) filed 29 November 2010 and refiled on 08 March 2011 in the above captioned application is hereby **GRANTED** as follows:

Applicant's statement that "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional" satisfies the requirement of 37 CFR 1.137(b)(3). A review of the finance records indicates that the petition fee of $810 and the basic national fee of $165 were paid on 29 November 2010 along with the search fee of $270 and the examination fee of $110, totaling $1355.

CONCLUSION

Applicant's petition under 37 CFR 1.181 is **GRANTED**.

The 15 December 2010 Notification of Abandonment is hereby **VACATED**. The petition to revive under 37 CFR 1.137(b) filed 29 November 2010 and refiled on 08 March 2011 is **GRANTED.**

The copy of the declaration originally submitted on 29 November 2010 is acceptable and meets the requirements of 37 CFR 1.497(a) and (b).

This application is being referred to the National Stage Processing Branch of the Office of PCT Operations for further processing including issuance of a Notification of Missing Requirements indicating that the surcharge for filing the declaration and the processing fee for filing the English translation of the international application are required.

/Cynthia M. Kratz/
Cynthia M. Kratz
Attorney Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3286
Facsimile: (571) 273-0459

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FEB 16 2011

PCT LEGAL ADMINISTRATION

Bruce L. Adams
Adams & Wilks
17 Battery Place, Suite 1231
New York NY 10004

In re Application of: SAKATA, Akifumi, et al.
U.S. Application No.: 12/736,994
PCT Application No.: PCT/JP2009/059205
International Filing Date: 19 May 2009
Priority Date: 05 June 2008
Attorney's Docket No.: S004-6702 (PCT)
For: LIQUID INJECTION HEAD, LIQUID INJECTION RECORDING APPARATUS AND METHOD OF FILLING LIQUID INJECTION HEAD WITH LIQUID

DECISION ON PETITION
(37 CFR 1.182)

This decision is issued in response to the "Petition Under 37 CFR §1.182 For Date Of Deposit" filed 24 January 2011. Deposit Account No. 01-0268 will be charged the required $400 petition fee.

BACKGROUND

On 19 May 2009, applicants filed international application PCT/JP2009/059**205**. The international application claimed a priority date of 05 June 2008, and it designated the United States. On 10 December 2009, the International Bureau (IB) communicated a copy of the international application to the United States Patent and Trademark Office (USPTO). The deadline for submission of the basic national fee was thirty months from the priority date, i.e., 05 December 2010.

On 30 November 2010, applicants filed papers to initiate the present U.S. national stage application via "Express Mail." This submission included a Transmittal Letter (Form PTO-1390), a description, claims, an abstract, a preliminary amendment, an information disclosure statement (IDS), a copy of the first page of the publication of PCT/JP2009/059**205**, a copy of the international search report for PCT/JP2009/059**205**, and a fee payment (including payment of the basic national fee).

The Form PTO-1390 Transmittal Letter filed by applicants on 30 November 2010 identified the international application number as PCT/JP2009/059**070**.

On 24 January 2011, applicants filed the "Petition Under 37 CFR §1.182 For Date Of Deposit" considered herein, accompanied by a revised Form PTO-1390 Transmittal Letter. The

petition seeks to correct the international application number identified on the original Form PTO-1390 Transmittal Letter so that the application materials filed herein on 30 November 2010 may be treated as the U.S. national stage of PCT/JP2009/059**205**.

DISCUSSION

The present petition requests correction of the international application number to PCT/JP2009/059**205**, as required before the materials filed 30 November 2010 can be treated as having been directed to international application PCT/JP2009/059**205** and thereby avoid abandonment of this international application with respect to the United States. The petition indicates that the incorrect international application number, PCT/JP2009/059**070**, was listed on the original Form PTO-1390 Transmittal Letter as the result of a typographical error, and it is accompanied by a revised Form PTO-1390 Transmittal Letter in which the international application number has been corrected to PCT/JP009/059**205**. [1] The petition also includes the authorization to charge Deposit Account No. 01-0268 the required petition fee.

A review of the application file confirms that the correct international application number, PCT/JP2009/059**205**, was listed in the materials filed by applicants on 30 November 2010, specifically on the first page of the publication of PCT/JP2009/059**205** and the copy of the international search report for PCT/JP2009/059**205** included in the 30 November 2010 submission.

The present petition satisfies the requirements for a grantable petition to correct the error in the international application number listed on the originally filed Form PTO-1390. Accordingly, the materials filed herein on 30 November 2010 will be treated as having been directed to international application PCT/JP2009/059**205**.

CONCLUSION

Applicants' petition under 37 CFR 1.182 is **GRANTED**.

The materials filed herein on 30 November 2010 will be treated as the U.S. national stage of PCT/JP2009/059**205**.

The application is being referred to the National Stage Processing Branch of the Office of PCT Operations for further processing in accordance with this decision.

/RichardMRoss/

Richard M. Ross
Attorney Advisor
Office of PCT Legal Administration
Telephone: (571) 272-329

[1] The priority date and international filing date listed on the corrected Form PTO-1390 have also been corrected to correspond to those in PCT/JP2009/059**205**

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ERIC FINCHAM
316 KHOWLTON ROAD
LAC BROME QC J0E 1VO CA CANADA

MAILED

OCT 13 2011

OFFICE OF PETITIONS

In re Application of :
DAVID L. REYNOLDS et al :
Application No. 12/737,013 : DECISION ON PETITION
Filed: November 30, 2010 :
Attorney Docket No. 3000-30A-1 :

This is a decision on the petition, filed March 24, 2011, to expunge information from an application and to correct the file contents above identified application. The petition will be considered under 37 CFR 1.59(b).

The petition is **GRANTED**.

Petitioner, in substance, requests that the instant application contents be corrected to show that the communication to the Office March 7, 2011, was designated to be scanned into an unrelated application pending in the Office. The communication filed was a Response to Notification of Missing Parts, a Declaration, a Power of Attorney and a Statement Under 37 CFR 3.73(b)

A review of the file indicates that sufficient status identifiers were submitted with the communication filed March 7, 2011, to demonstrate a response designated for another application. The copy of the submitted response filed with the petition has been scanning into the correct application file. Accordingly, the petition is granted. The Power of Attorney filed April 7, 2011 has been approved.

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. 12/737,013 that was erroneously filed in the above identified application, and also remove such from the listing of publicly available documents for this Image File Wrapper (IFW).

Applicant is required to retain the expunged material(s) for the life of any patent which issues on the above-identified application.

Telephone inquiries concerning this communication should be directed to the undersigned at 571-272-0602.

Thurman K. Page
Petitions Examiner
Office of Petitions

Certification of Translation

I, Eizo Yamagishi, hereby certify that I am competent in both the English and Japanese languages and that I have provided a true and accurate English language translation of the claims filed with the U. S. Patent and Trademark Office on December 2, 2010.

Eizo Yamagishi
Signature of Translator

January 13, 2011
Date

Eizo Yamagishi
Name of Translator

2. Citations and explanations:

Reference in made to the following documents:

D1: JP 7-262352 A (GE Yokokawa Medical Systems)

D2: JP 11-203454 A (GE Yokokawa Medical Systems)

D3: JP 2005-322257 A (Hitachi Medical Corporation)

D4: JP 2002-330958 A (GE Medical Systems Global Technology Company LLC) & US 2002/0068863 A1

<Claims 1-2, 4-5, and 9-10>

D1 (paragraphs 0013 – 0019 and Figure 4) and D2 (paragraphs 0014-0019 and Figures 5-7) described that a voxel in a three-dimensional image corresponding to a point specified in one MIP image is displayed in the other MIP image. Therefore, the invention of claims 1-2, 4-5, and 9-10 is described in D1 and D2.

<Claim 3>

It is a commonly known technique to perform coordinate transformation by matrix calculation, which is described, for example, in D3 (paragraphs 0028 and 0042).

<Claims 6, 8>

It is a commonly known technique to use an image obtained through minimum intensity projection or raysum processing as a projection image, which is described, for example, in D4 (paragraph 0018).

<Claim 7>

The invention of claim 7 is not disclosed in any of prior art documents listed in the International Search Report nor is it obvious to a person skilled in the art by the documents, taken alone or in combination.

Doc Code: PPH.PCT.652
Document Description: Petition to make special under PCT-Patent Pros Hwy

PTO/SB/20PCT-JP (05-10)
Approved for use through 01/31/2012. OMB 0651-0058
U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE JAPAN PATENT OFFICE (JPO) AND THE USPTO

Application No:	12/737,022	Filing date:	December 2, 2010
First Named Inventor:	Yoshiyuki MORIYA		
Title of the Invention:	PROJECTION IMAGE GENERATION APPARATUS METHOD, AND PROGRAM		

THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT HTTP://WWW.USPTO.GOV/EBC/EFS_HELP.HTML

APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PROGRAM.

The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.

The corresponding PCT application number(s) is/are: PCT/JP2009/002479

The international date of the corresponding PCT application(s) is/are: June 2,2009

I. List of Required Documents:

a. **A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above–identified corresponding PCT application(s)**

☐ Is attached.

☑ Is not attached because the document is already in the U.S. application.

b. **A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s).**

☐ Is attached.

☑ Is not attached because the document is already in the U.S. application.

c. **English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.**

This collection of information is required by 35 U.S.C. 119, 37 CFR 1.55, and 37 CFR 1.102(d). The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.

PTO/SB/20PCT-JP (05-10)
Approved for use through 01/31/2012. OMB 0651-0058
U.S.Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM BETWEEN THE JPO AND THE USPTO

(continued)

Application No.:	12/737,022
First Named Inventor:	Yoshiyuki MORIYA

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 2, 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 2, 2010

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1	1, 5, and 7	Claim 1 has been amended to include the recitations of claims 5 and 7
2	2	Claim 2 depends from claim 1, which includes the recitation of claims 5 and 7
3	3	Claim 3 depends from claim 1, which includes the recitation of claims 5 and 7
4	4	Claim 4 depends from claim 1, which includes the recitation of claims 5 and 7
8	8	Claim 8 depends from claim 1, which includes the recitation of claims 5 and 7
9	9, 5 and 7	Claim 9 has been amended to include the gist of claims 5 and 7
10	10, 5, and 7	Claim 10 has been amended to include the gist of claims 5 and 7
11	1, 6, and 7	Claim 11 has been rewritten in independent form and includes the recitations of claims 1, 6, and 7*
12	9, 6, and 7	New claim 12 is similar to claim 9, but includes the gist of claims 6 and 7
13	10, 6, and 7	New claim 13 is similar to claim 10, but includes the gist of claims 6 and 7
		*Claim 11 was previously added to remove the multiple dependency in claim 7

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature /Jean C. Edwards/	Date January 28, 2011
Name (Print/Typed) Jean C. Edwards, Esq.	Registration Number 41,728

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/737,022	12/02/2010	Yoshiyuki Moriya	72770.0055	5972

57362 7590 03/30/2011

AKERMAN SENTERFITT
8100 BOONE BOULEVARD
SUITE 700
VIENNA, VA 22182-2683

EXAMINER	
CHAUHAN, ULKA J	

ART UNIT	PAPER NUMBER
2628	

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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MAIL

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DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

AKERMAN SENTERFITT
8100 BOONE BOULEVARD
SUITE 700
VIENNA VA 22182-2683

In re Application of
MORIYA, YOSHIYUKI
Application No. 12/737,022
Filed: December 02, 2010
Attorney Docket No. 72770.0055

DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(a)

This is a decision on the request to participate in the PCT Patent Prosecution Highway (PPH) pilot program and the petition under 37 CFR 1.102(a), filed January 28, 2011 to make the above-identified application special.

The request and petition are **DISMISSED**.

A grantable request to participate in the PCT-PPH pilot program and petition to make special require:

(1) The U.S. application be (a) a national stage entry of the corresponding PCT application, or (b) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (c) a national stage application that claims domestic/foreign priority to the corresponding PCT application, (d) a national application which forms the basis for the priority claim in the corresponding PCT application, or (e) a continuation application of the U.S. application which satisfies one of the above (a) to (d) scenarios.
(2) A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the corresponding PCT application(s) which indicates at least one claim in the PCT application has novelty, inventive step, and industrial applicability.
(3) A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the corresponding PCT application(s).
(4) English translations of the documents in (2) and (3) (if the documents are not in the English language).
(5) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the claims which were indicated as having novelty, inventive step, and industrial applicability in the corresponding PCT application(s).
(6) Examination of the U.S. application has not begun; 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 is deficient as follows:

Petitioner has not complied with items 4 and 5 above.

Regarding item 4, an English translation of the document in items (2) and (3) (if the document is not in the English language) must also be provided. A copy of the latest international work product PCT/ISA/237 was filed on December 02, 2010 that was not in the English language. However, only a portion (Box V, 2) of an English translation of the international work product appears to have been filed on January 28, 2011. Also, a copy of the claims 1-10 not in the English language which were indicated as having novelty, inventive step and industrial applicability in the corresponding PCT application have been filed on December 02, 2010 in the form of the WIPO document WO 2009/147841. However, an English translation of the claims along with a statement that the translation is accurate has not been filed.

Regarding item 5, without an English translation of claims 1-10 of the PCT application, it cannot be determined if the claims of the US application sufficiently corresponds to the claims of the PCT application.

Applicant is given a time period of **ONE MONTH or THIRTY DAYS**, whichever is longer, from the mailing date of this decision to correct the deficiencies. **NO EXTENSION OF TIME UNDER 37 CFR 1.136 IS PERMITTED.** If the deficiencies are not corrected with the time period given, the application will await action in its regular turn.

Any response must be submitted via EFS-web.

Telephone inquiries concerning this decision should be directed to Michael Horabik at 571-272-3068.

All other inquiries concerning the examination or status of the application should be directed to Patent Application Information Retrieval (PAIR) system.

/Michael Horabik/

Michael Horabik
Quality Assurance Specialist
Technology Center 2600
Communications

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of :

Yoshiyuki MORIYA	Group Art Unit: Not Yet Assigned
U.S. Application No.: 12/737,022	Examiner: Not Yet Assigned
U.S. Application Filed: December 2, 2010	Atty Dkt No: 72770.0055
Based on: PCT/JP2009/002479	Customer No.: 57362
Filed: June 2, 2009	Confirmation No.: 5972

For: PROJECTION IMAGE GENERATION APPARATUS, METHOD, AND PROGRAM

RESPONSE TO DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 C.F.R. 1.102(a)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Decision on Request to Participate in Patent Prosecution Highway Program and Petition to Make Special Under 37 C.F.R. 1.102(a) dated March 30, 2011, please find attached a translation of the claims filed in PCT/ JP2009/002479 and form PCT/ISA/237.

The attached translations should now fulfill the requirements for participation in the PCT-PPH pilot program and petition to make special.

Applicant hereby petitions for any extension of time which may be required to maintain the pendency of this case, and any required fee for such an extension is to be charged to Deposit Account No. 50-0951.

The Commissioner is directed and authorized to charge any additional fees or any underpayment of fees which may be required to maintain the pendency of this case or credit any overpayment to Deposit Account No. 50-0951.

Respectfully submitted,

/Jean C. Edwards/
Jean C. Edwards, Esq.
Registration No. 41,728

(57362)
AKERMAN SENTERFITT LLP
8100 Boone Boulevard
Suite 700
Vienna, VA 22182-2683
Telephone: 703-394-1380
Facsimile: 703-394-1399
Date: April 15, 2011

Certification of Translation

I, Eizo Yamagishi, hereby certify that I am competent in both the English and Japanese languages and that I have provided a true and accurate English language translation of the claims filed with the U. S. Patent and Trademark Office on December 2, 2010.

Eizo Yamagishi
Signature of Translator

January 13, 2011
Date

Eizo Yamagishi
Name of Translator

CLAIMS

1. A projection image generation apparatus for generating a projection image by processing three-dimensional image data obtained by reconstructing multiple two-dimensional images, the apparatus comprising:

a first projection target determination means for determining first three-dimensional image data to be projected from the three-dimensional image data;

a first projection image generation means for generating a first projection image by projecting the first three-dimensional image data in a first projection direction by maximum intensity projection or minimum intensity projection;

a first coordinate specifying means for specifying a first coordinate position in the first projection image;

a second projection target determination means for determining second three-dimensional image data to be projected from the three-dimensional image data;

a second projection image generation means for generating a second projection image by projecting the second three-dimensional image data in a second projection direction different from the first projection direction; and

a second coordinate display means for displaying a second coordinate position, in the second projection image, obtained by projecting a first voxel in the three-dimensional image data, which corresponds to the pixel at the first coordinate position in the first projection image, onto the second projection image in the second projection direction.

2. The projection image generation apparatus of claim 1, wherein the second coordinate display means is a means that determines the first voxel from a Z-Buffer image generated with the first projection image in advance and the first coordinate position, and displays the second coordinate position obtained by projecting the first voxel onto the second projection image in the second projection direction.

3. The projection image generation apparatus of claim 1,

wherein the second coordinate display means is a means that obtains the second coordinate position from a Z-Buffer image generated with the first projection image in advance, a transformation matrix for generating the first projection image from the first three-dimensional image data, a transformation matrix for generating the second projection image from the second three-dimensional image data, and the specified first coordinate position, and displays the obtained second coordinate position.

4. The projection image generation apparatus of claim 1, wherein the second projection target determination means is a means that determines the first three-dimensional image data determined by the first projection target determination means as the second three-dimensional image data.

5. The projection image generation apparatus of claim 1, wherein the second projection image generation means is a means that generates a projection image by maximum intensity projection.

6. The projection image generation apparatus of claim 1, wherein the second projection image generation means is a means that generates a projection image by minimum intensity projection.

7. The projection image generation apparatus of claim 5 or 6, wherein the second coordinate display means is a means that, when the first voxel and a second voxel in the three-dimensional image data corresponding to the pixel at the second coordinate position in the second projection image are different, indicates that the first voxel and the second voxel are different.

8. The projection image generation apparatus of claim 1, wherein the second projection image generation means is a means that generates a projection image by a raysum process in which pixel values in the second three-dimensional image data are added up in the second projection direction and averaged.

9. A projection image generation method for generating a projection image by processing three-dimensional image data obtained by reconstructing multiple two-dimensional images, the method comprising the steps of:

determining first three-dimensional image data to be

projected from the three-dimensional image data;

generating a first projection image by projecting the first three-dimensional image data in a first projection direction by maximum intensity projection or minimum intensity projection;

specifying a first coordinate position in the first projection image;

determining second three-dimensional image data to be projected from the three-dimensional image data;

generating a second projection image by projecting the second three-dimensional image data in a second projection direction different from the first projection direction; and

displaying a second coordinate position, in the second projection image, obtained by projecting a first voxel in the three-dimensional image data, which corresponds to the pixel at the first coordinate position in the first projection image, onto the second projection image in the second projection direction.

10. A computer readable recording medium on which is recorded a program for causing a computer to perform the steps of:

determining first three-dimensional image data to be projected from three-dimensional image data obtained by reconstructing multiple two-dimensional images;

generating a first projection image by projecting the first three-dimensional image data in a first projection direction by maximum intensity projection or minimum intensity projection;

specifying a first coordinate position in the first projection image;

determining second three-dimensional image data to be projected from the three-dimensional image data;

generating a second projection image by projecting the second three-dimensional image data in a second projection direction different from the first projection direction; and

displaying a second coordinate position, in the second projection image, obtained by projecting a first voxel in the three-dimensional image data, which corresponds to the pixel at the first coordinate position in the first projection image, onto the

second projection image in the second projection direction.

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/737,022	12/02/2010	Yoshiyuki Moriya	72770.0055	5972

13155 7590 07/20/2011

Edwards Neils PLLC
11710 Plaza America Drive, Suite 2000
Reston, VA 20190

EXAMINER	
CHAUHAN, ULKA J	

ART UNIT	PAPER NUMBER
2628	

MAIL DATE	DELIVERY MODE
07/20/2011	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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Edwards Neils PLLC
11710 Plaza America Drive, Suite 2000
Reston VA 20190

In re Application of
Yoshiyuki MORIYA
Application No.: 12/737,022
Filed: 02December 2010
Attorney Docket No.: 72770.0055
For: PROJECTION IMAGE GENERATION APPARATUS, METHOD, AND PROGRAM

: DECISION ON REQUEST TO
: PARTICIPATE IN THE PATENT
: PROSECUTION HIGHWAY
: PROGRAM AND PETITION
: TO MAKE SPECIAL UNDER
: 37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed 28 January 2011 and renewed on 15 April 2011, to make the above-identified application special.

The request and petition are **DENIED**.

A grantable request to participate in the PPH program and petition to make special require:

1. The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO, note where the JPO application with similar claims is not the same application from which the U.S. application claims priority then the applicant must identify the relationship between the JPO application with similar claims and the JPO priority application;

2. Applicant must submit a copy of:
   a. The allowable/patentable claim(s) from the JPO application(s) or if a copy of the allowable/patentable claims is available via the Dossier Access System (DAS) applicant may request the USPTO obtain a copy from the DAS, however if the USPTO is unable to obtain a copy from the DAS the applicant will be required to submit a copy;
   b. An English translation of the allowable/patentable claim(s) and
   c. A statement that the English translation is accurate;

3. Applicant must
   a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s) and
   b. Submit a claims correspondence table in English;

4. Examination of the U.S. application has not begun;

5. Applicant must submit:
    a. Documentation of prior office action:
        i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claim(s) or
        ii. if the allowable/patentable claims(s) are from a "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
        iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form;

    Further, if a copy of the documents from a or b above is available via the Dossier Access System (DAS) applicant may request the USPTO obtain a copy from the DAS, however if the USPTO is unable to obtain a copy from the DAS the applicant will be required to submit a copy;
    b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above
    c. A statement that the English translation is accurate;

6. Applicant must submit:
    a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application)
    b. Copies of the documents except U.S. patents or U.S. patent application publications (unless already submitted in this application);

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 ensure that all the claims in the U.S. application sufficiently correspond to the allowable/patentable claims in the JPO application. Specifically, US claims 9, 10, 12, and 13 do not correspond to allowable/patentable claims in the JPO application. Only apparatus claim 7 was indicated as allowable in the JPO application. No method or computer readable medium claims were allowed in the JPO application.

No further consideration will be undertaken on this matter.

Telephone inquiries concerning this decision should be directed to Lee W. Young at 571-272-4549.

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
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Decision Date : February 13, 2012

In re Application of :

Allan Jones

Application No : 12737030

Filed: 02-Dec-2010

Attorney Docket No : 1602

DECISION ON REQUEST TO WITHDRAW AS ATTORNEY/AGENT OF RECORD

This is an electronic decision on the Request to Withdraw as attorney or agent of record under 37 CFR.§ 1.36(b), filed February 13, 2012

The request is **APPROVED**

The request was signed by HENRY M BISSELL (registration no. 19200) on behalf of all the attorneys/agents of record. All attorneys/agents of record have been withdrawn.

Since there are no remaining attorneys of record, all future communications from the Office will be directed the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71 with correspondence address:

Name	Allan C. Jones, DDS
Name2	
Address 1	Skypark One, Suite 250
Address 2	23530 Hawthorne Blvd.
City	Torrance
State	CA
Postal Code	90505
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	12737030
Filing Date	02-Dec-2010
First Named Inventor	Allan Jones
Art Unit	3732
Examiner Name	EDWARD MORAN
Attorney Docket Number	1602
Title	ORALLY IMPLANTABLE INTRAOSSEOUS PORT

◉ Please withdraw me as attorney or agent for the above identified patent application and all the practitioners of record.

The reason(s) for this request are those described in 37 CFR:

10.40(b)(3)

10.40(b)(4)

10.40(c)(4)

10.40(c)(5)

Certifications

☒ I/We have given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intend to withdraw from employment

☒ I/We have delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled

☒ I/We have notified the client of any responses that may be due and the time frame within which the client must respond

Change the correspondence address and direct all future correspondence to the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71:

Name	Allan C. Jones, DDS
Address	Skypark One, Suite 250 23530 Hawthorne Blvd.
City	Torrance
State	CA

Postal Code	90505
Country	US
I am authorized to sign on behalf of myself and all withdrawing practitioners.	
Signature	/HENRY M BISSELL/
Name	HENRY M BISSELL
Registration Number	19200

UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/737,057	12/06/2010	Tomohiro Tsuta		3392

7590 11/16/2011

Tomohiro Tsuta
29-8 Suganodal 7-chome
Suma-ku Kobe-shi Hyogo, 6540143
JAPAN

EXAMINER	
HJERPE, RICHARD A	

ART UNIT	PAPER NUMBER
2629	

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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Tomohiro Tsuta
29-8 Suganodal 7-chome
Suma-ku Kobe-shi Hyogo 65401-43 JP
JAPAN

In re Application of
Tomohiro TSUTA
Application No.: 12/737,057
Filed: 06 December 2010
Attorney Docket No.: N/A
For: METHOD FOR STATIC VISUAL FIELD SCANNING APPARATUS

: DECISION ON REQUEST TO
: PARTICIPATE IN THE PATENT
: PROSECUTION HIGHWAY
: PROGRAM AND PETITION
: TO MAKE SPECIAL UNDER
: 37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed 31 October 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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24247
TRASKBRITT, P.C.
P.O. Box 2550
Salt Lake City, UT 84110

MAILED

APR 04 2011

PCT LEGAL ADMINISTRATION

In re Application of :
RAATS *et al* :
U.S. Application No.: 12/737,075 :
PCT No.: PCT/EP2009/056862 : **DECISION**
Int. Filing Date: 04 June 2009 :
Priority Date: 04 June 2008 :
Attorney's Docket No.: 3403-P10291US :
For: ANTI-INFLAMMATORY AGENTS :

This is a decision on the "Petition under 37 CFR § 1.10(c)" filed 01 February 2011. No petition fee is required.

BACKGROUND

Applicants filed papers to enter the national stage of PCT/EP2009/056862 using USPS Express Mail. These papers were deemed as received by the USPTO on 03 December 2010.

On 01 February 2011, applicants filed the subject petition which was accompanied by, *inter alia*, a copy of the Customer Copy of Express Mail label No. EV962531927US.

DISCUSSION

Applicants claim that the above-captioned application was originally submitted with the USPS using Express Mail on 01 December 2010 and request the United States Patent and Trademark Office ("Office") amend the application records to reflect this.

Any correspondence received by the Office delivered by Express Mail will be considered filed in the Office on the date of deposit with the USPS. 37 CFR § 1.10(a). Moreover, 37 CFR § 1.10(c) states:

> Any person filing correspondence under this section that was received by the Office and delivered by the "Express Mail Post Office to Addressee" service of the USPS, who can show that there is a discrepancy between the filing date accorded by the Office to the correspondence and the date of deposit as shown by the "date - in" on the "Express Mail" mailing label or other official USPS notation, may petition the Commissioner to accord the correspondence a filing date as of the "date - in" on the "Express Mail" mailing label or other official USPS notation, provided that:

(1) The petition is filed promptly after the person becomes aware that the Office has accorded, or will accord, a filing date other than the USPS deposit date;

(2) The number of the "Express Mail" mailing label was placed on the paper(s) or fee(s) that constitute the correspondence prior to the original mailing by "Express Mail;" and

(3) The petition includes a true copy of the "Express Mail" mailing label showing the "date - in," and of any other official notation by the USPS relied upon to show the date of deposit.

All items of 37 CFR 1.10(c) are satisfied. The number of the Express Mail mailing label is listed on the last page of the transmittal letter and the date of deposit is recorded as 01 December 2010. Applicants included a copy of the Customer Copy of Express Mail label No. EV962531927US which lists a "Date Accepted" of "12/1/10." Moreover, USPS Track/Confirm records for Express Mail label No. EV962531927US verifies that the documents were accepted by the USPS in Salt Lake City, UT on 01 December 2010 at 6:35 pm.

This evidence is acceptable for a grantable petition under 37 CFR 1.10(c).

CONCLUSION

Applicants' petition pursuant to 37 CFR 1.10(c) is **GRANTED**.

The date of receipt of the initial filing will be changed to 01 December 2010.

This application is being forwarded to the DO/EO/US for further processing.

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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FEB 08 2011

PCT LEGAL ADMINISTRATION

David A. Einhorn, Esq.
Baker & Hostetler LLP
45 Rockefeller Plaza
New York NY 10111

In re Application of :
UCHIDA et al. :
Application No.: 12/737,079 : DECISION ON
PCT No.: PCT/JP2009/054631 :
Int. Filing Date: 11 March 2009 : PETITION UNDER
Priority Date: 08 April 2008 :
Attorney Docket No.: DE1990 : 37 CFR 1.137(b)
For: FUNCTIONAL SOLUTION SUPPLY SYSTEM :

This decision is in response to applicant's submission filed 06 December 2010.

BACKGROUND

On 11 March 2009, applicant filed international application PCT/JP2009/054631 which designated the U.S. and claimed a priority date of 08 April 2008. A copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) from the International Bureau on 15 October 2009. The thirty-month period for paying the basic national fee in the United States expired at midnight on 08 October 2010.

On 06 December 2010, applicant filed a transmittal letter for entry into the national stage in the United States, which was accompanied by, *inter alia*, the U.S. basic national fee, a declaration of the inventors, and a petition under 37 CFR 1.137(b).

DISCUSSION

A petition to revive the present application under 37 CFR 1.137(b) must include:

(1) The required reply;
(2) The petition fee;
(3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional.

As to item (1), applicant submitted the basic national fee on 06 December 2010.

As to item (2), applicant submitted the petition fee on 06 December 2010.

As to item (3), the required statement has been provided.

A review of the application file reveals that, with the filing of the present petition and accompanying papers, a proper response has been submitted and all of the requirements of 37 CFR 1.137(b) for revival have been satisfied and revival is therefore appropriate.

The declaration of the inventors filed 06 December 2010 is in compliance with 37 CFR 1.497(a)-(b).

CONCLUSION

The petition under 37 CFR 1.137(b) is **GRANTED** for the reasons set forth above.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application.

/Daniel Stemmer/

Daniel Stemmer
Legal Examiner
PCT Legal Affairs
Office of Patent Cooperation Treaty
Legal Administration
Telephone: (571) 272-3301

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Commissioner for Patents
United States Patent and Trademark Office
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WOLF GREENFIELD & SACKS, P.C.
600 ATLANTIC AVENUE
BOSTON MA 02210-2206

MAILED

OCT 11 2011

OFFICE OF PETITIONS

In re Application of :
Storch et al. :
Application No. 12/737,105 : DECISION ON PETITION
Filed: 04/06/2011 :
Attorney Docket No. P0777.70027US00 :

This is a decision on the petition under 37 CFR 1.182, filed October 4, 2011, to change the name of the first named inventor from "REINHOLD JURISCHKA" to –REINHOLD STORCH –in the above-identified application.

The petition is **GRANTED**.

Office records have been updated to reflect the correction of the inventor's name. A corrected Filing Receipt, which reflects the inventor's name change, will be mailed under separate cover.

Any questions concerning this matter may be directed to undersigned at (571) 272-3211. Any questions concerning the examination procedures or status of the application should be directed to the Technology Center.

This matter is being referred to Technology Center AU 1746 for examination in due course.

/Christina Tartera Donnell/

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

United States Patent and Trademark Office

MAILED

FEB 14 2011

PCT LEGAL ADMINISTRATION

Commissioner for Patents
United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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KINNEY AND LANGE PA
INTELLECTUAL PROPERTY DEPARTMENT
312 S THIRD STREET
MINNEAPOLIS MN 55415

In re Application of :
Zhang et al. :
Application No.: 12/737,136 : DECISION
PCT No.: PCT/CN2008/000987 :
Int. Filing Date: 22 May 2008 : ON
Priority Date: N/A :
Attorney Docket No.: PA0007067U-U72.12-65KL : PETITION
For: Video-Based System And Method :
Of Elevator Door Detection :

The petition to revive under 37 CFR 1.137(b) filed on 09 December 2010 in the above-captioned application is hereby **GRANTED** as follows:

Petitioner states that "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 C.F.R. 1.137(b) was unintentional." Said statement is being accepted in satisfaction of 37 CFR 1.137(b)(3).

A review of the application file reveals that applicants have paid the petition fee. The required reply has been filed. No terminal disclaimer is required. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the national stage in the United States of America.

Inspection of the declaration under PCT Rule 4.17(iv) reveals that it appears to have been assembled by combining separately-signed sheets into a single document, which is contrary to the policy described at MPEP 605.04(a) and 201.03. In addition, the published international application names "PENG, Peiyuan," whereas the declaration nominates "PENG, Pei-Yuan." No adequate explanation of this discrepancy has been provided. *See* MPEP 605.04(b) and (c), and 1893.01(e).

This application is being returned to the Office of Patent Application Processing for further processing, including the preparation and mailing of a Notification of Missing Requirements (Form PCT/DO/EO/905) requiring the submission of an oath or declaration compliant with 37 CFR 1.497(a) and (b) and the surcharge under 37 CFR 1.492(h).

/George Dombroske/
George Dombroske
PCT Legal Examiner
Office of PCT Legal Administration
Tel: (571) 272-3283

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/737,145	12/13/2010	Masayoshi Kotake	87745(47762)	2917

21874 7590 05/31/2011

EDWARDS ANGELL PALMER & DODGE LLP
P.O. BOX 55874
BOSTON, MA 02205

EXAMINER	
LEE, DORIS L	

ART UNIT	PAPER NUMBER
1764	

MAIL DATE	DELIVERY MODE
05/31/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

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UNITED STATES PATENT AND TRADEMARK OFFICE

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EL

May 31, 2011

In re application of	:	DECISION ON REQUEST TO
Kotake, et al.	:	PARTICIPATE IN PATENT
Serial No. 12/737145	:	PROSECUTION HIGHWAY
Filed: December 13, 2010	:	PROGRAM AND
For: **INK COMPOSITION FOR FORMING INSULATING FILM AND INSULATING FILM FORMED FROM THE INK COMPOSITION**	:	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 April 01, 2011.

The request and petition are **DISMISSED**.

A grantable request to participate in the PPH program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO, note where the JPO application with similar claims is not the same application from which the U.S. application claims priority that the applicant must identify the relationship between the JPO application with similar claims and the JPO priority application;

(2) Applicant must submit a copy of:

a. The allowable/patentable claim(s) from the JPO application(s) or if a copy of the allowable/patentable claims is available via the Dossier Access System (DAS) applicant may request the USPTO to obtain a copy from DAS; however, if the USPTO is unable to obtain a copy from the DAS, the applicant will be required to submit a copy;
b. An English translation of the allowable/ patentable claim(s), if applicable; and
c. A statement that the English translation is accurate, if applicable;

(3) Applicant must:

a. Ensure all the 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 fail because:
(4) Examination of the U.S. application has begun. A non final and final office actions have been issued. s

Applicant is given a time period of **ONE MONTH OR THIRTY DAYS**, whichever is longer, from the mailing date of this decision to correct the deficiencies. **NO EXTENSION OF TIME UNDER 37 CFR 1.136 IS PERMITTED.** If the deficiencies are not corrected within the time period given, the application with await action in its regular turn.

Any inquiry regarding this decision should be directed to Emily M. Le, Supervisory Patent Examiner, at (571) 272-0903.

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.

/ Emily M. Le/

Emily M. Le
Supervisory Patent Examiner,
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: PLR-00SA-24396.01P	Application Number (if known): 12/737,149	Filing date: December 13, 2010

First Named Inventor: Urs Wenger

Title: ELECTRIC VEHICLE AND ON-BOARD BATTERY CHARGING APPARATUS THEREFOR

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: 1. Statement of Special Status & Request for Early Publication; 2. Publication Fee; 3. Preliminary Amendment

Signature /Jessica Van Dalen/	Date August 11, 2011
Name (Print/Typed) Jessica L. Van Dalen	Registration Number 66,707

***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

		Confirmation No.: 4073
Application No.:	12/737,149	
Applicants:	Urs Wenger	
Filed:	December 13, 2010	
Title:	ELECTRIC VEHICLE AND ON-BOARD BATTERY CHARGING APPARATUS THEREFOR	
Art Unit:	To be assigned	
Examiner:	To be assigned	
Atty. Docket No.:	PLR-00SA-24396.01P	
Customer No.:	93175	

STATEMENT OF SPECIAL STATUS UNDER THE GREEN TECHNOLOGY PILOT PROGRAM and REQUEST FOR EARLY PUBLICATION UNDER 37 C.F.R. § 1.219

Sir:

This Statement of Special Status accompanies a Petition to Make Special under the Green Technology Pilot Program.

The present application materially contributes to the more efficient utilization and conservation of energy resources, pursuant to Section III(2) of Notice No. PTO-P-2009-0038, Federal Register, Vol. 74, No. 234 (hereinafter "the Notice"). The present application provides an electric vehicle with an on-board generator (e.g., a combustion engine) which serves to extend the operating range. More particularly, this arrangement "is referred to as a range extender as the onboard engine/generator extends the range that the vehicle can travel on the battery pack before a complete recharge" (Para. [0003]). "In this manner the combustion engine can be operated with a very good efficiency in all operating aspects, which has a positive effect on…fuel consumption of the aggregate" (Para. [0004]). As such, the serial hybrid electric vehicle recited

in the pending claims reduces the energy consumption in combustion systems. Therefore, the present application materially contributes to the more efficient utilization and conservation of energy resources.

Additionally, the present application materially contributes to the reduction of greenhouse gas emissions, pursuant to Section III(3) of the Notice. More particularly, "the combustion engine can be operated with a very good efficiency in all operating aspects, which has a positive effect on CO_2 emissions" (Para. [0004]). For at least these reasons, the present application materially contributes to the reduction of greenhouse gas emissions.

Applicants respectfully submit that the present application satisfies the other eligibility requirements for participation in the Green Technology Pilot Program. Also, by way of a Preliminary Amendment dated July 26, 2011, submitted herewith, the present application contains no more than 20 claims and three (3) independent claims and does not contain any multiple dependent claims.

Applicants note that the application has not yet published and, as such, respectfully request early publication under 37 C.F.R. § 1.219. Applicants authorize payment of the publication fee of $300 set forth in 37 C.F.R. § 1.18(d) from Deposit Account No. 02-0390, Baker & Daniels LLP.

In the event Applicants have overlooked the need for payment of an additional fee, Applicants hereby petition therefor and authorize that any charges be made to the same deposit account.

If any questions concerning this application should arise, the Examiner is encouraged to telephone the undersigned at 317-237-0300.

Respectfully submitted,

/Jessica L. Van Dalen/

Jessica L. Van Dalen
Registration No. 66,707
Attorney for Applicants
BAKER & DANIELS LLP
300 North Meridian Street
Suite 2700
Indianapolis, Indiana 46204
Telephone: 317-237-1054
Facsimile: 317-237-1000

Date Submitted: August 11, 2011

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.
12/737,149	12/13/2010	Urs Wenger	PLR-00SA-24396.01P	4073

93175 7590 09/30/2011

Baker & Daniels LLP-Polaris
300 N. Meridian Street
Suite 2700
Indianapolis, IN 46204

EXAMINER	
ART UNIT	PAPER NUMBER
2839	

NOTIFICATION DATE	DELIVERY MODE
09/30/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

inteas@bakerd.com
lani.dick@polarisind.com
cynthia.payson@bakerd.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

Baker & Daniels LLP-Polaris
300 N. Meridian Street
Suite 2700
Indianapolis IN 46204

SEP 30 2011

In re Application of	:	
WENGER et al.	:	DECISION ON PETITION
Application No. 12/737149	:	TO MAKE SPECIAL UNDER
Filed: December 13, 2010	:	THE GREEN TECHNOLOGY
Attorney Docket No. PLR-00SA-24396.01P	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed on August 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 Colleen Dunn at 571-272-1170.

The application is being forwarded to the appropriate Technology Center Art Unit for action on the merits commensurate with this decision.

/Colleen Dunn/

Colleen Dunn
Quality Assurance Specialist
Technology Center 2800

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

MAR 02 2011

PCT LEGAL ADMINISTRATION

Francis C. Hand
Carella, Byrne, et al
5 Becker Farm Road
Roseland NJ 07068-1739

In re Application of :
Johannesen :
Application No.: 12/737,236 : DECISION
PCT No.: PCT/NO2009/000148 :
Int. Filing Date: 17 April 2009 : ON
Priority Date: 09 June 2008 :
Attorney Docket No.: P523550.104 : PETITION
For: Lid Construction For Compressing :
Content Of A Container :

The petition to revive under 37 CFR 1.137(b) filed on 21 December 2010 in the above-captioned application is hereby **GRANTED** as follows:

Petitioner states that "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 C.F.R. 1.137(b) was unintentional." Said statement is being accepted in satisfaction of 37 CFR 1.137(b)(3).

A review of the application file reveals that applicant has paid the petition fee. The required reply has been filed. No terminal disclaimer is required. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the national stage in the United States of America.

This application is being returned to the Office of Patent Application Processing for further processing, including the preparation and mailing of a Notification of Missing Requirements (Form PCT/DO/EO/905) requiring the submission of an oath or declaration compliant with 37 CFR 1.497(a) and (b) and the surcharge under 37 CFR 1.492(h).

/George Dombroske/
George Dombroske
PCT Legal Examiner
Office of PCT Legal Administration
Tel: (571) 272-3283

Doc Code: PPH.PCT.682
Document Description: Petition to make special under PCT-Patent Prosecution Highway

PTO/SB/20PCT-EP (05-10)
Approved for use through 01/31/2012. OMB 0651-0058
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE
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REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE EUROPEAN PATENT OFFICE (EPO) AND THE USPTO

Application No:	12/737,276	Filing date:	December 23, 2010
First Named Inventor:	Adrian Helmut ALT-STEINER		
Title of the Invention:	Methods and Devices for Providing Information About Printing Formes to be Manufactured for a New Production Run of a Printing Press		

THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT HTTP://WWW.USPTO.GOV/EBC/EFS_HELP.HTML

APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PROGRAM.

The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.

The corresponding PCT application number(s) is/are: PCT/EP2009/057859

The international filing date of the corresponding PCT application(s) is/are: June 24, 2009

I. List of Required Documents:

a. **A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above-identified corresponding PCT application(s)**

☐ is attached

☒ is not attached because the document is already in the U.S. application.

b. **A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s).**

☐ is attached.

☒ is not attached because the document is already in the U.S. application.

c. **English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.**

This collection of information is required by 35 U.S.C. 119, 37 CFR 1.55, and 37 CFR 1.102(d). The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.

PTO/SB/35PCT-EP (05-10)
Approved for use through 01/31/2012. OMB 0651-0068
U.S.Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM BETWEEN THE EPO AND THE USPTO

(continued)

Application No.	12/737,276
First Named Inventor	Adrian Helmut ALT-STEINER

6. (1) An information disclosure statement listing the documents cited in the international work products (ISR, WO/ISA, WO/IPEA, IPER) of the corresponding PCT application.

☐ is attached

☒ Has already been filed in the above-identified U.S. application on December 23, 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 23, 2010

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
68 - 86	1 - 19	Direct correspondence
87	20	U.S. claim amended to remove multiple dependency
88 - 134	21 - 67	Direct correspondence

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature /Douglas R. Hanscom/	Date December 30, 2010
Name (Print/Typed) Douglas R. Hanscom	Registration Number 26600

KARIN T. DUNN, LLC

GERMAN TRANSLATION AND LANGUAGE SERVICES
Certified by the American Translators Association

4706 OLDE FORGE CT., FAIRFAX, VA 22032
TELEPHONE, FAX: 703-426-1422 · DUNN6FAM@MSN.COM

Date: 22 December 2010

DECLARATION

The undersigned, Karin T. Dunn, hereby states that she is well acquainted with both the English and German languages and that the attached is a true translation to the best of her knowledge and ability of the German text of PCT/EP2009/057859, filed on 24 June 2009 and published on 30 December 2009 under No. WO 2009/156417 A2. The undersigned further states that the prosecution documents associated with PCT/EP2009/057859 and translated by her are also true translations to the best of her knowledge and ability.

The undersigned declares that the above statement is true and that this statement was made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or document or any patent resulting therefrom.

Karin T. Dunn

Translation of the pertinent portions of a **Notification of the Transmittal of the International Preliminary Report on Patentability** in accordance with Rule 71.1 PCT, mailed on 17 December, 2010

2. This report comprises a total of 10 pages including this cover sheet.

3. Enclosures are also included with the report; these include

   A total of 17 pages *(sent to the applicant and to the International Authority)*, which include

   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).

4. This report contains information relating to the following items:

Box I Basis of the Report

Box IV Lack of unity of invention

Box V Reasoned statement according to Article 35(2) with regard to novelty, inventive step and industrial applicability; citations and explanations to support such statement

Box I Basis of the Report

1. With regard to **language,** this report is based on:

   the international application in the language in which it was filed.

2. With regard to the **elements** of the international application, this report is based on

   the description, pages

2, 4-49	as originally filed/furnished
1a	received with the letter dated 1 March 2010
1, 3	received via telefax on 6 December 2010

   the claims, No.

1-67	received via telefax on 6 December 2010

   the drawings, pages

1/10-10/10	as originally filed/furnished

Box IV Lack of unity of invention

1. In response to the invitation to restrict the claims or pay additional fees the applicant has, within the applicable time limit:

   Paid additional fees

3. This Authority considers that the requirement of unity of invention in accordance with Rules 13.1, 13.2 and 13.3 is not complied with for the following reasons:

   See attached sheet

4. Consequently, this report has been established in respect of the following parts of the international application:

   All parts

Box V.

1. Statement

Novelty (N)	Yes: Claims 1-67 No: Claims
Inventive Step (IS)	Yes: Claims 1-67 No: Claims
Industrial Applicability (IA)	Yes: Claims 1-67 No: Claims

2. Citations and Explanations (Rule 70.7):
See attached sheets

Box IV.

1 This Authority has determined that the international application contains multiple inventions or groups of inventions which are not linked so as to form a single general inventive concept (PCT Rule 13.1), as follows:

I: The invention according to claims 1-22, in which the information provided relates to the manufactured printing formes.

II: The invention according to claims 23-44, in which the information provided relates to the printing formes that are to be manufactured.

III: The invention according to claims 45-61, in which the information provided relates to the position currently occupied by a relevant printing forme, which has been or will be manufactured, on its transport path to the printing press.

2 The shared features that link the method claims 1, 23 and 45, which are also known from the documents WO 2007/090732 (D1) or US 2002/0050216 (D2), are the following:

Document D1discloses (the references between parentheses relate to said document):

A method for providing information about printing formes to be manufactured for a new production run of a printing press (page 4, paragraph 2), in which a use of multiple (at least one) of said printing formes (37) at its location of use in the printing press is visualized in a display of a display device (117), wherein at the location of use of the relevant printing forme (37) a plurality of different positions exist, wherein each of said positions relates to one of multiple storage positions in a printing forme magazine (38; 39), which has the multiple storage positions, in the printing press (see figure 8, which shows multiple printing plates 37 in the axial direction; and page 17 or figure 20, in which the two printing plates arranged one above the other are arranged in a storage unit). By means of the display of the display device (117), multiple different locations of use in the printing press are displayed simultaneously for the following reasons:

The printing forme magazine has a plurality of printing plate storage units in the axial direction, the positions of which are identified as A, B, C, D so as to better illustrate the case.

It is clear from page 42 of document D1 that a display similar to a traffic light in the display device (117) indicates whether an inconsistency is present (red light-emitting diode) or not (green light-emitting diode). An inconsistency in this context would be, for example, a printing plate arranged in the wrong chute. It is further clear from page 44, last paragraph, that the display device (117) will indicate a transposition of printing plates in the printing forme magazine, i.e., that at least two inconsistencies (printing plate A in the wrong storage unit B, when it should be in storage unit A, and printing plate B in the wrong storage unit A, when it belongs in storage unit B), and therefore two different locations of use can be displayed simultaneously.

It should be noted that D1 also discloses the remaining features of the preamble of claim 1, namely:

The display indicates at which of the positions of a specific location of use, each such location having multiple positions (storage unit A or B), a printing forme (37) is to be provided, wherein the display also displays various states (printing plate A is in storage unit B) relating to at least one manufactured printing forme (page 44, last paragraph).

Therefore, the shared features which link the method claims 1, 23 and 45 to one another are not novel (PCT Article 33(1) (2)).

The remaining features of claims 1, 23 and 45 are not in a functional relationship, and do not contain any concept, which relationship or concept could itself be considered novel and inventive, because such relationship or concept appears to consist only in supplying a number of different printing plates to the plate cylinders of various printing couples, on the basis of production needs.

The problems addressed by the three inventions also are not linked with one another by a single inventive concept. For instance, the first invention solves the problem of providing information about the location of use of an already manufactured printing plate with multiple different production runs to be executed sequentially in the same printing press, the second invention solves the problem of determining which printing plates still need to be manufactured, and the third invention solves the problem of determining an optimal transport path for the printing plates to their location of use.

Claims 17, 39 and 62 relate to devices having the corresponding features of the respective methods according to claims 1, 23 and 45. Therefore, the above reasoning logically applies to the subject matter of claims 17, 39 and 62.

Therefore, the application fails to comply with the requirement of unity of invention (PCT Rule 13.1).

Box V.

Reference is made to the following documents:

D1: WO 2007/090732 A (KOENIG & BAUER AG [DE]; GRETSCH HARALD KARL [DE]) 16 August 2007 (2007/08/16), cited in the application

D2: US 2002/050216 A1 (MIYAUTI CHUUJI [JP]) 2 May 2002 (2002/05/02)

D3: GB 2 424 392 A (ROLAND MAN DRUCKMASCH [DE]) 27 September 2006 (2006/09/27)

D4: GB 2 316 912 A (ROLAND MAN DRUCKMASCH [DE]) 11 March 1998 (1998/03/11)

D5: EP 1 435 292 A (OHG GIOVANNI CERUTTI S P A [IT]) 7 July 2004 (2004/07/07), cited in the application

1 **Invention I: Claims 1-22**

1.1 Document D1 is considered to be the prior art closest to the subject matter of claim 1. As was already mentioned in Box IV, paragraph 2, D1 discloses all the features of the preamble of claim 1 (see D1: abstract; pages 27-28, 30, 41-44; figures 8, 36-41).

The subject matter of claim 1 therefore differs from the method known from document D1 in that ***the display displays simultaneously multiple different production runs to be executed sequentially in the same printing press, with a plurality of locations of use, assigned to said production runs, for the printing formes that are required for the respective production runs***, and is therefore novel (PCT Article 33(2)).

The objective technical problem addressed by the present invention can be considered that of devising a method which improves the efficiency of the printing press during a production change by shortening set-up times.

The solution to this problem proposed in claim 1 of the present application appears to involve an inventive step for the following reasons (PCT Article 33(3)):

By simultaneously visualizing information about the printing formes for at least two production runs to be executed sequentially, with said formes to be assigned to the respective locations of use in a printing cylinder, the display device according to the invention enables an overview of and control over the printing formes manufactured/to be manufactured for a new production run of the printing press, or to be provided to the respective locations of use. Said information results in a simple manner, according to the invention, from a visual comparison of at least two production runs to be executed sequentially.

In the prior art, only display devices are known (see D1-D5) with which the consistency/inconsistency of a mounting position of the respective printing formes

assigned to the printing forme cylinders ***for a specific production run*** is visually confirmed and/or displayed. Therefore, the feature specified in the characterizing part of claim 1 is not described in or suggested by the prior art.

1.2 The above reasoning also logically applies to the subject matter of device claim 17.

1.3 Claims 2-16 and 18-22 are dependent upon claims 1 and 17, respectively, and therefore also appear to satisfy the requirements of the PCT in respect of novelty and inventive step.

1.4 The subject matter of claims 1-22 appears to be industrially applicable and thus appears to satisfy the requirements of PCT Article 33(1) in conjunction with PCT Article 33(4).

2. **Invention II: Claims 23-44**

2.1 Document D1 is considered to be the prior art closest to the subject matter of claim 23. As was already mentioned in Box IV, paragraph 2, D1 discloses all the features of the preamble of claim 23 (see D1: abstract; pages 27-28, 30, 41-44; figures 8, 36-41).

The subject matter of claim 23 therefore differs from the method known from document D1 in that the display additionally displays various states and/or properties ***relating to at least one printing forme that is to be manufactured***, and is therefore novel (PCT Article 33(2)).

The objective technical problem addressed by the present invention can be considered that of devising a method which increases the efficiency of the printing press in terms of the manufacturing of the printing formes to be provided for a new production run.

By visualizing information about the current state of a printing forme to be manufactured in a production line for a new production run, the display device according to the invention ensures a full overview of and/or control over the printing formes to be manufactured for a new production run of the printing press, and to be provided to the respective locations of use.

None of the cited documents (D2-D5) suggests the feature specified in the characterizing part of claim 23. A person skilled in the art would find no suggestion in the prior art as to how information about the printing formes to be manufactured for a production change could be visualized on the display device, i.e., he would not arrive at the subject matter of claim 23 without exercising inventive skill. Therefore, the subject matter of claim 23 appears to involve an inventive step (PCT Article 33(3)).

2.2 The above reasoning also applies logically to the subject matter of device claim 39.

2.3 Claims 24-38 and 40-44 are dependent upon claims 23 and 39, respectively, and therefore also appear to satisfy the requirements of the PCT in respect of novelty and inventive step.

2.4 The subject matter of claims 23-44 appears to be industrially applicable, and therefore appears to satisfy the requirements of PCT Article 33(1) in conjunction with PCT Article 33(4).

3 **Invention III: Claims 45-67**

3.1 Document D1 is considered to be the prior art closest to the subject matter of claim 45. As was already mentioned in Box IV, paragraph 2, D1 discloses all the features of the preamble of claim 45 (see D1: abstract; pages 27-28, 30, 41-44; figures 8, 36-41).

The subject matter of claim 45 therefore differs from the method known from document D1 in that the display additionally displays ***a position currently occupied by at least one printing forme, which has been or will be manufactured, on its transport path to the printing press***, and is therefore novel (PCT Article 33(2)).

The objective technical problem addressed by the present invention can be considered that of devising a method which optimizes the efficiency of the printing press in terms of the transport of the printing formes that have been or will be manufactured for a new production run, or the addressing of said formes to the respective locations of use assigned to the printing forme cylinders.

By visualizing information about the position currently occupied by a printing forme that is on its transport path to the printing press, the display device according to the invention achieves a full overview of the supply and/or control over the printing formes, which have been or will be manufactured, and that are required for a new production run of the printing press.

The feature specified in the characterizing part of claim 45 is not described or suggested by the prior art, because documents D2-D5 neither explicitly nor implicitly address the problem of addressing (transport tracking) printing formes.

For the above reasons, the subject matter of claim 45 appears to involve an inventive step (PCT Article 33(3)).

3.2 The above reasoning also logically applies to the subject matter of device claim 62.

3.3 Claims 46-61 and 63-67 are dependent upon claims 45 and 62, respectively, and therefore also appear to satisfy the requirements of the PCT in respect of novelty and inventive step.

3.4 The subject matter of claims 45-67 appears to be industrially applicable and therefore appears to satisfy the requirements of PCT Article 33(1) in conjunction with PCT Article 33(4).

Claims

1. A method for providing information about printing formes to be manufactured for a new production run of a printing press, in which a use of at least one of said printing formes (01) at its location of use in the printing press is visualized in a display of a display device (52), wherein a plurality of different positions exist at the location of use of the relevant printing forme (01), wherein each of said positions relates to one of multiple mounting positions on a forme cylinder (06) having the multiple mounting positions and arranged in the printing press, or to one of multiple storage positions in one of multiple chutes having the relevant storage position, said chutes being disposed in a printing forme magazine (09) assigned to one of the forme cylinders (06) in the printing press, wherein the display of the display device (52) displays simultaneously a plurality of different locations of use in the printing press, wherein the display displays at which of the positions of a specific location of use having multiple positions a printing forme (01) is to be provided, wherein the display also displays different states and/or properties relating to at least one manufactured printing forme (01), characterized in that the display displays simultaneously multiple different production runs to be executed sequentially in the same printing press, with a plurality of locations of use, assigned to said production runs, for the printing formes (01) that are required for the respective production runs.

2. The method according to claim 1, characterized in that the states and/or properties displayed by the display indicate whether a specific printing forme (01) is currently located in a production line for manufacturing printing formes (01) to be provided for the new production run.

3. The method according to claim 1, characterized in that the states and/or properties displayed by the display indicate whether a specific printing forme (01) is currently located in a plate exposure device (33) belonging to the production line, or in a developing unit (36), or in a bending unit (38), or in a storage device (51).

4. The method according to claim 1, characterized in that the information about the state and/or the property of the relevant printing forme (01), displayed by the display, results from a comparison of data, wherein data provided by a control unit (39) of a production planning system which controls the production in the printing press are compared with data collected in the production line for manufacturing the relevant printing forme (01).

5. The method according to claim 1, characterized in that the display presents its respective information graphically.

6. The method according to claim 1, characterized in that the display presents its respective information using at least one symbol.

7. The method according to claim 1, characterized in that the display indicates at which position in the relevant location of use a printing forme (01) is already arranged.

8. The method according to claim 1, characterized in that the display indicates to which position in the planned location of use a manufactured printing forme (01), which is ready for use but still separate from its location of use, is assigned.

9. The method according to claim 1, characterized in that the display indicates

which position in the relevant location of use will not be loaded with a printing forme (01) for the pending production run.

10. The method according to claim 1, characterized in that the display indicates at which position in the relevant location of use a non-printing printing forme (01) is to be arranged.

11. The method according to claim 1, characterized in that the display indicates whether a set of printing formes (01) required for a specific forme cylinder (06) is complete.

12. The method according to claim 1, characterized in that the display indicates for which printing unit (44; 44.1; 44.2), each comprising multiple forme cylinders (06) or chutes of printing forme magazines (09), in a printing system comprising multiple printing units (44; 44.1; 44.2) at least one set of printing formes (01) is complete, and/or which of the multiple sets of printing formes (01) to be arranged in a specific one of the printing units (44; 44.1; 44.2) has been manufactured and is ready for use.

13. The method according to claim 1, characterized in that information is provided with the help of a communications system (41), which connects the display device (52) to the respective control units of various other devices (33; 34; 38; 39; 42; 51; 57), enabling them to share data with one another.

14. The method according to claim 1, characterized in that the display is provided in an area in which a collection container (43) receives the printing formes (01) relating to a specific forme cylinder (06) or a specific printing forme magazine (09), prior to the transport of said formes to the relevant forme cylinder (06) or

printing forme magazine (09).

15. The method according to claim 14, characterized in that the collection container (43) for transporting at least one printing forme (01) provides data to the display device (52), via the communications system (41), said data relating at least to the position currently occupied by the relevant printing forme (01) on its transport path to the printing press.

16. The method according to claim 1, characterized in that the display is provided at a control center (42) belonging to the printing press, or in another machine unit belonging to the printing press.

17. A device for providing information about printing formes to be manufactured for a new production run of a printing press, comprising a display device (52), wherein a display of the display device (52) visualizes a use of at least one of said printing formes (01) at its location of use in the printing press, wherein at the location of use of the relevant printing forme (01) a plurality of different positions are provided, wherein each of said positions is embodied as one of multiple mounting positions on a forme cylinder (06) having the multiple mounting positions and arranged in the printing press, or as one of multiple storage positions in one of multiple chutes having the relevant storage position, said chutes being disposed in a printing forme magazine (09) assigned to one of the forme cylinders (06) in the printing press, wherein the display of the display device (52) displays simultaneously a plurality of different locations of use in the printing press, wherein the display indicates at which of the positions of a specific location of use having multiple positions a printing forme (01) is to be provided, wherein the display also displays different states and/or properties relating to at least one manufactured printing forme (01), characterized in that the display

of the display device (52) is capable of displaying simultaneously a plurality of different production runs to be executed sequentially in the same printing press, with a plurality of locations of use, assigned to said production runs, for the printing formes (01) that are required for the respective production runs.

18. The device according to claim 17, characterized in that the at least one printing forme (01) to be transported to a specific forme cylinder (06) or to a specific printing forme magazine (09) of the printing press is arranged in a mobile collection container (43).

19. The device according to claim 17, characterized in that the display device (52) is connected via a communications system (41) to the respective control units of various other devices (33; 34; 38; 39; 42; 51; 57) for the purpose of data sharing.

20. The device according to claims 18 and 19, characterized in that the collection container (43) for transporting the at least one printing forme (01) provides data to the display device (52), via the communications system (41), said data relating at least to the position currently occupied by the relevant printing forme (01) on its transport path to the printing press.

21. The device according to claim 17, characterized in that the display of the display device (52) is arranged in a control center (42) belonging to the printing press, or in another machine unit belonging to the printing press.

22. The device according to claim 17, characterized in that the display of the display device (52) is arranged in a printing unit (44; 44.1; 44.2) belonging to the printing

press.

23. A method for providing information about printing formes to be manufactured for a new production run of a printing press, in which a use of at least one of said printing formes (01) at its location of use in the printing press is visualized in a display of a display device (52), wherein a plurality of different positions exist at the location of use of the relevant printing forme (01), wherein each of said positions relates to one of multiple mounting positions on a forme cylinder (06) having the multiple mounting positions and arranged in the printing press, or to one of multiple storage positions in one of multiple chutes having the relevant storage position, said chutes being disposed in a printing forme magazine (09) assigned to one of the forme cylinders (06) in the printing press, wherein the display of the display device (52) displays simultaneously a plurality of different locations of use in the printing press, wherein the display displays at which of the positions of a specific location of use having multiple positions a printing forme (01) is to be provided, characterized in that the display also displays different states and/or properties relating to at least one printing forme (01) to be manufactured.

24. The method according to claim 23, characterized in that the states and/or properties displayed by the display indicate whether a specific printing forme (01) is currently located in a production line for manufacturing printing formes (01) to be provided for the new production run.

25. The method according to claim 23, characterized in that the states and/or properties displayed by the display indicate whether a specific printing forme (01) is currently located in a plate exposure device (33) belonging to the production

line, or in a developing unit (36), or in a bending unit (38), or in a storage device (51).

26. The method according to claim 23, characterized in that the information about the state and/or the property of the relevant printing forme (01), displayed by the display, results from a comparison of data, wherein data provided by a control unit (39) of a production planning system which controls the production in the printing press are compared with data collected in the production line for manufacturing the relevant printing forme (01).

27. The method according to claim 23, characterized in that the display presents its respective information graphically.

28. The method according to claim 23, characterized in that the display presents its respective information by using at least one symbol.

29. The method according to claim 23, characterized in that the display indicates at which position in the relevant location of use a printing forme (01) is already arranged.

30. The method according to claim 23, characterized in that the display indicates which position in the relevant location of use will not be loaded with a printing forme (01) for the pending production run.

31. The method according to claim 23, characterized in that the display indicates at which position in the relevant location of use a non-printing printing forme (01) is to be arranged.

32. The method according to claim 23, characterized in that the display indicates whether a set of printing formes (01) required for a specific forme cylinder (06) is complete.

33. The method according to claim 23, characterized in that the display indicates for which printing unit (44; 44.1; 44.2), each comprising multiple forme cylinders (06) or printing forme magazines (09), in a printing system comprising multiple printing units (44; 44.1; 44.2) at least one set of printing formes (01) is complete, and/or which of the multiple sets of printing formes (01) to be arranged in a specific one of the printing units (44; 44.1; 44.2) has been manufactured and is ready for use.

34. The method according to claim 23, characterized in that the display displays simultaneously multiple different production runs to be executed sequentially in the same printing press, with a plurality of locations of use, assigned to said production runs, for the printing formes (01) that are required for the respective production runs.

35. The method according to claim 23, characterized in that information is provided with the help of a communications system (41), which connects the display device (52) to the respective control units of various other devices (33; 34; 38; 39; 42; 51; 57), enabling them to share data with one another.

36. The method according to claim 23, characterized in that the display is provided in an area in which a collection container (43) receives the printing formes (01) relating to a specific forme cylinder (06) or a specific printing forme magazine (09), prior to the transport of said formes to the relevant forme cylinder (06) or printing forme magazine (09).

37. The method according to claim 36, characterized in that the collection container (43) for transporting at least one printing forme (01) provides data to the display device (52), via the communications system (41), said data relating at least to the position currently occupied by the relevant printing forme (01) on its transport path to the printing press.

38. The method according to claim 23, characterized in that the display is provided at a control center (42) belonging to the printing press or in another machine unit belonging to the printing press.

39. A device for providing information about printing formes to be manufactured for a new production run of a printing press, comprising a display device (52), wherein a display of the display device (52) visualizes a use of at least one of said printing formes (01) at its location of use in the printing press, wherein at the location of use of the relevant printing forme (01) a plurality of different positions are provided, wherein each of said positions is embodied as one of multiple mounting positions on a forme cylinder (06) having the multiple mounting positions and arranged in the printing press, or as one of multiple storage positions in one of multiple chutes having the relevant storage position, said chutes being disposed in a printing forme magazine (09) assigned to one of the forme cylinders (06) in the printing press, wherein the display of the display device (52) displays simultaneously a plurality of different locations of use in the printing press, wherein the display indicates at which of the positions of a specific location of use having multiple positions a printing forme (01) is to be provided, characterized in that the display also displays different states and/or properties relating to at least one printing forme (01) to be manufactured.

40. The device according to claim 39, characterized in that the display device (52) is connected via a communications system (41) to the respective control units of various other devices (33; 34; 38; 39; 42; 51; 57) for the purpose of data sharing.

41. The device according to claim 39, characterized in that the at least one printing forme (01) to be transported to a specific forme cylinder (06) or to a specific printing forme magazine (09) of the printing press is arranged in a mobile collection container (43).

42. The device according to claim 41, characterized in that the collection container (43) for transporting the at least one printing forme (01) provides data to the display device (52), via the communications system (41), said data relating at least to the position currently occupied by the relevant printing forme (01) on its transport path to the printing press.

43. The device according to claim 39, characterized in that the display of the display device (52) is arranged in a control center (42) belonging to the printing press or in another machine unit belonging to the printing press.

44. The device according to claim 39, characterized in that the display of the display device (52) is arranged in a printing unit (44; 44.1; 44.2) belonging to the printing press.

45. A method for providing information about printing formes to be manufactured for a new production run of a printing press, in which a use of at least one of said printing formes (01) at its location of use in the printing press is visualized in a

display of a display device (52), wherein a plurality of different positions exist at the location of use of the relevant printing forme (01), wherein each of said positions relates to one of multiple mounting positions on a forme cylinder (06) having the multiple mounting positions and arranged in the printing press, or to one of multiple storage positions in one of multiple chutes having the relevant storage position, said chutes being disposed in a printing forme magazine (09) assigned to one of the forme cylinders (06) in the printing press, wherein the display of the display device (52) displays simultaneously a plurality of different locations of use in the printing press, wherein the display displays at which of the positions of a specific location of use having multiple positions a printing forme (01) is to be provided, characterized in that the display additionally displays a position currently occupied by at least one printing forme (01), which has been or will be manufactured, on its transport path to the printing press.

46. The method according to claim 45, characterized in that the states and/or properties displayed by the display indicate whether a specific printing forme (01) is currently located in a production line for manufacturing printing formes (01) to be provided for the new production run.

47. The method according to claim 45, characterized in that the states and/or properties displayed by the display indicate whether a specific printing forme (01) is currently located in a plate exposure device (33) belonging to the production line, or in a developing unit (36), or in a bending unit (38), or in a storage device (51).

48. The method according to claim 45, characterized in that the information about the state and/or the property of the relevant printing forme (01), displayed by the

display, results from a comparison of data, wherein data provided by a control unit (39) of a production planning system which controls the production in the printing press are compared with data collected in the production line for manufacturing the relevant printing forme (01).

49. The method according to claim 45, characterized in that the display presents its respective information graphically.

50. The method according to claim 45, characterized in that the display presents its respective information by using at least one symbol.

51. The method according to claim 45, characterized in that the display indicates at which position in the relevant location of use a printing forme (01) is already arranged.

52. The method according to claim 45, characterized in that the display indicates to which position in the planned location of use a manufactured printing forme (01), which is ready for use but still separate from its location of use, is assigned.

53. The method according to claim 45, characterized in that the display indicates which position in the relevant location of use will not be loaded with a printing forme (01) for the pending production run.

54. The method according to claim 45, characterized in that the display indicates at which position in the relevant location of use a non-printing printing forme (01) will be arranged.

55. The method according to claim 45, characterized in that the display indicates

whether a set of printing formes (01) required for a specific forme cylinder (06) is complete.

56. The method according to claim 45, characterized in that the display indicates for which printing unit (44; 44.1; 44.2), each comprising multiple forme cylinders (06) or printing forme magazines (09), in a printing system comprising multiple printing units (44; 44.1; 44.2) at least one set of printing formes (01) is complete, and/or which of the multiple sets of printing formes (01) to be arranged in a specific one of the printing units (44; 44.1; 44.2) has been manufactured and is ready for use.

57. The method according to claim 45, characterized in that the display displays simultaneously multiple different production runs to be executed sequentially in the same printing press, with a plurality of locations of use, assigned to said production runs, for the printing formes (01) that are required for the respective production runs.

58. The method according to claim 45, characterized in that information is provided with the help of a communications system (41), which connects the display device (52) to the respective control units of various other devices (33; 34; 38; 39; 42; 51; 57), enabling them to share data with one another.

59. The method according to claim 45, characterized in that the display is provided in an area in which a collection container (43) receives the printing formes (01) relating to a specific forme cylinder (06) or a specific printing forme magazine (09), prior to the transport of said formes to the relevant forme cylinder (06) or printing forme magazine (09).

60. The method according to claim 59, characterized in that the collection container (43) for transporting the at least one printing forme (01) provides data to the display device (52), via the communications system (41), said data relating at least to the position currently occupied by the relevant printing forme (01) on its transport path to the printing press.

61. The method according to claim 45, characterized in that the display is provided at a control center (42) belonging to the printing press or in another machine unit belonging to the printing press.

62. A device for providing information about printing formes to be manufactured for a new production run of a printing press, comprising a display device (52), wherein a display of the display device (52) visualizes a use of at least one of said printing formes (01) at its location of use in the printing press, wherein at the location of use of the relevant printing forme (01) a plurality of different positions are provided, wherein each of said positions is embodied as one of multiple mounting positions on a forme cylinder (06) having the multiple mounting positions and arranged in the printing press, or as one of multiple storage positions in one of multiple chutes having the relevant storage position, said chutes being disposed in a printing forme magazine (09) assigned to one of the forme cylinders (06) in the printing press, wherein the display of the display device (52) displays simultaneously a plurality of different locations of use in the printing press, wherein the display indicates at which of the positions of a specific location of use having multiple positions a printing forme (01) is to be provided, characterized in that the display also displays a position currently occupied by at least one printing forme (01), which has been or will be manufactured, on its transport path to the printing press.

63. The device according to claim 62, characterized in that the display device (52) is connected via a communications system (41) to the respective control units of various other devices (33; 34; 38; 39; 42; 51; 57) for the purpose of data sharing.

64. The device according to claim 62, characterized in that the at least one printing forme (01) to be transported to a specific forme cylinder (06) or to a specific printing forme magazine (09) of the printing press is arranged in a mobile collection container (43).

65. The device according to claim 64, characterized in that the collection container (43) for transporting the at least one printing forme (01) provides data to the display device (52), via the communications system (41), said data relating at least to the position currently occupied by the relevant printing forme (01) on its transport path to the printing press.

66. The device according to claim 62, characterized in that the display of the display device (52) is arranged in a control center (42) belonging to the printing press or in another machine unit belonging to the printing press.

67. The device according to claim 62, characterized in that the display of the display device (52) is arranged in a printing unit (44; 44.1; 44.2) belonging to the printing press.

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/737,276	02/11/2011	Adrian Helmut Alt-Steiner	W1.3039 PCT-US	3664

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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
ALT-STEINER et al.
Application No.: 12/737,276
Filed: 11 February 2011
Attorney Docket No.: W1.3039 PCT-US
For: METHOD AND APPARATUS FOR PROVIDING INFORMATION ABOUT PRINTING PLATES TO BE ...

: 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 30 December 2010, to make the above-identified application special.

The request and petition are **GRANTED**.

Discussion

A grantable request to participate in the PCT-PPH pilot program and petition to make special require:

(1) The U.S. application must disclose an eligible relationship to one or more PCT applications where the ISA or IPEA are the JPO, EPO, KIPO, IPAU, 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 not in English);

(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.

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PCT LEGAL ADMINISTRATION

In re Application of	:	DECISION ON
SOMERS et al	:	
Application No.: 12/737,281	:	
PCT No.: PCT/EP2009/053369	:	
Int. Filing Date: 23 March 2009	:	PETITION UNDER
Priority Date: 21 March 2008	:	
Attorney's Docket No.: 2676-P-10347US	:	
For: BIOMARKERS FOR RHEUMATOID ARTHRITIS	:	37 CFR 1.137(b)

This decision is in response to applicants' "Petition For Revival Of An Application For Patent Abandoned Unintentionally Under 37 CFR 1.137(b)," filed on 22 December 2010.

BACKGROUND

On 23 March 2009, this international application was filed, claiming an earliest priority date of 21 March 2008.

The deadline for paying the basic national fee in the United States under 35 U.S.C. 371 and 37 CFR 1.495 was 21 September 2010. This international application became abandoned with respect to the United States at midnight on 21 September 2010 for failure to pay the required basic national fee.

On 22 December 2010, applicant filed in the United States Patent and Trademark Office (PTO) a transmittal letter for entry into the national stage in the U.S. under 35 U.S.C. 371, which was accompanied by, *inter alia*, the national basic fee, petition fee, and a petition under 37 CFR 1.137(b).

DISCUSSION

A grantable petition to revive an abandoned application under 37 CFR 1.137(b) must be accompanied by (1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application; (2) the petition fee as set forth in § 1.17(m); and (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional; and (4) any terminal disclaimer (and fee as set forth in § 1.20 (d)) required pursuant to paragraph (c) of this section.

Petitioner has provided: (1) the proper reply by submitting the basic national filing fee, (2) the petition fee set forth in §1.17(m) and (3) the proper statement under 137(b)(3). In this application, no terminal disclaimer is required.

Accordingly, the petition is deemed to satisfy requirements (1), (2), (3), and (4) under 37 CFR 1.137(b).

DECISION

The petition under 37 CFR 1.137(b) is **GRANTED**.

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for continued processing.

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1230 AVENUE OF THE AMERICAS
7th FLOOR
NEW YORK NY 10020

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DEC 13 2011

OFFICE OF PETITIONS

In re Application of :
GIOVANNELLI et al. :
Application No. 12/737,286 : NOTICE
Filed: 04/05/2011 :
Attorney Docket No. 1333-055 :

This is a Notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28 filed November 25, 2011.

The Office no longer investigates or rejects original or reissue applications under 37 CFR 1.56. **1098 Off. Gaz. Pat. Office 502 (January 3, 1989)**. Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby **ACCEPTED**.

This application is no longer entitled to small entity status. Accordingly, all future fees paid in this application must be paid at the large entity rate.

This application is being forwarded to Technology Center Art Unit 2821 for examination in due course.

Inquiries related to this communication should be directed to the undersigned at (571) 272-3211.

C. P. Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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GWIPS
Peter T. Kwon
Gwacheon P.O. Box 72
119 Byeolyang Ro
Gwacheon City, Gyeonggi-Do 427-6-00
Republic of Korea

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MAY 16 2011

PCT LEGAL ADMINISTRATION

In re Application of :
SHIN, Mung-Chui :
Application No.: 12/737,290 :
PCT No.: PCT/KR2009/000253 :
Int. Filing Date: 16 January 2009 : DECISION
Priority Date: 25 January 2008 :
Docket No.: P10203NAR :
For: SYSTEM FOR SIMULATED FIRING :
EXERCISE AND METHOD THEREOF :

Applicant's Petition For Revival Under 37 CFR 1.137(b), filed in the above-captioned application on 08 March 2011 is **GRANTED**.

Applicant states that the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional, as required by 37 CFR 1.137(b)(3). The basic national fee and petition fee have been paid. A terminal disclaimer is not required as the application was filed on or after 08 June 1995. Accordingly, all requirements under 37 CFR 1.137(b) have been satisfied.

The surcharge for filing the search fee, examination fee or oath or declaration after 30 months will be charged to deposit account no. 50-1992.

This application is being forwarded to the National Stage Processing Branch of the Office of Patent Application Processing for further action consistent with this decision.

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Telephone: (571) 272-3292

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29683
HARRINGTON & SMITH
4 Research Drive
Suite 202
Shelton, CT 06484-6212

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MAR 23 2011

PCT LEGAL ADMINISTRATION

In re Application of
ZIMMERMANN *et al*
U.S. Application No.: 12/737,435
PCT No.: PCT/BR2009/000170
Int. Filing Date: 15 June 2009
Priority Date: 18 June 2008
Docket No.: 090A.0009.U1 (US)
For: REFRIGERATION SYSTEM

DECISION ON PETITION UNDER 37 CFR 1.137(b)

Applicants' petition to revive under 37 CFR 1.137(b) filed with the national stage papers on 11 January 2011 is hereby **GRANTED** as follows:

The proper fees and the petition fee have been paid. Applicants made the required statement pursuant to 37 CFR 1.137(b)(3). A terminal disclaimer is not required. Accordingly, all requirements under 37 CFR 1.137(b) have been satisfied.

A declaration in compliance with 37 CFR 1.497(a) and (b) was filed 15 February 2011.

This application is being forwarded to the United States Designated/Elected Office for further processing.

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

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JAN 28 2011

PCT LEGAL ADMINISTRATION

Wiggin and Dana LLP
Attention: Patent Docketing
One Century Tower, P.O. Box 1832
New Haven, CT 06508-1832

In re Application of :
BONANDER et al. :
Application No.: 12/737,482 : DECISION ON PETITION
PCT No.: PCT/GB2009/001785 : UNDER 37 CFR 1.137(b)
Int. Filing Date: 17 July 2009 :
Priority Date: 18 July 2008 :
Attorney Docket No.: 103373-102 :
For: BMS1 PROTEIN EXPRESSION SYSTEM :

The petition to revive under 37 CFR 1.137(b) filed 19 January 2011 in the above-captioned application is hereby **GRANTED** as follows:

Applicant's statement that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional" meets the requirements of 37 CFR 1.137(b)(3).

A review of the application file reveals that applicant has submitted the required reply (basic national fee) and the requirements of 37 CFR 1.137(b) have been satisfied. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

This application is being returned to the United States Designated/Elected Office for processing in accordance with this decision.

Anthony Smith
Attorney-Advisor
Office PCT Legal Administration
Tel.: 571-272-3298

UNITED STATES PATENT AND TRADEMARK OFFICE

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Wiggin and Dana LLP
Attention: Patent Docketing
One Century Tower, P.O. Box 1832
New Haven, CT 06508-1832

MAILED

SEP 14 2011

PCT LEGAL ADMINISTRATION

TIn re Application of :
BONANDER et al. :
Application No.: 12/737,482 : DECISION ON REQUEST
PCT No.: PCT/GB2009/001785 :
Int. Filing Date: 17 July 2009 :
Priority Date: 18 July 2008 :
Attorney Docket No.: 103373-102 :
For: BMS1 PROTEIN EXPRESSION SYSTEM

This decision is issued in response to applicant's "Notice to File Missing Parts Transmittal Letter" dated 11 July 2011 treated herein as a Petition under 37 CFR 1.497(d).[1] The requisite petition fee has been charged to applicant's deposit account, as authorized.

The petition under 37 CFR 1.497(d) to add Ljuban Grgic is DISMISSED without prejudice.

Applicant requests to add Ljuban Grgic as an inventor to the present application. In order to correct an error in naming the inventor(s) made during the international stage in the national stage, a submission under 37 CFR 1.497(d) is required.

A submission under 37 CFR 1.497(d) to correct an error in naming inventorship requires: (1) a statement from each person being added or deleted as an inventor that the error in inventorship occurred without any deceptive intention on his or her part; (2) an oath or declaration by the actual inventor(s) as required by 37 CFR 1.497(a); (3) the fee set forth in 37 CFR 1.17(i); and (4) if an assignment has been executed by any of the original nventors, the written consent of the assignee in compliance with 37 CFR 3.73(b).
Applicant has satisfied items (1), (2), and (3).

Item (4) has not been satisfied. Applicant has not provided the assignee's consent to the addition of Ljuban Grgic as an inventor herein (or written confirmation that no assignee exists). Additionally, the assignee must establish its ownership to the application in accordance with 37 CFR 3.73. See Manuel of Patent Examining Procedure (MPEP) §324

[1]Applicant states that the third inventor's first name is Roslyn Bill as indicated on the published international application and the newly executed declaration submitted on 11 July 2011.

and Statement under 37 CFR 3.73(b) (Form PTO/SB/96). Applicant must provide such consent before item (4) can be considered satisfied.

The inventor of record remains the inventor named on the international application.

Applicant must file a proper response to this decision within TWO (2) MONTHS from the mail date indicated above. Failure to file a timely and proper response will result in abandonment of the application. Extensions of time may be obtained under 37 CFR 1.136(a).

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Tel: (571) 272-3298

UNITED STATES PATENT AND TRADEMARK OFFICE

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Wiggin and Dana LLP
Attention: Patent Docketing
One Century Tower, P.O. Box 1832
New Haven, CT 06508-1832

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DEC 14 2011
PCT LEGAL ADMINISTRATION

TIn re Application of :
BONANDER et al. :
Application No.: 12/737,482 : DECISION ON REQUEST
PCT No.: PCT/GB2009/001785 :
Int. Filing Date: 17 July 2009 :
Priority Date: 18 July 2008 :
Attorney Docket No.: 103373-102 :
For: BMS1 PROTEIN EXPRESSION SYSTEM

In a decision mailed by this Office on 14 September 2011, applicant's request to correct inventorship was dismissed without prejudice for failure to satisfy all the requirements of 37 CFR 1.497(d).

On 09 December 2011, applicant filed the renewed request under 37 CFR 1.497(d) considered herein. Applicant's submissions satisfy the requirements of 37 CFR 1.497(d). Applicant has submitted a statement from the added inventor. The processing fee set in forth in 37 CFR §1.17 has been submitted. Applicant's submission included the consent of the assignee to the requested correction of inventorship, in the form required under 37 CFR 1.497(d)(3) and 3.73(b).

Based on the above, applicant's request to add Ljuban Grgic as an inventor is appropriately granted. Based on this correction, the declaration filed on 11 July 2011 (which named Nicklas Bonander; Richard Darby; Roslyn Bill; and Ljuban Grgic) is acceptable under 37 CFR 1.497. Applicant's request to correct inventorship under 37 CFR 1.497(d) is **GRANTED.**

This application is being forwarded to the National Stage Processing Branch of the Office Of PCT Operations for further processing in accordance with this decision. The 35 U.S.C. 371(c) date is 11 July 2011.

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Tel: (571) 272-3298

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MCGINN INTELLECTUAL PROPERTY LAW GROUP, PLLC
8321 OLD COURTHOUSE ROAD
SUITE 200
VIENNA VA 22182-3817

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NOV 14 2011

PCT LEGAL ADMINISTRATION

In re Application of: URANO, Hiroyuki
U.S. Application No.: 12/737,536
PCT Application No.: PCT/JP2009/063111
International Filing Date: 22 July 2009
Priority Date: 25 July 2008
Attorney's Docket No.: AJ227PCT/US/ht
For: ROLLING BEARING ASSEMBLY AND METHOD OF FORMING A LUBRICATION DEVICE THEREFOR

DECISION ON PETITION UNDER 37 CFR 1.182

This decision is issued in response to the "Petition Under 37 CFR 1.182 To Correct International Filing Number" filed on 14 September 2011. Applicant has paid the required petition fee.

BACKGROUND

On 14 July 2011, this Office mailed a communication indicating that a petition under 37 CFR 1.182 was required to clarify the record as to the correct international application number for the present national stage application. The notification indicated that the original application submission on 21 January 2011 referenced two different international applications, specifically, PCT/JP2009/06311 and PCT/JP2009/063111.

On 14 September 2011, applicant filed the petition under 37 CFR 1.182 considered herein.

DISCUSSION

The present petition confirms that the correct international application number for the present national stage application is PCT/JP2009/063111 and that the incorrect listing of international application number PCT/JP2009/06311 on the Form PTO-1390 filed on 21 January 2011was made without deceptive intent. The petition notes that the correct international application number was present in the initial application materials filed on 21 January 2011 (e.g., in the executed declaration). In addition, the petition was accompanied by the required petition fee.

Applicant's present petition satisfies the requirements for a grantable petition under 37 CFR 1.182 to correct the inconsistency in the international application numbers referenced in

applicants' 21 January 2011 filing. Accordingly, the application materials filed on 21 January 2011 will be treated as directed to international application PCT/JP2009/063111. Such materials, including payment of the U.S. basic national fee, were filed prior to the expiration of thirty months from the priority date of PCT/JP2009/063111.

CONCLUSION

The petition under 37 CFR 1.182 is **GRANTED**.

The present application will be treated as the U.S. national stage under 35 U.S.C. 371 of PCT/JP2009/063111.

The application is being referred to the National Stage Processing Branch of the Office of PCT Operations for further processing in accordance with this decision, including the mailing of a new "Notification Of Acceptance" (Form PCT/DO/EO/903) and filing receipt correctly identifying the present application as the U.S. national stage of PCT/JP2009/063111. The date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) is 21 January 2011.

/RichardMRoss/

Richard M. Ross
Attorney Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3296

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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.
12/737,540	01/24/2011	Toru Okada	NKAY-0018	1348

38327 7590 04/20/2011

Juan Carlos A. Marquez
c/o Stites & Harbison PLLC
1199 North Fairfax Street
Suite 900
Alexandria, VA 22314-1437

EXAMINER	
ART UNIT	PAPER NUMBER
2855	

NOTIFICATION DATE	DELIVERY MODE
04/20/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

iplaw@stites.com

UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. Box 1450
Alexandria, VA 22313-1450
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Juan Carlos A. Marquez
c/o Stites & Harbison PLLC
1199 North Fairfax Street
Suite 900
Alexandria VA 22314-1437

In re Application of
OKADA et al.
Application No.: 12/737,540
Filed: 24 January 2011
Attorney Docket No.: NKAY-0018
For: MASTER TIRE AND METHOD OF INSPECTING TIRE UNIFORMITY TESTER USING THE MASTER TIRE

: 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 17 March 2011, to make the above-identified application special.

The request and petition are **GRANTED**.

Discussion

A grantable request to participate in the PPH pilot program and petition to make special require:

1. The U.S. application is
    a. a Paris Convention application which either
        i. validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the JPO, or
        ii. validly claims priority to a PCT application that contains no priority claims, or
    b. a national stage application under the PCT (an application which entered the national stage in the U.S. from a PCT international application after compliance with 35 U.S.C. 371), which PCT application
        i. validly claims priority to an application filed in the JPO, or
        ii. validly claims priority to a PCT application that contains no priority claims, or
        iii. contains no priority claim, or
    c. a so-called bypass application filed under 35 U.S.C. 111(a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application
        i. validly claims priority to an application filed in the JPO, or

ii. validly claims priority to a PCT application that contains no priority claims, or
iii. contains no priority claim;

2. Applicant must submit a copy of:
   a. The allowable/patentable claim(s) from the JPO application(s);
   b. An English translation of the allowable/patentable claim(s) and
   c. A statement that the English translation is accurate;
3. Applicant must:
   a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s) and
   b. Submit a claims correspondence table in English;
4. Examination of the U.S. application has not begun;
5. Applicant must submit:
   a. Documentation of prior office action:
      i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claim(s) or
      ii. if the allowable/patentable claims(s) are from a "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
      iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form;
   b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above
   c. A statement that the English translation is accurate;
6. Applicant must submit:
   a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application)
   b. Copies of the documents except U.S. patents or U.S. patent application publications (unless already submitted in this application);

The request to participate in the PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Inquiries concerning this decision should be directed to Lee W. Young at 571-272-4549.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc.index.html.

This application will be forwarded to the examiner for action on the merits commensurate with this decision once this application's formality reviews have been completed.

Lee W. Young
TQAS, Technology Center 2800 – Semiconductors
Electrical & Optical Systems & Components

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JUL 06 2011

PCT LEGAL ADMINISTRATION

FLYNN THIEL BOUTELL & TANIS, P.C.
2026 RAMBLING ROAD
KALAMAZOO MI 49008-1631

In re Application of OTSUKI et al. :
Application No.: 12/737,543 : DECISION ON SUBMISSION
PCT No.: PCT/JP09/56283 :
Int. Filing Date: 27 March 2009 :
Priority Date: 24 July 2008 :
Attorney Docket No.: 4900.P0072US :
For: THIN FILM SEMICONDUCTOR SUBSTRATE :
VIEWER-DEPENDENT POSITIONING AND :
AND APPARATUS FOR MANUFACTURING THE SAME

This is a decision on Applicant's response to a Notification of Missing Requirements filed in the United States Patent and Trademark Office on 12 April 2011. Applicant submitted an executed declaration in the above referenced application.

BACKGROUND

On 21 January 2011, applicant filed a transmittal letter concerning a filing under 35 U.S.C. 371 accompanied by the basic national fee.

On 10 February 2011, a Notification of Missing Requirements was mailed to applicant indicating that an oath or declaration, in compliance with 37 CFR 1.497(a) and (b) was required.

DISCUSSION

A review of the application file reveals that the given name of the applicant as listed on the published international application is "MASATOSHI ATARI". The declaration; filed on 12 April 2011, identifies the inventor as "MASATOSHI NAKA". The executed declaration is not in compliance with 37 CFR 1.497(a) and (b) as the declaration does not name the inventive entity identified in the published international application. Thus, the declaration does not satisfy the requirements of 35 U.S.C. 371 (c)(4) for entrance into the national stage in the United States.

It does not appear that applicant filed a request under PCT Rule 92*bis* to change the name of the inventor as no Notification of the Recording of a Change (Form PCT/IB/306) has been submitted which indicates that the name change was accepted. Should applicant wish to change

the inventor's name to MASATOSHI NAKA, a petition under 37 CFR 1.182 is required. See MPEP §605.04(c).

CONCLUSION

For the reasons set forth above, the declaration of inventor submitted by applicant on 12 April 2011 is not in compliance with 37 CFR 1.497(a) and (b) and is unacceptable.

A petition under 37 CFR 1.182 is required.

Applicant has ONE (1) MONTH within which to respond to this decision or the time remaining under the Notification of Missing Requirements.

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

/Cynthia M. Kratz/
Cynthia M. Kratz
Attorney Advisor
Office of PCT Legal Administration

Telephone: (571) 272-3286
Facsimile: (571) 273-0459

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OCT 03 2011

PCT LEGAL ADMINISTRATION

FLYNN THIEL BOUTELL & TANIS, P.C.
2026 RAMBLING ROAD
KALAMAZOO MI 49008-1631

In re Application of OTSUKI et al.
Application No.: 12/737,543
PCT No.: PCT/JP09/56283
Int. Filing Date: 27 March 2009
Priority Date: 24 July 2008
Attorney Docket No.: 4900.P0072US
For: THIN FILM SEMICONDUCTOR SUBSTRATE VIEWER-DEPENDENT POSITIONING AND AND APPARATUS FOR MANUFACTURING THE SAME

DECISION ON PETITION

UNDER 37 CFR 1.182

This is a decision on applicant's request to correct the third inventor's name filed on 01 August 2011 in the United States Patent and Trademark Office (USPTO) in the above-captioned application.

On 21 January 2011, applicant filed a request for U.S. national stage entry for PCT/JP09/56283 along with the basic national fee. On 10 February 2011, a Notification of Missing Requirements was mailed to applicant indicating that an oath or declaration, in compliance with 37 CFR 1.497(a) and (b), *inter alia*, was required. On 12 April 2011, applicant filed an executed declaration. On 06 July 2011, a decision on the declaration was mailed to applicant indicating that the inventor's name as listed on the published international application was different from that on the declaration. Applicant was advised to file a petition under 37 CFR 1.182 to correct the inventor's name.

On 01 August 2011, applicant filed a request to correct the third inventor's name. Applicant explains that his name was inadvertently misspelled as a result of a typographical error in the published international application as "Masatoshi Atari". The third inventor's correct name, Masatoshi **Naka,** is accepted and noted for the record. The petition under 37 CFR 1.182 is dismissed as moot. No petition fee is required; the petition fee will be refunded to applicant. *See* MPEP 1893.01(e) Correction of Inventorship.

Thus, the declaration, submitted on 12 April 2011, is acceptable and in compliance with 37 CFR 1.497(a) and (b).

The application will be forwarded to the United States Designated/Elected Office for further processing. The 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date is 12 April 2011.

/Cynthia M. Kratz/
Cynthia M. Kratz
Attorney Advisor
Office of PCT Legal Administration

Telephone: (571) 272-3286
Facsimile: (571) 273-0459

UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/737,547	01/25/2011	Tomohiro Tsuta		3060

7590 04/12/2011

Tomohiro Tsuta
29-8 Suganodai 7-chome Suma-Ku
Kobe-shi Hyogo, 6540143
JAPAN

EXAMINER
MACK, RICKY LEVERN

ART UNIT	PAPER NUMBER
2873	

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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Tomohiro Tsuta
29-8 Suganodai 7-chome Suma-Ku
Kobe-shi Hyogo 65401-43 JP JAPAN

In re Application of	**: DECISION ON REQUEST TO**
Tomohiro TSUTA	**: PARTICIPATE IN THE PATENT**
Application No.: 12/737,547	**: PROSECUTION HIGHWAY**
Filed: 25 Januiary 2011	**: PROGRAM AND PETITION**
Attorney Docket No.: N/A	**: TO MAKE SPECIAL UNDER**
For: PERIMETER	**: 37 CFR 1.102(a)**

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed 25 February 2011, to make the above-identified application special.

The request and petition are **GRANTED**.

Discussion

A grantable request to participate in the PPH pilot program and petition to make special require:

1. The U.S. application is
    a. a Paris Convention application which either
        i. validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the JPO, or
        ii. validly claims priority to a PCT application that contains no priority claims, or
    b. a national stage application under the PCT (an application which entered the national stage in the U.S. from a PCT international application after compliance with 35 U.S.C. 371), which PCT application
        i. validly claims priority to an application filed in the JPO, or
        ii. validly claims priority to a PCT application that contains no priority claims, or
        iii. contains no priority claim, or
    c. a so-called bypass application filed under 35 U.S.C. 111(a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application
        i. validly claims priority to an application filed in the JPO, or
        ii. validly claims priority to a PCT application that contains no priority claims, or
        iii. contains no priority claim;
2. Applicant must submit a copy of:

a. The allowable/patentable claim(s) from the JPO application(s);
b. An English translation of the allowable/patentable claim(s) and
c. A statement that the English translation is accurate;

3. Applicant must:
   a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s) and
   b. Submit a claims correspondence table in English;
4. Examination of the U.S. application has not begun;
5. Applicant must submit:
   a. Documentation of prior office action:
      i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claim(s) or
      ii. if the allowable/patentable claims(s) are from a "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
      iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form;
   b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above
   c. A statement that the English translation is accurate;
6. Applicant must submit:
   a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application)
   b. Copies of the documents except U.S. patents or U.S. patent application publications (unless already submitted in this application);

The request to participate in the PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Inquiries concerning this decision should be directed to Lee W. Young at 571-272-4549.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc.index.html.

This application will be forwarded to the examiner for action on the merits commensurate with this decision once this application's formality reviews have been completed.

Lee W. Young
TQAS, Technology Center 2800 – Semiconductors
Electrical & Optical Systems & Components

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P.O. Box 1450
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JUL 28 2011

PCT LEGAL ADMINISTRATION

Perman & Green, LLP
99 Hawley Lane
Stratford CT 06614

In re Application of RAUTIOLA et al.
Application No.: 12/737,593
PCT No.: PCT/FI07/50027
Int. Filing: 18 January 2007
Priority Date: 19 January 2006
Attorney Docket No.:
For: CONNECTING A CIRCUIT-SWITCHED WIRELESS ACCESS NETWORK TO AN IP MULTIMEDIA SUBSYSTEM

DECISION ON

PETITION TO REVIVE

UNDER 37 CFR 1.137(b)

The petition to revive under 37 CFR 1.137(b) filed 28 January 2011 in the above captioned application is hereby **GRANTED** as follows:

Applicant's statement that "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional" satisfies the requirement of 37 CFR 1.137(b)(3). The petition fee of $1620 has been paid.

Applicant submitted the declaration executed by inventor, which is in compliance with 37 CFR 1.497(a) and (b). The $130 surcharge for filing the declaration after the thirty month period was also paid.

This application is being referred to the National Stage Processing Branch of the Office of PCT Operations for further processing. The 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date is 28 January 2011.

/Cynthia M. Kratz/
Cynthia M. Kratz
Attorney Advisor
PCT Legal Office
Office of PCT Legal Administration
Telephone: (571) 272-3286

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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Tomohiro Tsuta
29-8, Suganodai 7-Chrome, Suma-ku
Kobe-shi
Hyogo, 6540143
JAPAN

MAILED

APR 14 2011

PCT LEGAL ADMINISTRATION

In re Application of :
TSUTA, Tomohiro :
U.S. Application No.: 12/737,615 :
PCT No.: PCT/JP2009/062707 :
Int. Filing Date: 14 July 2009 :
Priority Date: 28 July 2008 :
Attorney's Docket No.: None :
For: STATIC VISUAL FIELD SCANNING APPARATUS :

DECISION

This is a decision on the papers filed 17 February 2011 which are treated as a petition to withdraw the holding of abandonment pursuant to 37 CFR 1.181.

Applicant's petition is **DISMISSED** without prejudice.

Applicant filed papers to enter the U.S. national stage of PCT/JP2009/062707 which claims priority to a Japanese patent application filed 28 July 2008. These papers were received on 31 January 2011. As a result, the DO/EO/US mailed a Notification of Abandonment (Form PCT/DO/EO/909) on 17 February 2011 for failing to timely provide the full U.S. Basic National Fee by thirty-months pursuant to 37 CFR 1.495(b)(2).

In the subject petition to withdraw the holding of abandonment, applicant claims that the delay was caused by a postal service disruption due to heavy snow in the northeast United States on or around 27 January 2011. Applicant requests relief pursuant to 35 U.S.C. 21(a).[1]

In the event of a postal interruption or emergency, an announcement will be placed on the USPTO website at www.uspto.gov and a notice will be published in the Official Gazette, providing instructions. *See* MPEP § 511. In this case, the Director did not designate a postal interruption or emergency due to the severe weather in the northeast United States on or around 27 January 2011.

The above-captioned application remains **ABANDONED**.

---

[1] 35 U.S.C. 21 (a). *Filing date and day for taking action.* The Director may by rule prescribe that any paper or fee required to be filed in the Patent and Trademark Office will be considered filed in the Office on the date on which it was deposited with the United States Postal Service or would have been deposited with the United States Postal Service but for postal service interruptions or emergencies designated by the Director.

If reconsideration on the merits of this petition is desired, a proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. Applicant may wish to consider filing a petition to revive the above-captioned application under 37 CFR 1.137(a) or (b).

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

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Kobe-shi
Hyogo, 6540143
JAPAN

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OCT 07 2011

PCT LEGAL ADMINISTRATION

In re Application of :
TSUTA, Tomohiro :
U.S. Application No.: 12/737,615 :
PCT No.: PCT/JP2009/062707 :
Int. Filing Date: 14 July 2009 :
Priority Date: 28 July 2008 :
Attorney's Docket No.: None :
For: STATIC VISUAL FIELD SCANNING APPARATUS :

DECISION

Applicants' petition to revive under 37 CFR 1.137(b) filed on 08 August 2011 is hereby **GRANTED** as follows:

The filing of the subject petition to revive is an appropriate response to the Decision mailed 14 April 2011. The petition fee for a small entity has been paid. Applicant made the required statement pursuant to 37 CFR 1.137(b)(3). A terminal disclaimer is not required. Accordingly, all requirements under 37 CFR 1.137(b) have been satisfied.

This application is being forwarded to the United States Designated/Elected Office for further processing.

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

Doc Code: PPH.PCT.652
Document Description: Petition to make special under PCT-Patent Pros Hwy

PTO/SB/20PCT-JP (05-10)
Approved for use through 01/31/2012. OMB 0651-0058
U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE JAPAN PATENT OFFICE (JPO) AND THE USPTO

Application No:	12/737,623	Filing date:	January 31, 2011
First Named Inventor:	Yoshiro KITAMURA		
Title of the Invention:	IMAGE PROCESSING APPARTUS, IMAGE PROCESSING METHOD , AND IMAGE PROCESSING PROGRAM		

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/JP2010/001191

The international date of the corresponding PCT application(s) is/are: February 23, 2010

I. List of Required Documents:

a. **A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above–identified corresponding PCT application(s)**

☐ Is attached.

☒ Is not attached because the document is already in the U.S. application.

b. **A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s).**

☐ Is attached.

☒ Is not attached because the document is already in the U.S. application.

c. **English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.**

This collection of information is required by 35 U.S.C. 119, 37 CFR 1.55, and 37 CFR 1.102(d). The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.

REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM BETWEEN THE JPO AND THE USPTO

(continued)

Application No.:	
First Named Inventor:	

d. **(1) An information disclosure statement listing the documents cited in the international work products (ISR, WO/ISA, WO/IPEA, IPER) of the corresponding PCT application.**

☐ Is attached

☒ Has already been filed in the above-identified U.S. application on January 31, 2011

(2) Copies of all documents (except) for U.S. patents or U.S. patent application publications)

☐ Are attached.

☒ Have already been filed in the above-identified U.S. application on January 31, 2011

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1-3	1-3	Same (Amended for clarity in Preliminary Amendment)
4-6	4-6	Same (Amended to remove multiple dependency in Preliminary Amendment)
7-8	7-8	Same (Amended for clarity in Preliminary Amendment)
9	9 and 10	Claim 9 was amended to include the limitations of allowed claim 10
20	9 and 13	Claim 20 corresponds to original claim 9 and includes the limitations of allowed claim 13
21	9, 10, and 11	Claim 21 depends from amended Claim 9
22	9, 10, 11, and 12	Claim 22 depends from Claim 21, which depends from amended Claim 9
23	14	Same (Amended to depend from New Claim 20)
24	15	Same (Amended to remove multiple dependency in Preliminary Amendment)
25	15	Same (Amended to remove multiple dependency and depend from new claim 20)
26	16	Same (Amended to remove multiple dependency in Preliminary Amendment)
27	16	Same (Amended to remove multiple dependency and depend from new claim 20)
28	17	Same (Amended to remove multiple dependency in Preliminary Amendment)
29	17	Same (Amended to remove multiple dependency and depend from new claim 20)
30	18 and 10	Claim 30 corresponds to original claim 18 with the limitations of allowed claim 10
31	18 and 13	Claim 31 corresponds to original claim 18 with the limitations of allowed claim 13
32	19 and 10	Claim 32 corresponds to original claim 19 with the limitations of allowed claim 10
33	19 and 13	Claim 33 corresponds to original claim 19 with the limitations of allowed claim 13

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature /Jean C. Edwards/	Date March 18, 2011
Name (Print/Typed) Jean C. Edwards, Esq.	Registration Number 41,728

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/737,623	01/31/2011	Yoshiro Kitamura	72770.0058	4948

57362 7590 04/20/2011

AKERMAN SENTERFITT
8100 BOONE BOULEVARD
SUITE 700
VIENNA, VA 22182-2683

EXAMINER	
ART UNIT	PAPER NUMBER
2624	

MAIL DATE	DELIVERY MODE
04/20/2011	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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APR 20 2011

DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

AKERMAN SENTERFITT
8100 BOONE BOULEVARD
SUITE 700
VIENNA VA 22182-2683

In re Application of
KITAMURA, YOSHIRO
Application No. 12/737,623
Filed: January 31, 2011
Attorney Docket No. 72770.0058

DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(a)

This is a decision on the request to participate in the PCT Patent Prosecution Highway (PPH) pilot program and the petition under 37 CFR 1.102(a), filed March 18, 2011 to make the above-identified application special.

The request and petition are **DISMISSED**.

A grantable request to participate in the PCT-PPH pilot program and petition to make special require:

(1) The U.S. application 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 is deficient as follows:

Petitioner has not complied with item 5 above.

Regarding item 5 claims 30-33 of the U.S. application do not sufficiently correspond to the claims which were indicated as having novelty, inventive step, and industrial applicability in the corresponding PCT application. 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. 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. The correspondence table in the petition indicates claims 30-33 of U.S. application correspond to allowed claims 10 and 13 of the corresponding PCT application. However, the scope of claims 30-33 of U.S. application are directed to an Image Processing method whereas the scope of allowed claims 10 and 13 of the corresponding PCT application are directed to an imaging processing apparatus. Furthermore, the differences between the claims are not due to translations or claim format requirements. Therefore, the claims are not of the same or similar scope and thus do not "sufficiently correspond" to each other.

Applicant is given a time period of **ONE MONTH or THIRTY DAYS**, whichever is longer, from the mailing date of this decision to correct the deficiencies. **NO EXTENSION OF TIME UNDER 37 CFR 1.136 IS PERMITTED.** If the deficiencies are not corrected with the time period given, the application will await action in its regular turn.

Any response must be submitted via EFS-web.

Telephone inquiries concerning this decision should be directed to Michael Horabik at 571-272-3068.

All other inquiries concerning the examination or status of the application should be directed to Patent Application Information Retrieval (PAIR) system.

/Michael Horabik/

Michael Horabik
Quality Assurance Specialist
Technology Center 2600
Communications

UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. Box 1450
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Benita J. Rohm
Rohm & Monsanto, PLC
12 Rathbone Place
Grosse Pointe, Michigan 48230

MAILED

FEB 10 2011

PCT LEGAL ADMINISTRATION

In re Application of :
JURANITCH, James C. :
U.S. App. No. 12/737,642 : DECISION ON PETITION
PCT No.: PCT/US2009/003934 : UNDER 37 CFR 1.137(b)
Int. Filing Date: 01 July 2009 :
Priority Date: 01 July 2008 :
Attorney Docket: RM.JJ2A :
For: RECYCLING AND REBURNING :
CARBON DIOXIDE IN AN ENERGY
EFFICIENT WAY

The petition to revive under 37 CFR 1.137(b) filed 02 February 2011 in the above-captioned application is hereby **GRANTED** as follows:

Applicant's statement that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional" meets the requirements of 37 CFR 1.137(b)(3).

A review of the application file reveals that applicant has submitted the required reply (basic national fee) and the requirements of 37 CFR 1.137(b) have been satisfied. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

This application is being returned to the United States Designated/Elected Office for processing in accordance with this decision.

Anthony Smith
Attorney-Advisor
Office PCT Legal Administration
Tel.: 571-272-3298

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P.O. Box 1450
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APR 0 4 2011

PCT LEGAL ADMINISTRATION

COLLARD & ROE, P.C.
1077 NORTHERN BOULEVARD
ROSLYN NY 11576

In re Application of:
MORGAN, Joanne, Lynsey, et al.
U.S. Application No.: 12/737,674
PCT No.: PCT/GB2009/001671
International Filing Date: 03 July 2009
Priority Date: 04 July 2008
Atty's Docket No.: MORGAN ET AL – 2 PCT
For: IMPROVEMENTS IN OR RELATING TO CLOTHING

DECISION ON PETITION
(37 CFR 1.137(b))

The petition for revival under 37 CFR 1.137(b) filed 03 February 2011 in the above-captioned application is hereby **GRANTED** as follows:

International application PCT/GB2009/001671 became abandoned with respect to the United States at midnight 04 January 2011 based on applicants' failure to request entry into national stage in the United States and pay the basic national fee prior to the expiration of thirty months from the priority date. The present petition for revival was accompanied by payment of the petition fee and the "required reply" in the form of a request for entry into the U.S. national stage and payment of the small entity basic national fee. In addition, the petition includes a statement that "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional," satisfying the requirement of 37 CFR 1.137(b)(3). Based on the above, the requirements of 37 CFR 1.137(b) have been satisfied. Accordingly, the request to revive the international application with respect to the United States is appropriately granted.

It is noted that, on 16 February 2011, applicants submitted an executed declaration and the surcharge for filing the oath or declaration later than thirty months after the priority date.

This application is being referred to the National Stage Processing Division of the Office of PCT Operations for further processing in accordance with this decision. The date under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) is 16 February 2011.

/RichardMRoss/

Richard M. Ross
Attorney Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3296

UNITED STATES PATENT AND TRADEMARK OFFICE

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MAILED

MAY 18 2011

PCT LEGAL ADMINISTRATION

MICHAEL J.SHEA
NIXON & VANDERHYE, PC
901 NORTH GLEBE ROAD, 11TH FLOOR
ARLINGTON, VA 22203

In re Application of:
SHIMIZU et al.
PCT Application No.: PCT/JP2009/056566
US Application No.: 12/737,691
Int. Filing Date: 30 March 2009
Atty Docket No.: 5137-19
For: MAGNETIC RECORDING HEAD, MAGNETIC HEAD ASSEMBLY AND MAGNETIC RECORDING DEVICE

DECISION

UNDER

37 CFR § 1.181

Applicants' "PETITION UNDER 37 C.F.R. §1.181" which was received on 15 March 2011 requesting that 12/737,691 be converted to a continuation application under 35 U.S.C. 111(a). No fee is required.

BACKGROUND

On 30 March 2009, applicants filed international application PCT/JP2009/056566, which claimed priority to a Japanese application.

On 07 February 2011, applicant filed a submission for entry to the United States. The papers were assigned U.S. application number 12/737,691.

On 15 March 2011, applicant filed the present petition to convert the application from a national stage application to a continuation application under 35 U.S.C. 111(a).

DISCUSSION

Any intended filing of an international application as a national stage application must clearly be identified as such and must satisfy all the conditions set forth in 35 U.S.C. 371(c). Otherwise, the submission will be considered as being made under 35 U.S.C. 111(a). 37 CFR 1.495(g). In addition, section 1893.03(a) of the Manual of Patent Examining Procedure states, in part:

In accordance with the notice at 1077 O.G. 13 (14 April 1987) . . . if there are any conflicting instructions as to whether the filing is under 35 U.S.C. 111(a) or 35 U.S.C. 371, the application will be accepted as filed under 35 U.S.C. 111(a).

A review of the subject application shows that a "Transmittal Letter to the United States Designated/Elected Office (DO/EO/US) concerning a filing under 35 U.S.C. 371 (Form PTO-1390) was filed on 07 February 2011. Applicants contend that the present application should be treated as a filing under 35 U.S.C. 111(a) because of the specification, included with the initial submission, indicated the instant application to be a "continuation of international application...". As the instruction was in fact conflicting, the application should have been treated as a filing under 35 U.S.C. 111(a).

CONCLUSION

For the reason detailed above, applicants' petition under 37 CFR 1.181 is **GRANTED**.

This application is being forwarded to the Office of Patent Application Processing for further processing in accordance with this decision.

Shian Luong
PCT Special Programs Examiner
Office of PCT Legal Administration
Telephone: (571) 272-4557

Bryan Lin
PCT Legal Examiner
Office of PCT Legal Administration

UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/737,702	02/08/2011	Keigo Nakamura	72770.0059	1512

13155 7590 06/13/2011

Edwards Neils PLLC
11710 Plaza America Drive, Suite 2000
Reston, VA 20190

EXAMINER	
VU, KIEU D	
ART UNIT	PAPER NUMBER
2173	
MAIL DATE	DELIVERY MODE
06/13/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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Edwards Neils PLLC
11710 Plaza America Drive, Suite 2000
Reston VA 20190

In re Application of: K. NAKAMURA
Application No. 12/737,702
Attorney Docket #: 72770.0059
Filed: February 8, 2011
For: IMAGE PROCESSING DEVICE AND METHOD, AND PROGRAM

DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(a)

This is a decision on the renewed request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed April 8, 2011, to make the above-identified application special.

The petition is **GRANTED.**

A grantable request to participate in the PPH program and petition to make special require:

(1) The U.S. application is
(a) a Paris Convention application which either
(i) validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the JPO, or
(ii) validly claims priority to a PCT application that contains no priority claims,

Or

(b) a national stage application under the PCT (an application which entered the national stage in the U.S. from a PCT international application after compliance with 35 U.S.C. 371), which PCT application
(i) validly claims priority to an application filed in the JPO, or
(ii) validly claims priority to a PCT application that contains no priority claims, or
(iii) contains no priority claim,

Or

(c) a so-called bypass application filed under 35 U.S.C. 111 (a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application
(i) validly claims priority to an application filed in the JPO, or
(ii) validly claims priority to a PCT application that contains no priority claims, or
(iii) contains no priority claim.

Where the JPO application that contains the allowable/patentable claims is not the same application for which priority is claimed in the U.S. application, applicant must identify the relationship between the JPO application that contains the allowable/patentable claims and the JPO priority application claimed in the U.S. application.

(2) Applicant must submit a copy of:
a. The allowable/patentable claim(s) from the JPO application(s) or if a copy of the allowable/patentable claims is available via the Dossier Access System (DAS) applicant may request the USPTO obtain a copy from the DAS, however if the USPTO is unable to obtain a copy from the DAS the applicant will be required to submit a copy;
b. An English translation of the allowable/patentable claim(s) and
c. A statement that the English translation is accurate;

Effective January 29, 2010, for a period of two years ending on January 28, 2012, the USPTO will accept claims written in dependent form in the U.S. application which are narrower in scope than the allowable/patentable claims in the Japanese application.

(3) Applicant must:
a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s) and
b. Submit a claims correspondence table in English;

(4) Examination of the U.S. application has not begun;

(5) Applicant must submit:
a. Documentation of prior office action:
i. a copy of the office action(s)just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claim(s) or
ii. if the allowable/patentable claims(s) are from a "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form;

Further, if a copy of the documents from a above is available via the Dossier Access System (DAS) applicant may request the USPTO obtain a copy from the DAS, however if the USPTO is unable to obtain a copy from the DAS the applicant will be required to submit a copy;

b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above

c. A statement that the English translation is accurate;

Effective January 29, 2010, Applicants may submit a machine translation into the English language of the copy of the latest JPO office action just prior to the

"Decision to Grant a Patent" (e.g., the latest "Notification of Reasons for Refusal") from each of the JPO application(s) containing the allowable/patentable claims that are the basis for the PPH request. The machine translation into the English language must be one that is provided by the JPO. That is, the machine translation into the English language cannot be one that is provided by a commercial service. Where a machine translation into the English language of the copy of the latest JPO office action (obtained from the JPO) is submitted, it will not be necessary to include a statement that the English translation is accurate.

(6) Applicant must submit:
   a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application)
   b. Copies of the documents except U.S. patents or U.S. patent application publications (unless already submitted in this application);

The petition is **GRANTED.**

The request to participate in the PPH pilot program and petition are found to comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Mano Padmanabhan at 571-272-4210.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc/index.html.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

/Mano Padmanabhan/

_____

Mano Padmanabhan
Quality Assurance Specialist, Technology Center 2100, Workgroup 2180
571-272-4210

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MAILED

APR 15 2011

PCT LEGAL ADMINISTRATION

David A. Einhorn, Esq.
Baker & Hostetler LLP
45 Rockefeller Plaza
New York NY 10111

In re Application of BAE
Application No.: 12/737,713
PCT No.: PCT/KR08/07290
Int. Filing: 10 December 2008
Priority Date: 30 June 2008
Attorney Docket No.: DE2006
For: SYSTEM AND METHOD FOR CONTINUOUS PLAYING OF MOVING PICTURES....

DECISION ON

PETITION TO REVIVE

UNDER 37 CFR 1.137(b)

The petition to revive under 37 CFR 1.137(b) filed 08 February 2011 in the above-captioned application is hereby **GRANTED**.

Applicant's statement that "the entire delay in filing the required reply from the due date for the required reply until the filing et a grantable petition under 37 CFR 1.137(b) was unintentional" meets the requirements of 37 CFR 1.137(b)(3).

A review of the application file reveals that the petition fee of $1620 has been paid and the basic national fee of $330 was provided. Thus, the requirements of 37 CFR 1.137(b) have been satisfied. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

Per his authorization, the $130 surcharge for filing the declaration, after the thirty month period, will be charged to applicant's deposit account.

This application is being forwarded to the United States Designated/Elected Office for further processing. The 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date is 08 February 2011.

/Cynthia M. Kratz/
Cynthia M. Kratz
Attorney Advisor
PCT Legal Office
Office of PCT Legal Administration

Telephone: 571-272-3286

UNITED STATES PATENT AND TRADEMARK OFFICE

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APR 11 2011

PCT LEGAL ADMINISTRATION

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

David A. Einhorn, Esq.
Baker & Hostetler LLP
45 Rockefeller Plaza
New York NY 10111

In re Application of:
BAE, Tae, Meon
U.S. Application No.: 12/737,714
PCT No.: PCT/KR2008/006657
International Filing Date: 12 November 2008
Priority Date: 13 May 2008
Attorney's Docket No.: DE2007
For: MOTION PICTURE CODING DEVICE AND METHOD

DECISION ON PETITION
(37 CFR 1.137(b))

The petition for revival under 37 CFR 1.137(b) filed 08 February 2011 in the above-captioned application is hereby **GRANTED** as follows:

International application PCT/KR2008/006657 became abandoned with respect to the United States at midnight on 13 November 2010 based on applicant's failure to request entry into national stage in the United States and pay the basic national fee prior to the expiration of thirty months from the priority date.

The present petition for revival was accompanied by payment of the petition fee and the "required reply" in the form of a request for entry into the U.S. national stage and payment of the basic national fee. In addition, the petition includes a statement that "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional," satisfying the requirement of 37 CFR 1.137(b)(3). Based on the above, the requirements of 37 CFR 1.137(b) have been satisfied. Accordingly, the request to revive the international application with respect to the United States is appropriately granted.

This application is being referred to the National Stage Processing Division of the Office of PCT Operations for further processing in accordance with this decision.

/RichardMRoss/

Richard M. Ross
Attorney Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3296

UNITED STATES PATENT AND TRADEMARK OFFICE

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David A. Einhorn
BAKER & HOSTETLER LLP
45 Rockefeller Plaza
New York, NY 10111

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APR 07 2011

PCT LEGAL ADMINISTRATION

In re Application of :
BAE, Tae Meon :
U.S. Application No.: 12/737,715 :
PCT No.: PCT/KR2008/006656 :
Int. Filing Date: 12 November 2008 :
Priority Date: 24 April 2008 :
Docket No.: DE2005 :
For: SCALABLE VIDEO PROVIDING AND REPRODUCING SYSTEM AND METHODS THEREOF :

DECISION ON PETITION UNDER 37 CFR 1.137(b)

Applicant's petition to revive under 37 CFR 1.137(b) filed on 08 February 2011 with the national stage papers is hereby **GRANTED** as follows:

The proper fees and the petition fee have been paid. Applicant made the required statement pursuant to 37 CFR 1.137(b)(3). A terminal disclaimer is not required. Accordingly, all requirements under 37 CFR 1.137(b) have been satisfied.

A declaration in compliance with 37 CFR 1.497(a) and (b) was submitted with the national stage papers.

This application is being forwarded to the United States Designated/Elected Office for further processing.

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

Doc Code: PPH.PCT.652
Document Description: Petition to make special under PCT-Patent Pros Hwy

PTO/SB/23PCT-EP (08-10)
Approved for use through 01/31/2012. OMB 0651-0058
U.S. Patent and Trademark Office: U. S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE EUROPEAN PATENT OFFICE (EPO) AND THE USPTO

Application No:	12/737,722	Filing date:	February 10, 2011
First Named Inventor:	Christopher Alfons SCHMITT		
Title of the Invention:	Printing Unit of a Printing Machine and Method for Using a Printing Machine		

THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT HTTP://WWW.USPTO.GOV/EBC/EFS_HELP.HTML

APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PROGRAM.

The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.

The corresponding PCT application number(s) is/are: PCT/EP2009/059457

The international filing date of the corresponding PCT application(s) is/are: 23 July 2009

I. List of Required Documents:

a. **A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above-identified corresponding PCT application(s)**

☐ is attached

☒ is not attached because the document is already in the U.S. application.

b. **A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s).**

☐ is attached.

☒ is not attached because the document is already in the U.S. application.

c. **English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.**

This collection of information is required by 35 U.S.C. 119, 37 CFR 1.55, and 37 CFR 1.102(d). The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.

PTO/SB/20/PCT-EP (05-10)
Approved for use through 01/31/2012. OMB 0651-0068
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM BETWEEN THE EPO AND THE USPTO

(continued)

Application No.:	12/737,722
First Named Inventor:	Christopher Alfons SCHMITT

d. **(1) An information disclosure statement listing the documents cited in the international work products (ISR, WO/ISA, WO/IPEA, IPER) of the corresponding PCT application.**

☐ is attached

☒ Has already been filed in the above-identified U.S. application on February 10, 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 10, 2011

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
42 - 51	1 - 10	Direct correspondence
52 - 56	11 - 15	U.S. claims amended to remove multiple dependencies
57	16	Direct correspondence
58, 59	17, 18	U.S. claims amended to remove multiple dependencies
60 - 68	19 - 27	Direct correspondence
69	28	U.S. claims amended to remove multiple dependencies
70, 71	29, 30	Direct correspondence
72	31	U.S. claims amended to remove multiple dependencies
73	32	Direct correspondence
74 - 78	33 - 37	U.S. claims amended to remove multiple dependencies
79	38	Direct correspondence
80, 81	39, 40	U.S. claims amended to remove multiple dependencies
82	41	Direct correspondence

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature /drh/	Date 2011-02-21
Name (Print/Type) Douglas R. Hanscom	Registration Number 26600

KARIN T. DUNN, LLC

GERMAN TRANSLATION AND LANGUAGE SERVICES
Certified by the American Translators Association

4706 OLDE FORGE CT., FAIRFAX, VA 22032
TELEPHONE, FAX: 703-426-1422 · DUNN6FAM@MSN.COM

Date: 31 January 2011

DECLARATION

The undersigned, Karin T. Dunn, hereby states that she is well acquainted with both the English and German languages and that the attached is a true translation to the best of her knowledge and ability of the German text of PCT/EP2009/059437, filed on 23 July 2009 and published on 18 February 2010 under No. WO 2010/018050 A1. The undersigned further states that the prosecution document associated with PCT/EP2009/059457 and translated by her is also a true translation to the best of her knowledge and ability.

The undersigned declares that the above statement is true and that this statement was made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or document or any patent resulting therefrom.

Karin T. Dunn

Translation of the pertinent portions of a **Notification of the Transmittal of the International Preliminary Report on Patentability** in accordance with Rule 71.1 PCT, mailed on 17 December, 2010

2. This report comprises a total of 7 pages including this cover sheet.

3. Enclosures are also included with the report; these include

   A total of 11 pages *(sent to the applicant and to the International Authority)*, which include

   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).

4. This report contains information relating to the following items:

Box I Basis of the Report

Box V Reasoned statement according to Article 35(2) with regard to novelty, inventive step and industrial applicability; citations and explanations to support such statement

Box I Basis of the Report

1. With regard to **language,** this report is based on:

   the international application in the language in which it was filed.

2. With regard to the **elements** of the international application, this report is based on

   the description, pages

1-4, 6-10, 12, 13	as originally filed/furnished
5, 11	received with the letter dated 15 January 2010

   the claims, No.

1-41	received with the letter dated 12 November 2010

   the drawings, pages

1/5-5/5	as originally filed/furnished

3. This opinion has been established in consideration of the **correction of an obvious error**, which was approved by this Authority under Rule 91, or of which this Authority was notified (PCT Rule 70.2(e)).

Box V. Reasoned statement according to Article 35(2) with regard to novelty, inventive step and industrial applicability; citations and explanations to support such statement

1. Statement

Novelty (N)	Yes:	Claims 1-41
	No:	Claims
Inventive Step (IS)	Yes:	Claims 1-41
	No:	Claims
Industrial Applicability (IA)	Yes:	Claims 1-41
	No:	Claims

2. Citations and Explanations (Rule 70.7):
See supplementary pages

INTERNATIONAL PRELIMINARY REPORT REGARDING PATENTABILITY (SUPPLEMENTARY PAGES)

Box V.

1 Reference is made to the following documents:

D1: DE 195 48 819 A1 (KOENIG & BAUER ALBERT AG [DE]; KOENIG & BAUER AG [DE]) 3 July 1997 (1997/07/03), cited in the application

D2: WO 2005/037553 A (KOENIG & BAUER AG [DE] & SCHNEIDER GEORG [DE]; STARK SIEGFRIED ALFONS) 28 April 2005 (2005/04/28), cited in the application

2 Document D1, cited in the application, is considered to be the prior art closest to the subject matter of claim 1, and discloses (the references between parentheses relate to said document):

A printing unit of a printing press, wherein the printing unit has two frame parts (02, 03; 13, 15), the distance between which can be modified, wherein a plurality of forme cylinders and a plurality of transfer cylinders (01) for imprinting a material web (12) are arranged in each frame part, wherein one of the frame parts (02, 03; 13, 15) is embodied as stationary and one of the frame parts (02, 03; 13, 15) is embodied as movable, wherein when the printing unit is closed, the frame parts (02, 03; 13, 15) are at a shorter distance from one another than when the printing unit is open, wherein the printing unit has at least two web guiding elements, wherein at least one of the two web guiding elements is positioned in the infeed area of the printing unit and at least one of the two web guiding elements is positioned in the outfeed area of the printing unit, wherein a vertically extending tangent is established by the transfer cylinders (01) of the stationary frame part (02), wherein when the printing unit is closed, the tangent of the transfer cylinders defines the path of the material web (12) between an uppermost transfer cylinder (01) and a lowermost transfer cylinder (01), wherein another vertically extending tangent is established by the at least two web guiding elements (see D1: abstract; pages 2, 4, 6-7; figures 1-3).

The subject matter of claim 1 therefore differs from the printing unit known from document D1 in that ***the tangent of the transfer cylinders and the tangent of the web guiding elements are arranged spaced from one another***, and is therefore novel (PCT Article 33(2)).

The problem addressed by the feature specified in the characterizing part of claim 1 can be considered that of devising an alternative configuration of web guiding elements and transfer cylinders such that when the printing unit is open, the material web does not rest against the transfer cylinders of the frame parts, the distance between which can be modified, and such that the material web can be easily returned to the transfer cylinders for starting a print operation by moving the frame parts together.

The objective technical problem addressed by the present invention can be considered that of devising an alternative and particularly simple configuration of a printing unit, which will prevent damage to the material web during maintenance operations and at the same time will allow setup times to be decreased.

The configuration of the printing couple disclosed in document D2 differs appreciably from the structural configuration of the printing press of document D1. Moreover, the lower or upper printing unit of document D2 comprises a single stationary frame part and is only alternatively placed out of operation for maintenance purposes, i.e., during imprint operation, so that the material web is always imprinted in at least one printing unit and is not separated from the transfer cylinders of both printing units at the same time (see D2: column 2, line 40 – column 3, line 64; figures 1-2). Therefore, document D2 does not suggest the feature specified in the characterizing part of claim 1.

The solution to the problem proposed in claim 1 of the present application therefore appears to involve an inventive step (PCT Article 33(3)).

3 Document D1 is also considered to be the prior art closest to the subject matter of method claim 2, and discloses (the references between parentheses relate to said document):

A method for using a printing unit with a material web (12) guided through the printing unit, wherein the printing unit comprises two frame parts (02, 03; 13, 15), the distance between which can be modified, wherein when the printing unit is closed, the material web (12) rests against the transfer cylinders (01) of both frame parts (02, 03; 13, 15) (see D1: abstract; pages 2, 4, 6-7; figures 1-3).

The subject matter of claim 2 therefore differs from the disclosure of D1 in that *when the printing unit is open, the material web is spaced from the transfer cylinders* ***of both*** *frame parts,* and is therefore considered novel (PCT Article 33(2)).

The problem addressed by the feature specified in the characterizing part of claim 2 is that of ensuring that the material web can be moved away from the transfer cylinders or up to the transfer cylinders of both frame parts at the same time by moving the frame parts away from or up to one another.

The objective technical problem addressed by the present invention can be considered that of devising a simple method for using a printing unit, which will prevent damage to the material web during maintenance operations and will simultaneously allow set-up times to be decreased.

As was mentioned above in paragraph 2, document D2 does not suggest the feature that "*when the printing unit is open, the material web is spaced from the transfer cylinders* ***of both*** *frame parts.*"

3.1 Alternatively, document D2 can also be considered the prior art closest to the subject matter of method claim 2, and discloses (the references between parentheses relate to said document):

A method for using an eight-cylinder printing couple (1) comprising a lower printing unit (2) and an upper printing unit (3), with a material web (21) that is guided through the printing units (2, 3), wherein when the printing units (2, 3) are closed, the material web (21) rests against the transfer cylinders (16-19) of both printing units (2, 3) and wherein during imprinter operation, as either the lower printing unit (2) or the upper printing unit (3) is being opened, the material web (21) is guided in a contactless manner through the printing gap between the two alternatively disengaged transfer cylinders (16, 17) of the lower printing unit (2) or (18, 19) of the upper printing unit (3) (see D2: column 2, line 40 – column 3, line 64; figures 1-2).

In this case, the subject matter of claim 2 therefore differs from the disclosure of document D2 in that *the printing couple comprises at least two frame parts, the relative distance between which can be modified, wherein, when the printing couple is closed, the material web rests against the transfer cylinders of both frame parts, and wherein when the printing couple is open, the material web is spaced from the transfer cylinders of both frame parts*, in order to increase the ease of maintaining the printing couple or the cylinders.

Therefore, the subject matter of claim 2 is considered novel (PCT Article 33(2)).

The objective technical problem addressed by the present invention can be considered that of devising an alternative configuration of the printing couple known from document D2, which will prevent damage to the material web during maintenance operations and at the same time will allow setup times to be decreased.

A person skilled in the art would not be prompted by document D1 to use the adjustable-spacing frame parts of document D1 to like effect in a printing couple according to D2, because this alternative first would complicate the structure of the printing press and second would decrease the precision possible in positioning or adjusting the transfer cylinders, without thereby ensuring particular improvement in access to the cylinders to be maintained, which are already known from document D2.

For these reasons, the solution proposed in claim 2 of the present application appears to involve an inventive step (PCT Article 33(3)).

4 Claims 3-19 and 20-41 are dependent upon claims 1 and 2, respectively, and therefore also appear to satisfy the requirements of the PCT in respect of novelty and inventive step.

5 The subject matter of claims 1-41 appears to be industrially applicable, and thus to satisfy the requirements of PCT Article 33(1) in combination with PCT Article 33(4).

Claims

1. A printing unit (01) of a printing press, wherein the printing unit (01) has at least two frame parts (02; 03), the relative distance between which can be modified, in each of which multiple forme cylinders (21) and multiple transfer cylinders (20) are arranged for imprinting a material web (100), wherein one of the frame parts (02; 03) is embodied as stationary and one of the frame parts (03; 02) is embodied as movable, wherein when the printing unit (01) is closed, the frame parts (02; 03) are spaced a shorter distance from one another than when the printing unit (01) is open, wherein the printing unit (01) has at least two web guiding elements (30; 04; 05), wherein at least one of the two web guiding elements (30; 04; 05) is positioned in the infeed area of the printing unit (01) and/or at least one of the two web guiding elements (30; 04; 05) is positioned in the outfeed area of the printing unit (01), wherein a vertically extending tangent (11) is established by the transfer cylinders (20) of the stationary frame part (02), wherein when the printing unit (01) is closed, the tangent (11) of the transfer cylinders (20) defines the path of the material web (100) between an uppermost transfer cylinder (20) and a lowermost transfer cylinder (20), wherein another vertically extending tangent (12) is established by the at least two web guiding elements (30; 04; 05), characterized in that the tangent (11) of the transfer cylinders (20) and the tangent (12) of the web guiding elements (30; 04; 05) are arranged at a distance (a) from one another.

2. A method for using a printing unit (01) having a material web (100) guided in the printing unit (01), wherein the printing unit (01) has at least two frame parts (02; 03), the relative distance between which can be modified, wherein when the printing unit (01) is closed, the material web (100) rests against the transfer cylinders (20) of both frame parts (02; 03), characterized in that when the printing unit (01) is open, the material web (100) is

spaced from the transfer cylinders (20) of both frame parts (02; 03).

3. The printing unit according to claim 1, characterized in that when the printing unit (01) is open, the tangent (12) of the at least two web guiding elements (30; 04; 05) defines the path of the material web (100) between the at least two web guiding elements (30; 04; 05).

4. The printing unit according to claim 1, characterized in that when the printing unit (01) is closed, at least one web guiding element (30) of the two or of two web guiding elements (30; 04; 05) is located in a first position, and when the printing unit (01) is open, the at least one web guiding element (30) is located in a second position.

5. The printing unit according to claim 4, characterized in that as the printing unit (01) is being opened, or once it has been opened, the at least one web guiding element (30) is moved to the second position automatically or in response to an action by a press operator.

6. The printing unit according to claim 4, characterized in that in its second position, the at least one web guiding element (30) deflects the material web (100) in such a way that a distance (a) between the material web (100) and the at least one transfer cylinder (20) is created or increased.

7. The printing unit according to claim 4, characterized in that at least one web guiding element (30; 04; 05) is positioned in the infeed area of the printing unit (01) and/or at least one web guiding element (30; 04; 05) is positioned in the outfeed area of the printing unit (01) and/or at least one web guiding element (30; 04; 05) is positioned between the infeed area and the outfeed area of the printing unit (01).

8. The printing unit according to claim 7, characterized in that at least two transfer cylinders (20) are provided, arranged one above the other, between the web guiding element (30;

04; 05) in the infeed area of the printing unit (01) and the web guiding element (30; 04; 05) in the outfeed area of the printing unit (01).

9. The printing unit according to claim 8, characterized in that the two web guiding elements (30; 04; 05) position the material web (100) at a distance from at least two transfer cylinders (20) simultaneously.

10. The printing unit according to claim 1, characterized in that the at least one web guiding element (30) is arranged on the stationary frame part (02).

11. The printing unit according to claim 4 or 7, characterized in that the at least one web guiding element (30) is arranged on one of the frame parts (02; 03) and in that at least one actuating element (08; 09) is arranged on the other of the frame parts (03; 02), which actuating element acts upon the web guiding element (30; 04; 05) or upon a component that is connected to the web guiding element (30; 04; 05) in such a way that as the printing unit (01) is being closed, the at least one web guiding element (30; 04; 05) is moved from its second position to its first position.

12. The printing unit according to claim 1, 4 or 7, characterized in that the web guiding element (30; 04; 05) is a pipe (30), the length of which is equal to or greater than the width of the material web (100) that is to be or has been imprinted.

13. The printing unit according to claim 1, 4 or 7, characterized in that the printing unit (01) has at least one spring (34) or at least one drive means, which exerts a force on the web guiding element (30) or on a component that is connected to the web guiding element (30), thereby moving the web guiding element (30) from its first position to its second

position.

14. The printing unit according to claim 1 or 4, characterized in that the web guiding element (30; 04; 05) located in the printing unit (01) is a web guiding roller.

15. The printing unit according to claim 1 or 4, characterized in that the printing unit (01) has a control system or is connected to a control system, wherein the control system is embodied in such a way that during the process of washing the at least one cylinder (20), it shifts the at least one web guiding element (30) from the first position to the second position.

16. The printing unit according to claim 1, characterized in that the printing unit (01) has at least one sensor which is capable of determining whether the printing unit (01) is in its open position or is being moved to its open position, wherein the printing unit (01) further has at least one control system, or is connected to at least one control system, which is connected to the at least one sensor for the purpose of data transmission, wherein the control system is embodied such that it causes the at least one web guiding element (30) to shift from the first position to the second position when the sensor determines that the printing unit (01) is in its open position or is being moved to its open position.

17. The printing unit according to claim 1 or 4, characterized in that the at least one web guiding element (30) is embodied such that when the web guiding element (30) is in its second position, the distance (a) between the material web (100) and the at least one cylinder has a prescribed value.

18. The printing unit according to claim 1 or 4, characterized in that when the web guiding

element (30) is in its second position, the distance between the material web (100) and the at least one cylinder is at least 5 mm.

19. The printing unit according to claim 1, characterized in that each frame part (02, 03) of the printing unit (01) comprises at least four transfer cylinders (20) and at least four forme cylinders (21).

20. The method according to claim 2, characterized in that when the printing unit (01) is open and the material web (100) is spaced from the transfer cylinders (20) at least one transfer cylinder (20) is rotating.

21. The method according to claim 20, characterized in that when the printing unit (01) is open and the material web (100) is spaced from the transfer cylinders (20) at least one transfer cylinder (20) is cleaned.

22. The method according to claim 21, characterized in that when the printing unit (01) is open and the material web (100) is spaced from the transfer cylinders (20) all the transfer cylinders (20) of at least the stationary frame part (02) are cleaned.

23. The method according to claim 20, characterized in that while the at least one transfer cylinder (20) is rotating, an assigned forme cylinder (21) is rotating or held at a different circumferential speed.

24. The method according to claim 2, characterized in that as the printing unit (01) is being opened, the distance between the material web (100) and at least the transfer cylinders (20) of a stationary frame part (02) is modified.

25. The method according to claim 2, characterized in that when the printing unit (01) is

closed, at least one web guiding element (30) of the two or of two web guiding elements (30; 04; 05) is located in a first position, and when the printing unit (01) is open, the at least one web guiding element (30) is located in a second position.

26. The method according to claim 25, characterized in that as the printing unit (01) is being opened, or after it has been opened, the at least one web guiding element (30) is moved to the second position automatically or in response to an action by an operator.

27. The method according to claim 25, characterized in that when the at least one web guiding element (30) is in its second position, it deflects the material web (100) in such a way that a distance (a) between the material web (100) and the at least one transfer cylinder (20) is created or increased.

28. The method according to claim 2 or 25, characterized in that at least one web guiding element (30; 04; 05) is located in the infeed area of the printing unit (01) and/or at least one web guiding element (30; 04; 05) is located in the outfeed area of the printing unit (01) and/or at least one web guiding element (30; 04; 05) is located between the infeed area and the outfeed area of the printing unit (01).

29. The method according to claim 28, characterized in that between the web guiding element (30; 04; 05) in the infeed area of the printing unit (01) and the web guiding element (30; 04; 05) in the outfeed area of the printing unit (01) at least two transfer cylinders (20) are provided, arranged one above the other.

30. The method according to claim 29, characterized in that the two web guiding elements (30; 04; 05) position the material web (100) at a distance from at least two transfer cylinders (20) simultaneously.

31. The method according to claim 2 or 28, characterized in that one of the frame parts (02; 03) is embodied as stationary and one of the frame parts (03; 02) is embodied as movable.

32. The method according to claim 31, characterized in that the at least one web guiding element (30) is arranged on the stationary frame part (02).

33. The method according to claim 25 or 28, characterized in that the at least one web guiding element (30) is arranged on one of the frame parts (02; 03) and in that at least one actuating element (08; 09) is arranged on the other of the frame parts (03; 02) which actuating element acts upon the web guiding element (30; 04; 05) or upon a component that is connected to the web guiding element (30; 04; 05) in such a way that as the printing unit (01) is being closed, the at least one web guiding element (30; 04; 05) is moved from its second position to its first position.

34. The method according to claim 25 or 28, characterized in that the web guiding element (30; 04; 05) is a pipe (30), the length of which is equal to or greater than the width of the material web (100) that is to be or has been imprinted.

35. The method according to claim 25 or 28, characterized in that the printing unit (01) has at least one spring (34) or at least one drive means, which exerts a force on the web guiding element (30) or on a component that is connected to the web guiding element (30), thereby moving the web guiding element (30) from its first position to its second position.

36. The method according to claim 2 or 25, characterized in that the web guiding element (30; 04; 05) located in the printing unit (01) is a web guiding roller.

37. The method according to claim 2 or 25, characterized in that the printing unit (01) has a control system or is connected to a control system, wherein the control system is embodied in such a way that during the process of washing the at least one cylinder (20), it shifts the at least one web guiding element (30) from the first position to the second position.

38. The method according to claim 2, characterized in that the printing unit (01) has at least one sensor which is capable of determining whether the printing unit (01) is in its open position or is being moved to its open position, wherein the printing unit (01) further has at least one control system, or is connected to at least one control system, which is connected to the at least one sensor for the purpose of data transmission, wherein the control system is embodied in such a way that it causes the at least one web guiding element (30) to shift from the first position to the second position when the sensor determines that the printing unit (01) is in its open position or is being moved to its open position.

39. The method according to claim 2 or 25, characterized in that the at least one web guiding element (30) is embodied in such a way that when the web guiding element (30) is in its second position, the distance (a) between the material web (100) and the at least one cylinder has a prescribed value.

40. The method according to claim 2 or 25, characterized in that when the web guiding element (30) is in its second position, the distance between the material web (100) and the at least one cylinder is at least 5 mm.

41. The method according to claim 2, characterized in that each frame part (02; 03) of the

printing unit (01) has at least four transfer cylinders (20) and at least four forme cylinders (21).

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/737,722	02/10/2011	Christoph Alfons Schmitt	W1.3052 PCT-US	7465

23294 7590 04/12/2011
JONES, TULLAR & COOPER, P.C.
P.O. BOX 2266 EADS STATION
ARLINGTON, VA 22202

EXAMINER	
ART UNIT	PAPER NUMBER
2854	

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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JONES, TULLAR & COOPER, P.C.
P.O. BOX 2266 EADS STATION
ARLINGTON VA 22202

In re Application of
Christoph SCHMITT
Application No.: 12/737,722
Filed: 10 February 2011
Attorney Docket No.: W1.3052 PCT-US
For: PRINTING UNIT OF A PRINTING MACHINE, AND METHOD FOR USING A PRINTING UNIT

: 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 21 February 2011, to make the above-identified application special.

The request and petition are **GRANTED**.

Discussion

A grantable request to participate in the PCT-PPH pilot program and petition to make special require:

(1) The U.S. application must disclose an eligible relationship to one or more PCT applications where the ISA or IPEA are the JPO, EPO, KIPO, IPAU, 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 not in English);

(7) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

The request to participate in the PCT-PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Lee W. Young at 571-272-4549.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc.index.html.

This application will be forwarded to the examiner for action on the merits commensurate with this decision once this application's formality reviews have been completed.

Lee W. Young
TQAS Technology Center 2800 - Semiconductors,
Electrical & Optical Systems & Components

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/737,729	02/11/2011	Tomohiro Tsuta		2282

7590 05/24/2011

Tomohiro Tsuta
29-8, Suganodai 7-chome, Suma-ku, Kobeshi
Hyogo, 6540143
JAPAN

EXAMINER	
ART UNIT	PAPER NUMBER
2873	

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.

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Tomohiro Tsuta
29-8, Suganodai 7-chome, Suma-ku, Kobeshi
Hyogo 65401-43 JP JAPAN

In re Application of
Tomohiro TSUTA
Application No.: 12/737,729
Filed: 11 February 2011
Attorney Docket No.: N/A
For: METHOD OF KINETIC PERIMETER

: DECISION ON REQUEST TO
: PARTICIPATE IN THE PATENT
: PROSECUTION HIGHWAY
: PROGRAM AND PETITION
: TO MAKE SPECIAL UNDER
: 37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed on 09 May 2011, to make the above-identified application special.

The request and petition are **GRANTED**.

Discussion

A grantable request to participate in the PPH pilot program and petition to make special require:

1. The U.S. application is
    a. a Paris Convention application which either
        i. validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the JPO, or
        ii. validly claims priority to a PCT application that contains no priority claims, or
    b. a national stage application under the PCT (an application which entered the national stage in the U.S. from a PCT international application after compliance with 35 U.S.C. 371), which PCT application
        i. validly claims priority to an application filed in the JPO, or
        ii. validly claims priority to a PCT application that contains no priority claims, or
        iii. contains no priority claim, or
    c. a so-called bypass application filed under 35 U.S.C. 111(a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application
        i. validly claims priority to an application filed in the JPO, or
        ii. validly claims priority to a PCT application that contains no priority claims, or
        iii. contains no priority claim;

2. Applicant must submit a copy of:
    a. The allowable/patentable claim(s) from the JPO application(s);
    b. An English translation of the allowable/patentable claim(s) and
    c. A statement that the English translation is accurate;
3. Applicant must:
    a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s) and
    b. Submit a claims correspondence table in English;
4. Examination of the U.S. application has not begun;
5. Applicant must submit:
    a. Documentation of prior office action:
        i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claim(s) or
        ii. if the allowable/patentable claims(s) are from a "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
        iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form;
    b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above
    c. A statement that the English translation is accurate;
6. Applicant must submit:
    a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application)
    b. Copies of the documents except U.S. patents or U.S. patent application publications (unless already submitted in this application);

The request to participate in the PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Inquiries concerning this decision should be directed to Lee W. Young at 571-272-4549.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc.index.html.

This application will be forwarded to the examiner for action on the merits commensurate with this decision once this application's formality reviews have been completed.

Lee W. Young
TQAS, Technology Center 2800 – Semiconductors
Electrical & Optical Systems & Components

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/737,758	02/14/2011	Masujiro Hisatani	P73771US0	9622

136 7590 06/03/2011

JACOBSON HOLMAN PLLC
400 SEVENTH STREET N.W.
SUITE 600
WASHINGTON, DC 20004

EXAMINER	
ART UNIT	PAPER NUMBER
3664	

MAIL DATE	DELIVERY MODE
06/03/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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JUN 0 3 2011

JACOBSON HOLMAN PLLC
400 SEVENTH STREET N.W.
SUITE 600
WASHINGTON DC 20004

In re application of	:	**DECISION ON REQUEST TO**
Hisatani et al.	:	**PARTICIPATE IN PATENT**
Application No. 12/737,758	:	**PROSECUTION HIGHWAY**
Filed: February 14, 2011	:	**PROGRAM AND PETITION**
For: CLEANING ROBOT SYSTEM AND METHOD OF CONTROLLING SAME	:	**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 May 03, 2011, to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO, USPTO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of the latest Office action from each of the JPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;
(6) Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO Office action along with copies of documents except U.S. patents or U.S. patent application publications.

In light of the preliminary amendment filed on May 03, 2011, the request to participate in the PPH pilot program complies with the above requirements. Therefore, the above-identified application has been accorded "special" status.

All other inquiries concerning the examination or status of the application should be directed to the Patent Application Information Retrieval (PAIR) system.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

Any inquiry regarding this decision should be directed to Mikado Buiz, Quality Assurance Specialist, at (571) 272-6578.

/ Mikado Buiz /

Mikado Buiz,
Quality Assurance Specialist
Technology Center 3600

MB/MB: 06/03/11

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WARE FRESSOLA VAN DER SLUYS & ADOLPHSON, LLP
BRADFORD GREEN, BUILDING 5
755 MAIN STREET, P O BOX 224
MONROE CT 06468

MAILED

JUN 28 2011

PCT LEGAL ADMINISTRATION

In re Application of WANG et al.
Application No.: 12/737,763
PCT No.: PCT/CN09/72212
Int. Filing: 10 June 2009
Priority Date: 11 June 2008
Attorney Docket No.: 740-003.1
For: MACROPOROUS ABSORBENT RESIN SPECIAL FOR EXTRACTING CEPHALOSPORIN C AND METHOD OF PREPARATION

DECISION ON

PETITION TO REVIVE

UNDER 37 CFR 1.137(b)

The petition to revive under 37 CFR 1.137(b) filed 04 April 2011 in the above captioned application is hereby **GRANTED** as follows:

Applicants' statement that "the entire delay in filing the required reply from the due date for the reply until the filing of this petition under 37 CFR 1.137(b) was unintentional" meets the requirements of 37 CFR 1.137(b)(3).

Applicant paid the petition fee and the basic national fee. The request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

This application is being referred to the National Stage Processing Branch of the Office of PCT Operations for further processing including a Notification of Missing Requirements indicating that an oath or declaration, in compliance with 37 CFR 1.497(a) and (b) and the surcharge for filing the oath or declaration, after the thirty month period, is required.

/Cynthia M. Kratz/
Cynthia M. Kratz
Attorney Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3286

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HOXIE & ASSOCIATES LLC
75 MAIN STREET , SUITE 301
MILLBURN NJ 07041

MAILED
APR 26 2011
PCT LEGAL ADMINISTRATION

In re Application of : DECISION ON
COISH et al :
Application No.: 12/737,781 :
PCT No.: PCT/US2009/004576 :
Int. Filing Date: 11 August 2009 : PETITION UNDER
Priority Date: 11 August 2008 :
Attorney's Docket No.: BX-09-US :
For: FLAVIN DERIVATIVES : 37 CFR 1.137(b)

This decision is in response to applicants' "Petition For Revival Of An Application For Patent Abandoned Unintentionally Under 37 CFR 1.137(b)," filed on 23 February 2011.

BACKGROUND

On 11 August 2009, this international application was filed, claiming an earliest priority date of 11 August 2008. The deadline for paying the basic national fee in the United States under 35 U.S.C. 371 and 37 CFR 1.495 was 11 February 2011. This international application became abandoned with respect to the United States at midnight on 11 February 2011 for failure to pay the required basic national fee.

On 15 February 2011, applicant filed in the United States Patent and Trademark Office (PTO) a transmittal letter for entry into the national stage in the U.S. under 35 U.S.C. 371, which was accompanied by, *inter alia*, the copy of the international application. However, the national basic fee and executed declaration were not provided at such time.

On 23 February 2011, applicants filed the instant petition under 37 CFR 1.137(b), which was accompanied by the petition fee and the basic national fee.

DISCUSSION

A grantable petition to revive an abandoned application under 37 CFR 1.137(b) must be accompanied by (1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application; (2) the petition fee as set forth in § 1.17(m); and (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional; and (4) any terminal disclaimer (and fee as set forth in § 1.20 (d)) required pursuant to paragraph (c) of this section.

Petitioner has provided: (1) the proper reply by submitting the basic national filing fee, (2) the petition fee set forth in §1.17(m) and (3) the proper statement under 137(b)(3). In this application, no terminal disclaimer is required.

Accordingly, the petition is deemed to satisfy requirements (1), (2), (3), and (4) under 37 CFR 1.137(b).

DECISION

The petition under 37 CFR 1.137(b) is **GRANTED**.

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for continued processing.

Rafael Bacares
PCT Legal Examiner
PCT Legal Office
Telephone: (571) 272-3276
Facsimile: (571) 272-0459

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COLLARD & ROE, P.C.
1077 NORTHERN BOULEVARD
ROSLYN NY 11576

In re Application of :
BERGMANN *et al* :
Application No.: 12/737,785 :
PCT No.: PCT/DE2009/001167 :
Int. Filing Date: 19 August 2009 :
Priority Date: 19 August 2008 :
Atty. Docket No.: BERGMANN ET AL – 5 PCT :
For: COATING MASK FOR ELECTROLYTICALLY COATING A PERIPHERAL REGION ON AN OUTER SURFACE OF A CYLINDRICAL BODY :

MAILED

DEC 20 2011

OFFICE OF PETITIONS

DECISION

This is a decision on applicants' "PETITION UNDER 37 C.F.R. § 1.47(a) FOR APPLICATION TO BE MADE BY THE OTHER INVENTORS ON BEHALF OF A NONSIGNING JOINT INVENTOR WHO REFUSES TO JOIN IN THE APPLICATION," filed in the U.S. Patent and Trademark Office (USPTO) on 26 September 2011, which requests that the application be accepted without the signature of a joint inventor, Franz Gessler, on the grounds that he refuses to execute the application. The petition is **GRANTED** as discussed below.

A review of the application file reveals that the present petition was accompanied by, *inter alia*, an acceptable showing of inventor Gessler's refusal. Therefore the requirements of 37 CFR 1.47(a) have now been satisfied.

A further review of the application file reveals that the requirements for entry into the national stage in the U.S. under 35 U.S.C. 371 have also now been satisfied.

As provided in 37 CFR 1.47(a), a notice of the filing of this application will be forwarded to the non-signing inventors at the last known address of record as set forth in the present papers, and a notice of the filing of the application under 37 CFR 1.47(a) will be published in the *Official Gazette*.

The application has an international filing date of 19 August 2009, under 35 U.S.C. 363 and a date of **26 September 2011**, under 35 U.S.C. 371(c).

This application is being forwarded to the National Stage Processing Branch of the International Division for further processing in accordance with this decision.

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

(571)272-3231

Conferee: Richard R. Cole
Senior PCT Legal Examiner
Office of PCT Legal Administration

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UNITED STATES PATENT AND TRADEMARK OFFICE
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ALEXANDRIA, VA 22313-1450
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FRANZ GESSLER
CALLE ROSELLA NO. 9
08810 SANT PERE DE RIBES
BARCELONA
SPAIN

MAILED

DEC 20 2011

OFFICE OF PETITIONS

In re Application of
BERGMANN *et al*
Application No.: 12/737,785
PCT No.: PCT/DE2009/001167
Int. Filing Date: 19 August 2009
Priority Date: 19 August 2008
Atty. Docket No.:
BERGMANN ET AL – 5 PCT
For: COATING MASK FOR ELECTROLYTICALLY COATING A PERIPHERAL REGION ON AN OUTER SURFACE OF A CYLINDRICAL BODY

NOTIFICATION

Dear Franz Gessler:

You are named as an inventor in the above-captioned United States national stage application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor.

As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.497.

D Wood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

(571)272-3231

OFFICIAL GAZETTE NOTICE

37 CFR 1.47 Notice by Publication

Notice is hereby given of the filing of an national stage application with a petition under 37 CFR 1.47 requesting acceptance of the application without the signatures of all inventors. The petition has been granted. A notice has been sent to the last known address of the non-signing inventors. The inventor whose signature is missing (Franz Gessler) may join in the application by promptly filing an appropriate oath or declaration complying with 37 CFR 1.497. The international application number is PCT/DE2009/001167 and was filed on 19 August 2009, in the names of Rudolf Bergmann, Christopher Rotsch, and Franz Gessler for the invention entitled COATING MASK FOR ELECTROLYTICALLY COATING A PERIPHERAL REGION ON AN OUTER SURFACE OF A CYLINDRICAL BODY. The national stage application number is 12/737,785 and has a 35 U.S.C. 371(c) date of 26 September 2011.

Doc Code: PPH.PCT.852
Document Description: Petition to make special under PCT-Patent Prosecution Highway

PTO/SB/22PCT (EP) (05-10)
Approved for use through 01/31/2012. OMB 0651-0068
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE
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REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE EUROPEAN PATENT OFFICE (EPO) AND THE USPTO

Application No:	12737793	Filing date:	2011-02-17
First Named Inventor:	Felix HARTMAN		
Title of the invention:	Method for Assessing the Plausibility of At Least One Measured Value Determined in a Printing Press		

THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT HTTP://WWW.USPTO.GOV/EBC/EFS_HELP.HTML

APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PROGRAM.

The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.

The corresponding PCT application number(s) is/are: PCT/EP2009/060415

The international filing date of the corresponding PCT application(s) is/are: 2009-08-12

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).**

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☒ 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(a). The information is required to obtain or retain a benefit by the public, which is to be filed by the USPTO in processing an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.

PTO/SB/20PCT-EP (08-10)
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REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM BETWEEN THE EPO AND THE USPTO

(continued)

Application No.	12/737793
First Named Inventor	Felix HARTMANN

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 2011-02-17

(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 2011-02-17

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
41 - 78	1 - 38	Direct Correspondence

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature /Douglas R. Hanscom/	Date 2011-02-28
Name (Print/Typed) Douglas R. Hanscom	Registration Number 26600

KARIN T. DUNN, LLC

GERMAN TRANSLATION AND LANGUAGE SERVICES
Certified by the American Translators Association

4706 OLDE FORGE CT., FAIRFAX, VA 22032
TELEPHONE, FAX: 703-426-1422 - DUNN6FAM@MSN.COM

Date: 17 February 2011

DECLARATION

The undersigned, Karin T. Dunn, hereby states that she is well acquainted with both the English and German languages and that the attached is a true translation to the best of her knowledge and ability of the German text of PCT/EP2009/060415, filed on 12 August 2009 and published on 25 February 2010 under No. WO 2010/020564 A2. The undersigned further states that the prosecution document associated with PCT/EP2009/060415 and translated by her is also a true translation to the best of her knowledge and ability.

The undersigned declares that the above statement is true and that this statement was made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or document or any patent resulting therefrom.

Karin T. Dunn

Translation of the pertinent portions of a **Notification of the Transmittal of the International Preliminary Report on Patentability** in accordance with Rule 71.1 PCT, mailed on 2 December, 2010

2. This report comprises a total of 5 pages including this cover sheet.

3. Enclosures are also included with the report; these include

   A total of 10 pages *(sent to the applicant and to the International Authority)*, which include

   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).

4. This report contains information relating to the following items:

Box I Basis of the Report

Box V Reasoned statement according to Article 35(2) with regard to novelty, inventive step and industrial applicability; citations and explanations to support such statement

Box I Basis of the Report

1. With regard to **language**, this report is based on:

   the international application in the language in which it was filed.

2. With regard to the **elements** of the international application, this report is based on:

   the description, pages

2-33	as originally filed/furnished
1, 1a	received with the letter dated 25 May 2010

   the claims, No.

1-38	received with the letter dated 25 May 2010

   the drawings, pages

1/4-4/4	as originally filed/furnished

Box V. Reasoned statement according to Article 35(2) with regard to novelty, inventive step and industrial applicability; citations and explanations to support such statement

1. Statement

Novelty (N)	Yes: Claims 1-38 No: Claims
Inventive Step (IS)	Yes: Claims 1-38 No: Claims
Industrial Applicability (IA)	Yes: Claims 1-38 No: Claims

2. Citations and Explanations (Rule 70.7):
See supplementary pages

INTERNATIONAL PRELIMINARY REPORT REGARDING PATENTABILITY (SUPPLEMENTARY PAGES)

Box V.

Reference is made to the following documents:

D1: DE 42 38 557 A1 (KOENIG & BAUER AG [DE]) 19 May 1994 (1994/05/19)

D2: EP 1 084 843 A1 (ROLAND MAN DRUCKMASCH [DE]) 21 March 2001 (2001/03/21), cited in the application

D3: US 6 796 227 B1 (MILLER KURT R [US]) 28 September 2004 (2004/09/28)

D4: EP 0 741 026 A2 (HEIDELBERGER DRUCKMASCH AG [DE]) 6 November 1996 (1996/11/06)

D5: EP 0 444 427 A2 (ROLAND MAN DRUCKMASCH [DE]) 4 September 1991 (1991/09/04)

1 Claim 1

D1 discloses a method for checking the plausibility of at least one measured value determined in a printing press, wherein the measured value indicates an ink density of an ink applied to a print substrate transported through the printing press, wherein said ink is applied to the print substrate (09) in multiple inking zones, wherein a relation is formed between the measured ink density value determined for a specific ink in a selected inking zone and a measured ink density value determined for the same ink in at least one other inking zone, wherein the measured ink density value determined for the specific ink in the selected inking zone is rejected as implausible and is not used for automatically regulating the ink in the printing press if the relation formed between said measured value and the measured value determined for the same ink in the at least one other inking zone inadmissibly exceeds or falls below at least one predefined threshold value (see especially column 2, lines 25-50).

Claim 1 differs from this known method in that the relation between the measured ink density value determined for a specific ink in a selected inking zone (22; 22B) and a measured ink density value determined for the same ink in at least one other inking zone (22; 22A; 22C) is formed, wherein to form the relation with respect to the selected inking zone (22; 22B), the measured ink density value thereof is placed in a ratio with a measured value from the at least one other inking zone (22; 22A; 22B; 22C; 22D) belonging to the same inking unit (07), wherein the measured ink density value determined for the specific ink in the selected inking zone (22; 22B) will be rejected as implausible by the control device (12) if said measured value deviates by at least one predefined fraction from the measured value determined for the same ink in the at least one other inking zone (22).

In light of D1, the problem addressed by the present invention is that of devising a method for checking the plausibility of at least one measured value determined in a printing press (description page 4, paragraph 3). The solution should enable a determination to be made regarding the plausibility of a single determined measured value.

This method helps to prevent short-term, isolated disruptions from unnecessarily destabilizing the regulating action of a control device used to regulate ink (description, page 5, paragraph 1).

The method of new claim 1 is therefore novel in relation to D1 and in relation to the other cited publications (PCT Article 33(2)). And because the cited publications, even when combined, do not suggest the method of new claim 1, the discovery of the subject matter of new claim 1 also involves an inventive step (PCT Article 33(3)).

Claims

1. A method for checking the plausibility of at least one measured value determined in a printing press, wherein the measured value indicates an ink density of an ink applied to a print substrate (09) transported through the printing press, wherein said ink is applied to the print substrate in multiple inking zones (22; 22A; 22B; 22C; 22D), wherein a relation is formed between a selected inking zone (22; 22B) of a specific ink and at least one other inking zone (22; 22A; 22C) of the same ink, wherein a measured ink density value determined for the specific ink in the selected inking zone (22; 22B) is rejected as implausible and is not used for automatically regulating the ink in the printing press if the relation inadmissibly exceeds or falls below at least one predefined threshold value, wherein the regulation of ink is carried out by a control device (12), characterized in that the relation is formed between the measured ink density value determined for a specific ink in a selected inking zone (22; 22B) and a measured ink density value determined for the same ink in at least one other inking zone (22; 22A; 22C), wherein to form the relation with respect to the selected inking zone (22; 22B), the measured ink density value thereof is placed in a ratio with a measured value from the at least one other inking zone (22; 22A; 22C; 22D) belonging to the same inking unit (07), wherein the measured ink density value determined for the specific ink in the selected inking zone (22; 22B) is rejected as implausible by the control device (12) if said measured value deviates by at least one predefined fraction from the measured value determined for the same ink in the at least one other inking zone (22).

2. The method according to claim 1, characterized in that the control device (12) regulates an amount of ink supplied to the respective inking zones (22; 22A; 22B; 22C; 22D).

3. The method according to claim 1, characterized in that the measured ink density value determined for the specific ink in the selected inking zone (22; 22B) is rejected as implausible by the control device (12) if said measured value deviates by at least 50% from the measured value determined for the same ink in the at least one other inking zone (22).

4. The method according to claim 1, characterized in that, in place of the measured ink density value, determined for a specific ink in the selected inking zone (22; 22B) and rejected as implausible, an ink density value for the relevant ink is obtained by the control device (12) on the basis of the measured values determined from the at least one other inking zone (22A; 22C).

5. The method according to claim 4, characterized in that the ink density value for the relevant ink to be used as a replacement is obtained by the control device (12) computationally via interpolation or extrapolation.

6. The method according to claim 1, characterized in that the ink, the measured ink density values of which are placed in relation to one another, is applied to the print substrate (09) in multiple inking zones (22; 22A; 22B; 22C; 22D) arranged side by side, transversely to a direction of transport (T) of the print substrate (09).

7. The method according to claim 1, characterized in that the relation between the

measured ink density value determined for a specific ink in the selected inking zone (22; 22B) and the measured ink density value determined for the same ink in the at least one other inking zone (22; 22A; 22C) is formed between immediately adjacent inking zones (22; 22A; 22B; 22C) and/or between inking zones (22; 22A; 22B; 22C; 22D) that are spaced further from one another.

8. The method according to claim 1, characterized in that during the ongoing printing process of the printing press, the control device (12) checks for any changes to the relation between the measured ink density value determined for a specific ink in a selected inking zone (22; 22B) and a measured ink density value determined for the same ink in at least one other inking zone (22; 22A; 22C).

9. The method according to claim 1, characterized in that the control device (12) checks for any changes to the relation during a production printing run of the printing press.

10. The method according to claim 1, characterized in that the relation to be formed between measured ink density values for different inking zones (22; 22A; 22B; 22C; 22D) is assigned parameters at a control station belonging to the printing press and/or at another operating unit that can be connected to the printing press.

11. The method according to claim 1, characterized in that the relation between measured ink density values for different inking zones (22; 22A; 2B; 22C; 22D) is formed only when a majority of the inking zones (22; 22A; 2B; 22C; 22D) provided for a specific inking unit (07) of the printing press each provides a measured ink density value for an ink supplied

by said inking unit (07) which value reaches at least one predefined fraction of the predefined set value for the respective inking zone (22; 22A; 22B; 22C; 22D)

12. The method according to claim 1, characterized in that the ink density must reach at least half the value of the predefined set value for the respective inking zone (22; 22A; 22B; 22C; 22D) in more than 50% of the inking zones (22; 22A; 22B; 22C; 22D) belonging to a specific inking unit (07) before the control device (12) will begin to check a measured ink density value determined in the respective inking zones (22; 22A; 22B; 22C; 22D) for plausibility.

13. The method according to claim 1, characterized in that each of the inking zones (22; 22A; 22B; 22C; 22D) belonging to a specific inking unit (07) can be selected, wherein several or all of said inking zones (22; 22A; 22B; 22C; 22D) can be selected by the control device (12) either individually in sequence or simultaneously in processes implemented in parallel.

14. The method according to claim 1, characterized in that to check the plausibility of a measured ink density value determined in a selected inking zone (22; 22B), measured values from at least two other inking zones (22; 22A; 22C; 22D), each located on one side of the selected inking zone (22; 22B), are considered.

15. The method according to claim 1, characterized in that to check the plausibility of a measured ink density value determined in a selected inking zone (22; 22B), measured values from at least two other inking zones (22; 22A; 22C; 22D), located one on either side of the selected inking zone (22; 22B), are considered.

16. The method according to claim 1, characterized in that multiple different inks are applied to the print substrate (09) in the same ongoing printing process.

17. The method according to claim 16, characterized in that said multiple different inks applied to the print substrate (09) are detected simultaneously by a detection device (11) having at least one image sensor (24).

18. The method according to claim 17, characterized in that the detection device (11) provides image data at its output.

19. The method according to claim 18, characterized in that said image data are evaluated by the control device (12) that is connected to the detection device (11), wherein the respective measured ink density values for a plurality of inks applied to the print substrate (09) are determined from the image data supplied to the control device (12).

20. The method according to claim 19, characterized in that the plausibility of the at least one measured ink density value for at least one of the inks, determined in this manner, is checked on the basis of its qualitative and/or quantitative ratio to the respective at least one measured ink density value for at least one of the other inks, determined in the same manner.

21. The method according to claim 17, characterized in that a plurality of inks applied to the same measuring field (13) are detected simultaneously by the at least one image sensor (24).

22. The method according to claim 21, characterized in that a predefined reference ratio for

a selected measuring field (13) can be adjusted.

23. The method according to claim 22, characterized in that a ratio between the determined ink densities that deviates inadmissibly from the reference ratio is evaluated as scumming or smearing in the selected measuring field (13).

24. The method according to claim 16, characterized in that the plausibility of the respectively determined ink densities of at least three of the inks involved in the ongoing printing process is checked on the basis of their respective ratios to the at least two other determined ink densities.

25. The method according to claim 24, characterized in that at least a measured ink density value, the ratio of which to the measured value for the at least one other ink density determined in the selected measuring field (13) deviates inadmissibly from the predefined reference ratio for the selected measuring field (13), is rejected as implausible.

26. The method according to claim 16, characterized in that at least cyan, yellow and magenta inks are used in the ongoing printing process.

27. The method according to claim 1, characterized in that at least a plurality of the ink densities are detected in an ongoing printing process by means of a line camera.

28. The method according to claim 1, characterized in that the measured value to be checked for plausibility is acquired via densitometry or colorimetry.

29. The method according to claim 1, characterized in that it is used in a printing press that prints in an offset printing process.

30. The method according to claim 1, characterized in that it is used in a printing press that imprints sheet stock (09).

31. The method according to claim 1, characterized in that during the ongoing printing process for imprinting a surface of a print substrate (09), a setting of the metering device of at least one inking unit (07) of the printing press can be modified by the control device (12) on the basis of at least one measured value acquired in said printing process of the printing press.

32. The method according to claim 31, characterized in that the control device (12) checks the acquired measured value for plausibility before changing the setting of the relevant inking unit (07).

33. The method according to claim 32, characterized in that said plausibility check is carried out on the basis of a check of the reflective behavior of the surface of the unprinted print substrate (09) and a check of a relation between a primary ink density determined in a measuring field (13) on the print substrate (09) and at least one secondary ink density determined at the same time in the same measuring field (13).

34. The method according to claim 33, characterized in that the primary and secondary ink densities determined in the relevant measuring field (13) are each referred to a reference value, which has been defined by the check of the reflective behavior of the surface of the unprinted print substrate (09).

35. The method according to claim 33, characterized in that the two checks relating to the

plausibility of the acquired measured value are carried out simultaneously.

36. The method according to claim 32, characterized in that the control device (12) will suspend a pending change to the setting of the relevant inking unit (07) if at least one of the checks relating to the plausibility of the acquired measured value produces a negative result.

37. The method according to claim 36, characterized in that, if at least one of the checks relating to the plausibility of the acquired measured value produces a negative result, an acoustic and/or visual warning message is issued at a control station belonging to the printing press.

38. The method according to claim 33, characterized in that at least one of the checks relating to the plausibility of the acquired measured value is assigned parameters with regard to its assessment criteria at the control station belonging to the printing press and/or at another operating unit that can be connected to the printing press.

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/737,793	02/17/2011	Felix Hartmann	W1.3069 PCT-US	8611

23294 7590 04/12/2011

JONES, TULLAR & COOPER, P.C.
P.O. BOX 2266 EADS STATION
ARLINGTON, VA 22202

EXAMINER	
ART UNIT	PAPER NUMBER
2854	

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.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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JONES, TULLAR & COOPER, P.C.
P.O. BOX 2266 EADS STATION
ARLINGTON VA 22202

In re Application of
HARTMANN et al.
Application No.: 12/737,793
Filed: 17 February 2011
Attorney Docket No.: W1.3069 PCT-US
For: METHOD FOR ASSESSING THE PLAUSIBILITY OF AT LEAST ONE MEASURED VALUE DETERMINED IN A PRINTING PRESS

: DECISION ON REQUEST TO
: PARTICIPATE IN THE PATENT
: PROSECUTION HIGHWAY
: PROGRAM AND PETITION
: TO MAKE SPECIAL UNDER
: 37 CFR 1.102(a)

This is a decision on the request to participate in the PCT Patent Prosecution Highway (PCT-PPH) pilot program and the petition under 37 CFR 1.102(a), filed 28 February 2011, to make the above-identified application special.

The request and petition are **GRANTED**.

Discussion

A grantable request to participate in the PCT-PPH pilot program and petition to make special require:

(1) The U.S. application must disclose an eligible relationship to one or more PCT applications where the ISA or IPEA are the JPO, EPO, KIPO, IPAU, 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 not in English);

(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

Doc Code: PPH.PCT.552
Document Description: Petition to make special under PCT-Patent Prosecution Highway

PTO/SB/20PCT-EP (08-10)
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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 EUROPEAN PATENT OFFICE (EPO) AND THE USPTO

Application No:	12737794	Filing date:	2011-02-17
First Named Inventor:	Felix HARTMAN		
Title of the invention:	Method of Regulating the Ink in a Printing Press		

THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT HTTP://WWW.USPTO.GOV/EBC/EFS_HELP.HTML

APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PROGRAM.

The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.

The corresponding PCT application number(s) is/are: PCT/EP2009/060428

The international filing date of the corresponding PCT application(s) is/are: 2009-08-12

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)**

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REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM BETWEEN THE EPO AND THE USPTO

(continued)

Application No.:	12/737794
First Named Inventor:	Felix HARTMANN

d. (1) An information disclosure statement listing the documents cited in the international work products (ISR, WO/ISA, WO/PEA, IPER) of the corresponding PCT application.

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☒ Has already been filed in the above-identified U.S. application on 2011-02-17

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III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature /Douglas R. Hanscom/	Date 2011-02-28
Name (Print/Typed) Douglas R. Hanscom	Registration Number 26600

KARIN T. DUNN, LLC

GERMAN TRANSLATION AND LANGUAGE SERVICES
Certified by the American Translators Association

4706 OLDE FORGE CT., FAIRFAX, VA 22032
TELEPHONE, FAX: 703-426-1422 · DUNN6FAM@MSN.COM

Date: 12 February 2011

DECLARATION

The undersigned, Karin T. Dunn, hereby states that she is well acquainted with both the English and German languages and that the attached is a true translation to the best of her knowledge and ability of the German text of PCT/EP2009/060428, filed on 12 August 2009 and published on 25 February 2010 under No. WO 2010/020569 A2. The undersigned further states that the prosecution document associated with PCT/EP2009/060428 and translated by her is also a true translation to the best of her knowledge and ability.

The undersigned declares that the above statement is true and that this statement was made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or document or any patent resulting therefrom.

Karin T. Dunn

Translation of the pertinent portions of a **Notification of the Transmittal of the International Preliminary Report on Patentability** in accordance with Rule 71.1 PCT, mailed on 2 December, 2010

2. This report comprises a total of 5 pages including this cover sheet.

3. Enclosures are also included with the report; these include

   A total of 12 pages *(sent to the applicant and to the International Authority)*, which include

   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).

4. This report contains information relating to the following items:

Box I Basis of the Report

Box V Reasoned statement according to Article 35(2) with regard to novelty, inventive step and industrial applicability; citations and explanations to support such statement

Box I Basis of the Report

1. With regard to **language**, this report is based on:

   the international application in the language in which it was filed.

2. With regard to the **elements** of the international application, this report is based on:

   the description, pages

2, 3, 5-33	as originally filed/furnished
1, 1a, 4, 4a	received with the letter dated 24 March 2010

   the claims, No.

1-40	received with the letter dated 24 March 2010

   the drawings, pages

1/4-4/4	as originally filed/furnished

Box V. Reasoned statement according to Article 35(2) with regard to novelty, inventive step and industrial applicability; citations and explanations to support such statement

1. Statement

Novelty (N)	Yes:	Claims 1-40
	No:	Claims
Inventive Step (IS)	Yes:	Claims 1-40
	No:	Claims
Industrial Applicability (IA)	Yes:	Claims 1-40
	No:	Claims

2. Citations and Explanations (Rule 70.7):
See supplementary pages

INTERNATIONAL PRELIMINARY REPORT REGARDING PATENTABILITY (SUPPLEMENTARY PAGES)

Box V.

Reference is made to the following document:

D1: EP 0 741 026 A2 (HEIDELBERGER DRUCKMASCH AG [DE]) 6 November 1996 (1996/11/06)

1 Claim 1

On the basis of document D1, the problem addressed by the present invention is that of devising a method for regulating the ink in a printing press, wherein a regulation of ink carried out automatically in an ongoing printing process in a printing press is carried out in only one operating status of the printing press, in which status the active automatic regulation of ink actually makes sense. This problem is solved by a method having the features of new claim 1.

D1 relates to a method for inspecting images and supplying ink to print products of a printing press, in which a reliable error identification or error correction with respect to the ongoing printing process is carried out (D1, column 1, lines 35-59). Only when it has been ensured that no other causes of disruption are possible is ink regulation, for example, via ink zone adjustment, finally activated (D1, column 2, lines 22-25).

In contrast, the solution according to the new claim 1 relates to the ink buildup process during startup of a printing press, wherein the ink regulation carried out by the control device is activated only after the application of ink in the printing process has become sufficiently stable (description, page 29, paragraph 1). According to the claim, this state is reached when, during the startup phase of the printing press, the majority of inking zones (22; 22A; 22B; 22C; 22D) of a specific inking unit (07) of the printing press each supply a measured ink density value for an ink supplied by said inking unit (07), which ink density value reaches at least a predefined fraction of a predefined set value in the respective inking zone (22; 22A; 22B; 22C; 22D).

Although D1 mentions a process step which relates to the comparison of fields of one zone with fields of neighboring zones, in which it is assumed that a color deviation in one zone will be observed in weakened form in neighboring zones (D1, column 7, lines 42-50), there is no mention of the features according to the claim, that as a relation of the measured ink density values determined in neighboring ink zones (22; 22A; 22B; 22C; 22D) in the ongoing printing process, a difference between optical densities of adjacent inking zones (22; 22A; 22B; 22C; 22D) is determined, or that, to form the relation with respect to the selected inking zone (22; 226), the measured ink density value thereof is

placed in a ratio with a measured value for at least one other inking zone (22; 22A; 22C; 22D) belonging to the same inking unit (07).

The method of the new claim D1 is therefore novel in relation to D1 (PCT Article 33(2)). Because D1 also does not suggest the method of the new claim 1, the discovery of the subject matter of new claim 1 involves an inventive step (PCT Article 33(3)).

Claims

1. A method for regulating the ink in a printing press, wherein ink regulation is carried out by means of a control device (12), wherein a print substrate (09) is printed continuously in an ongoing printing process of the printing press, wherein at least one ink, supplied by an inking unit (07), is applied to the print substrate (09) in multiple inking zones (22; 22A; 22B; 22C; 22D), wherein a measured value indicating an ink density of the at least one ink applied to the print substrate (09) in said printing process in the printing press is determined, wherein a relation is formed between the measured ink density value for a specific ink determined in a selected inking zone (22; 22B) and a measured ink density value for the same ink determined in at least one other inking zone (22; 22A; 22C), characterized in that as the relation between the measured ink density values determined in adjacent inking zones (22; 22A; 22B; 22C; 22D) in the ongoing printing process, a difference in optical density between adjacent inking zones (22; 22A; 22B; 22C; 22D) is determined, or in that, to form the relation with respect to the selected inking zone (22; 22B), the measured ink density value of said zone is placed in a ratio with a measured value from at least one other inking zone (22; 22A; 22C; 22D) belonging to the same inking unit (07), wherein the relation between the measured ink density values in different inking zones (22; 22A; 22B; 22C; 22D) is formed only when, in a startup phase of the printing press, the majority of inking zones (22; 22A; 22B; 22C; 22D) of a specific inking unit (07) of the printing press each supply a measured ink density value for an ink supplied by said inking unit (07), which ink density value reaches at least a predefined fraction of a predefined set value in the respective inking zone (22; 22A; 22B; 22C; 22D), wherein the ink regulation carried out by the control device (12) is

activated only after the aforementioned condition at the end of the startup phase of the printing press has been met.

2. The method according to claim 1, characterized in that the ink, the measured ink density values of which are placed in relation to one another, is applied to the print substrate (09) in multiple inking zones (22; 22A; 22B; 22C; 22D) arranged side by side, transversely to a direction of transport (T) of the print substrate (09).

3. The method according to claim 1, characterized in that the measured ink density value for the ink supplied by the relevant inking unit (07) reaches at least 50% of the predefined set value for the respective inking zone (22; 22A; 22B; 22C; 22D).

4. The method according to claim 1, characterized in that the measured ink density value, determined for the specific ink in the selected inking zone (22; 22B), is rejected by the control device 12 as implausible when the relation that is formed between said measured value and the measured value for the same ink determined in the at least one other inking zone (22) inadmissibly exceeds or falls below at least one limit.

5. The method according to claim 1, characterized in that, in place of the measured ink density value, determined in the selected inking zone (22; 22B) for a specific ink and rejected as implausible by the control device (12), an ink density value for the relevant ink is obtained on the basis of the measured values determined for the at least one other inking zone (22A; 22C).

6. The method according to claim 5, characterized in that the ink density value for the

relevant ink to be used as a replacement is obtained by the control device (12) computationally via interpolation or extrapolation.

7. The method according to claim 1, characterized in that the measured ink density value determined for the specific ink in the selected inking zone (22; 22B) is rejected as implausible by the control device (12) when said measured value deviates by at least 50% from the measured value determined for the same ink in the at least one other inking zone (22).

8. The method according to claim 1, characterized in that the relation between the measured ink density value for a specific ink determined in the selected inking zone (22; 22B) and the measured ink density value for the same ink determined in the at least one other inking zone (22; 22A; 22C) is formed between immediately adjacent inking zones (22; 22A; 22B; 22C) and/or between inking zones (22; 22A; 22B; 22C; 22D) that are spaced further from one another.

9. The method according to claim 1, characterized in that during the ongoing printing process of the printing press, the control device (12) checks for any changes to the relation between the measured ink density value for a specific ink determined in a selected inking zone (22; 22B) and a measured ink density value for the same ink determined in at least one other inking zone (22; 22A; 22C).

10. The method according to claim 1, characterized in that the control device (12) checks the relation for any change during a production printing of the printing press.

11. The method according to claim 1, characterized in that the relation between measured ink density values for different inking zones (22; 22A; 22B; 22C; 22D) that is to be formed is assigned parameters at a control station belonging to the printing press and/or at another operating unit that can be connected to the printing press.

12. The method according to claim 1, characterized in that the ink density must reach at least half the value of the predefined set value for the respective inking zone (22; 22A; 22B; 22C; 22D) in more than 50% of the inking zones (22; 22A; 22B; 22C; 22D) belonging to a specific inking unit (07) before the control device (12) will begin to check a measured ink density value determined in the respective inking zones (22; 22A; 22B; 22C; 22D) for plausibility.

13. The method according to claim 1, characterized in that each of the inking zones (22; 22A; 22B; 22C; 22D) belonging to a specific inking unit (07) can be selected, wherein several or all of said inking zones (22; 22A; 22B; 22C; 22D) can be selected by the control device (12) either individually in sequence or simultaneously in processes implemented in parallel.

14. The method according to claim 1, characterized in that to check the plausibility of a measured ink density value determined in a selected inking zone (22; 22B), measured values from at least two other inking zones (22; 22A; 22C; 22D), each located on one side of the selected inking zone (22; 22B), are considered.

15. The method according to claim 1, characterized in that to check the plausibility of a measured ink density value determined in a selected inking zone (22; 22B), measured values from at least two other inking zones (22; 22A; 22C; 22D), located one on either

side of the selected inking zone (22; 22B), are considered.

16. The method according to claim 1, characterized in that an amount of ink supplied to the respective inking zones (22; 22A; 22B; 22C; 22D) is regulated by the control device (12).

17. The method according to claim 1, characterized in that multiple different inks are applied to the print substrate (09) in the same ongoing printing process.

18. The method according to claim 17, characterized in that said multiple different inks applied to the print substrate (09) are detected simultaneously by a detection device (11) having at least one image sensor (24).

19. The method according to claim 18, characterized in that the detection device (11) provides image data at its output.

20. The method according to claim 19, characterized in that said image data are evaluated by the control device (12) that is connected to the detection device (11), wherein the respective measured ink density values for a plurality of inks applied to the print substrate (09) are determined from the image data supplied to the control device (12).

21. The method according to claim 20, characterized in that the plausibility of the at least one measured ink density value determined in this manner for at least one of the inks is checked on the basis of its qualitative and/or quantitative ratio to the respective at least one measured ink density value for at least one of the other inks, determined in the same manner.

22. The method according to claim 18, characterized in that a plurality of inks applied to the same measuring field (13) are detected simultaneously by the at least one image sensor (24).

23. The method according to claim 22, characterized in that a predefined reference ratio for a selected measuring field (13) can be adjusted.

24. The method according to claim 23, characterized in that a ratio between the determined ink densities that deviates inadmissibly from the reference ratio is evaluated as scumming or smearing in the selected measuring field (13).

25. The method according to claim 17, characterized in that the plausibility of the respectively determined ink densities of at least three of the inks involved in the ongoing printing process is checked on the basis of their respective ratios to the at least two other determined ink densities.

26. The method according to claim 25, characterized in that at least a measured ink density value, the ratio of which to the measured value for the at least one other ink density determined in the selected measuring field (13) deviates inadmissibly from the predefined reference ratio for the selected measuring field (13), is rejected as implausible.

27. The method according to claim 17, characterized in that at least cyan, yellow and magenta inks are used in the ongoing printing process.

28. The method according to claim 1, characterized in that at least the one ink density is

detected using a line camera in an ongoing printing process.

29. The method according to claim 1, characterized in that the measured value to be checked for plausibility is acquired via densitometry or colorimetry.

30. The method according to claim 1, characterized in that it is used in a printing press that prints in an offset printing process.

31. The method according to claim 1, characterized in that it is used in a printing press that imprints sheets (09).

32. The method according to claim 1, characterized in that in at least one inking unit (07) of the printing press, a setting of the metering device thereof can be modified by the control device (12) on the basis of at least one measured value acquired in said printing process of the printing press, during the ongoing printing process for imprinting a surface of a print substrate (09).

33. The method according to claim 32, characterized in that the control device (12) checks the acquired measured value for plausibility before changing the setting of the relevant inking unit (07).

34. The method according to claim 33, characterized in that said plausibility check is carried out on the basis of a check of the reflective behavior of the surface of the unprinted print substrate (09) and a check of a relation between a primary ink density determined in a measuring field (13) on the print substrate (09) and at least one secondary ink density determined at the same time in the same measuring field (13).

35. The method according to claim 34, characterized in that the primary and secondary ink densities determined in the relevant measuring field (13) are each referred to a reference value, which has been defined by the check of the reflective behavior of the surface of the unprinted print substrate (09).

36. The method according to claim 34, characterized in that the two checks relating to the plausibility of the acquired measured value are carried out simultaneously.

37. The method according to claim 33, characterized in that the control device (12) will suspend a pending change to the setting of the relevant inking unit (07) when at least one of the checks relating to the plausibility of the acquired measured value produces a negative result.

38. The method according to claim 37, characterized in that, if at least one of the checks relating to the plausibility of the acquired measured value produces a negative result, an acoustic and/or visual warning message is issued at a control station belonging to the printing press.

39. The method according to claim 34, characterized in that at least one of the checks relating to the plausibility of the acquired measured value is assigned parameters with regard to its assessment criteria at the control station belonging to the printing press and/or at another operating unit that can be connected to the printing press.

40. The method according to claim 11, characterized in that parameters are assigned using a program mask displayed on a display device.

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/737,794	02/17/2011	Felix Hartmann	W1.3071 PCT-US	8988

23294 7590 04/12/2011

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P.O. BOX 2266 EADS STATION
ARLINGTON, VA 22202

EXAMINER	
ART UNIT	PAPER NUMBER
2854	

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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JONES, TULLAR & COOPER, P.C.
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ARLINGTON VA 22202

In re Application of
HARTMANN et al.
Application No.: 12/737,794
Filed: 17 February 2011
Attorney Docket No.: W1.3071 PCT-US
For: METHOD FOR REGULATING THE INK IN A PRINTING PRESS

: DECISION ON REQUEST TO
: PARTICIPATE IN THE PATENT
: PROSECUTION HIGHWAY
: PROGRAM AND PETITION
: TO MAKE SPECIAL UNDER
: 37 CFR 1.102(a)

This is a decision on the request to participate in the PCT Patent Prosecution Highway (PCT-PPH) pilot program and the petition under 37 CFR 1.102(a), filed 28 February 2011, to make the above-identified application special.

The request and petition are **GRANTED**.

Discussion

A grantable request to participate in the PCT-PPH pilot program and petition to make special require:

(1) The U.S. application must disclose an eligible relationship to one or more PCT applications where the ISA or IPEA are the JPO, EPO, KIPO, IPAU, 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 not in English);

(7) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

The request to participate in the PCT-PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Lee W. Young at 571-272-4549.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc.index.html.

This application will be forwarded to the examiner for action on the merits commensurate with this decision once this application's formality reviews have been completed.

Lee W. Young
TQAS Technology Center 2800 - Semiconductors,
Electrical & Optical Systems & Components

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David A. Einhorn, Esq.
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New York NY 10111

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MAR 11 2011

PCT LEGAL ADMINISTRATION

In re Application of :
BAE, et al. :
U.S. Application No.: 12/737,827 : DECISION ON PETITION
PCT No.: PCT/KR2008/006658 :
Int. Filing Date: 12 November 2008 : UNDER 37 CFR 1.137(b)
Priority Date: 07 March 2008 :
Attorney Docket No.: DE2003 :
For: ENCODING SYSTEM USING MOTION ESTIMATION AND ENCODING METHOD USING MOTION ESTIMATION :

The petition to revive under 37 CFR 1.137(b) filed 18 February 2011 in the above-captioned application is hereby **GRANTED** as follows:

Applicant's statement that "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional" and the prompt filing of the petition satisfies the requirement of 37 CFR 1.137(b)(3).

A review of the application file reveals that applicant has now provided payment of the full, U.S. Basic National fee and the requirements of 37 CFR 1.137(b) have been satisfied. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

This application is being forwarded to the United States Designated/Elected Office (US/DO/EO) for continued processing.

Derek A. Putonen
Attorney Advisor
Office of PCT Legal Administration
Tel: (571) 272-3294

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OFFICE OF PETITIONS

In re Application of	:	
Darel E. Hodgson	:	
Application No. 12/737,843	:	DECISION ON PETITION
Filed: February 22, 2011	:	TO MAKE SPECIAL UNDER
Attorney Docket No. HOD 001-1	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed April 5, 2011, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a statement from the attorney declaring that he/she is in possession of evidence that shows the applicant is 65 years of age or older. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Terri Johnson at 571-272-2991.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

The application is being forwarded to the Technology Center Art Unit 3657 for action on the merits commensurate with this decision.

/Terri Johnson/
Terri Johnson
Petitions Examiner
Office of Petitions

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AUG 18 2011

PCT LEGAL ADMINISTRATION

Olson & Cepuritis, LTD.
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36TH FLOOR
CHICAGO IL 60606

In re Application of :
LAMBERTZ :
Application No.: 12/737,853 : DECISION ON
PCT No.: PCT/EP09/06395 :
Int. Filing Date: 03 September 2009 : PETITION UNDER 37 CFR 1.182
Priority Date: 04 September 2008 :
Attorney Docket No.: XT-OT-30019 :
For: PROTECTIVE ELEMENT FOR CYCLIST PANTS

This is a decision on a petition under 37 CFR 1.182 filed in the United States Patent and Trademark Office on 13 June 2011 to correct the international application number. This is also responsive to applicant's request for filing date of the instant submission to be accorded a date of 1 June 2011.

On 23 February 2011, applicant filed a request for entry into the national stage in the United States which was accompanied by, *inter alia*, the U.S. Basic National Fee. The papers were assigned serial number 12/737,853. However, the international application PCT/EP09/06395 as indicated on the declaration differs from the PCT application number PCT/US09/06395 on the Transmittal Letter.

On 13 June 2011, the instant petition under 37 CFR 1.182 was filed.

Applicant's petition under 37 CFR 1.182 to correct the international application no. to PCT/EP09706395 on the national stage papers filed on 23 February 2011 is **GRANTED.** The $400 petition fee was paid.

The USPTO records will identify the present application **12/737,853** as the national stage of **PCT/EP09/06395.**

With regard to applicant's request for filing date of the instant submission to be accorded a date of 1 June 2011, applicant's request for a corrected filing date for the submission filed on 13 June 2011 was not accompanied by any proof or evidence of its mailing. Applicant is reminded that pursuant to 37 CFR 1.8(a), any correspondence required to be filed in the USPTO *within a set period of time will be considered as being timely filed* if the procedure set forth in the rule is followed. This does not allow for the date on a certificate of mailing to be accorded to the submission; but that the submission would be considered timely filed. In the instant case,

applicant's filing in response to the Office communication regarding an error in the PCT international application number was not required to be filed in the USPTO "within a set period of time" so as to be considered "timely filed". Therefore, the filing date of the petition, and the declaration which accompanied it, is the date it was received in the USPTO, or 13 June 2011. If applicant wishes to rely on the provisions of 37 CFR 1.10, a proper petition under that rule must be submitted.

/Cynthia M. Kratz/
Cynthia M. Kratz
Attorney Advisor
PCT Legal Administration
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The Dow Chemical Company
Brooks, Cameron, PLLC
1221 Nicollet Avenue, Suite 500
Minneapolis MN 55403

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PCT LEGAL ADMINISTRATION

In re Application of:
NAIK et al.
Application No.: 12/737,922
PCT No.: PCT/US2009/056642
Int. Filing Date: 11 September 2009
Priority Date: 25 September 2008
Attorney Docket No.: 67388-US-PCT
For: WEAR AND IMPACT RESISTANT REFLECTIVE ROAD LANE MARKERS

DECISION ON PETITION

This decision is issued in response to applicants' Petition under 37 CFR 1.47(a) filed 13 May 2011 to accept the application without the signature of joint-inventor, Ratanjit SONDHE.

BACKGROUND

On 11 September 2009, applicants filed international application PCT/US2009/056642 which claimed a priority date of 25 September 2008. Pursuant to 37 CFR 1.495, the deadline for payment of the basic national fee in the United States was to expire 30 months from the priority date, 25 March 2011.

On 01 March 2011, applicants filed a request for entry into the national stage accompanied, *inter alia,* by: the requisite basic national fee; a copy of the international application; and a preliminary amendment.

On 16 March 2011, the United Stated Designated/Elected Office mailed a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497(a) and (b) must be filed. The notification set a two-month time limit in which to respond.

On 13 May 2011, applicants filed the present petition under 37 CFR 1.47(a).

DISCUSSION

A petition under 37 CFR 1.47(a) must be accompanied by: (1) the fee under 37 CFR 1.17, (2) factual proof that the missing joint inventor refuses to execute the application or

cannot be reached after diligent effort, (3) a statement of the last known address of the missing inventor, and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and behalf of the nonsigning joint inventor.

Applicants here have submitted the appropriate petition fee. Item (1) is therefore satisfied.

As to item (2), petitioner states that Ratanjit SONDHE cannot be found or reached after diligent effort. Section 409.03(d) of the Manual of Patent Examining Procedure (M.P.E.P.), **Proof of Unavailability or Refusal**, states, in part:

> Where inability to find or reach a nonsigning inventor "after diligent effort" is the reason for filing under 37 CFR 1.47, a statement of facts should be submitted that fully describes the exact facts which are relied on to establish that a diligent effort was made.
>
> The statement of facts must be signed, where at all possible, by a person having firsthand knowledge of the facts recited therein. Statements based on hearsay will not normally be accepted. Copies of documentary evidence such as internet searches, certified mail return receipts, cover letters of instructions, telegrams, that support a finding that the nonsigning inventor could not be found or reached should be made part of the statement. The steps taken to locate the whereabouts of the nonsigning inventor should be included statement of facts. It is important that the statement contain facts as opposed to conclusions.

A review of the present petition reveals that petitioner has not provided an acceptable showing that a diligent effort was made to reach the nonsigning inventor, Ratanjit SONDHE. The statement of Joseph C. Huebsch states that he attempted to contact Ratanjit SONDHE by registered mail and all attempts were unsuccessful. However, multiple mailings to the nonsigning inventor's last known address does not constitute a "diligent" effort to reach the nonsigning inventor. Applicant must show that alternative means were employed to reach Ratanjit SONDHE.

If Ratanjit SONDHE cannot be found or reached, applicants must show that alternative means were employed, such as a search of telephone and/or Internet directories, in an attempt to locate the nonsigning inventors. As stated above, copies of documentary evidence such as a certified mail return receipt, cover letter of instruction, telegrams, etc., should be supplied by a person having firsthand knowledge of the facts.

It is noted that, where a refusal of the inventor to sign the application papers is alleged, a statement of facts is needed from a person having first hand knowledge of the facts that a complete copy of the application papers (specification, claims, and drawings) were sent to Ratanjit SONDHE, and when such papers were sent.

Therefore, item (2) has not been satisfied.

Regarding item (3), applicants have provided the last known address of the nonsigning inventor. Accordingly, item (3) is therefore satisfied.

Regarding item (4), section 409.03(a) of the Manual of Patent Examining Procedure ("MPEP") states that:

> An oath or declaration signed by all the available joint inventors with the signature block of the nonsigning inventor(s) left blank may be treated as having been signed by all the available joint inventors on behalf of the nonsigning inventor(s), unless otherwise indicated.

Here, applicants have filed declarations executed by two of the three inventors and including an unsigned signature box identifying the nonsigning inventor (Ratanjit SONDHE). This declaration is treated as having been executed by the available inventors on their behalf and on behalf of the nonsigning inventor. Item (4) is therefore satisfied.

For the reasons stated above, it is not appropriate to accept the application without the signature of Ratanjit SONDHE under 37 CFR 1.47(a) at this time.

CONCLUSION

The petition under 37 CFR 1.47(a) is **DISMISSED** without prejudice.

If reconsideration on the merits of this petition is desired, a proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)." No additional petition fee is required.

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3298

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
P.O. Box 1450
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www.uspto.gov

The Dow Chemical Company
Brooks, Cameron, PLLC
1221 Nicollet Avenue, Suite 500
Minneapolis MN 55403

MAILED

OCT 07 2011

PCT LEGAL ADMINISTRATION

In re Application of :
NAIK et al. :
Application No.: 12/737,922 : DECISION ON PETITION
PCT No.: PCT/US2009/056642 : UNDER 37 CFR 1.47(a)
Int. Filing Date: 11 September 2009 :
Priority Date: 25 September 2008 :
Attorney Docket No.: 67388-US-PCT :
For: WEAR AND IMPACT RESISTANT :
REFLECTIVE ROAD LANE MARKERS

This decision is issued in response to applicants' "Renewed Petition under 37 CFR 1.47(a)" filed 09 September 2011. In a decision dated 16 August 2011, applicants' petition under 37 CFR 1.47(a) to accept the application without the signature of joint inventor, Ratanjit SONDHE, was dismissed without prejudice.

The petition for status under 37 CFR 1.47(a) is moot since the declaration filed 09 September 2011with the present petition was executed by the named inventor, the previous non-signing inventor, Ratanjit SONDHE. The declaration filed 09 September 2011is acceptable under 37 CFR 1.497.

For the reasons above, the petition under 37 CFR 1.47(a) is DISMISSED as MOOT.

The application has an international filing date of 11 September 2009 under 35 U.S.C. 363 and a date of 09 September 2011under 35 U.S.C. 371(c)(1),(c)(2) and (c)(4).

The application is being returned to the International Division for processing as the U.S. National Stage of the above-identified international application.

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Tel: (571) 272-3298
Fax: (571) 273-0459

Doc Code: PPH.PCT.682
Document Description: Petition to make special under PCT-Patent Prosecution Highway

PTO/SB/30/PCT-EP (08-10)
Approved for use through 01/31/2012. OMB 0651-0068
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE EUROPEAN PATENT OFFICE (EPO) AND THE USPTO

Application No.	12/737,971	Filing date:	March 4, 2011
First Named Inventor:	Holger Wilfried Fritz RUHMKE		
Title of the Invention:	Printing Unit of a Printing Press, Comprising at Least Two Frame Parts, the Position of Which Relative to One Another Can Be Changed		

THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT HTTP://WWW.USPTO.GOV/EBC/EFS_HELP.HTML

APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PROGRAM.

The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.

The corresponding PCT application number(s) is/are: PCT/EP2009/060651

The international filing date of the corresponding PCT application(s) is/are: 18 August 2009

I. List of Required Documents:

a. **A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above-identified corresponding PCT application(s)**

☐ is attached

☒ is not attached because the document is already in the U.S. application

b. **A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s).**

☐ is attached

☒ is not attached because the document is already in the U.S. application

c. **English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.**

This collection of information is required by 35 U.S.C. 119, 37 CFR 1.55, and 37 CFR 1.102(d). The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.

REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM BETWEEN THE EPO AND THE USPTO

(continued)

Application No.:	12/737,971
First Named Inventor:	Holger Wilfried Fritz RUHMKE

d. (1) An information disclosure statement listing the documents cited in the international work products (ISR, WO/SA, WO/IPEA, IPER) of the corresponding PCT application.

☐ is attached.

■ Has already been filed in the above-identified U.S. application on March 4, 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 March 4, 2011

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1 - 19	1 - 19	Direct correspondence
20, 21, 22	20, 21, 22	U.S. dependency corrected
23	23	Direct correspondence
24	24	U.S. dependency corrected
25 - 27	25 - 27	Direct correspondence
28 - 30	28 - 30	U.S. dependency corrected
31, 32	31, 32	Direct correspondence
33	33	U.S. dependency corrected
34	34	Direct correspondence
35 - 37	35 - 37	U.S. dependency corrected
38, 39	38, 39	Direct correspondence
40	40	U.S. dependency corrected
41	41	Direct correspondence

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature:	Date: 2011-03-16
Name (Print/Typed): Douglas R. Hanscom	Registration Number: 26600

KARIN T. DUNN, LLC

GERMAN TRANSLATION AND LANGUAGE SERVICES
Certified by the American Translators Association

4706 OLDE FORGE CT., FAIRFAX, VA 22032
TELEPHONE, FAX: 703-426-1422 · DUNNSFAM@MSN.COM

Date: 28 February 2011

DECLARATION

The undersigned, Karin T. Dunn, hereby states that she is well acquainted with both the English and German languages and that the attached is a true translation to the best of her knowledge and ability of the German text of PCT/EP2009/060651, filed on 18 August 2009 and published on 11 March 2010 under No. WO 2010/026041 A1. The undersigned further states that the prosecution document associated with PCT/EP2009/060651 and translated by her is also a true translation to the best of her knowledge and ability.

The undersigned declares that the above statement is true and that this statement was made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or document or any patent resulting therefrom.

Karin T. Dunn

Translation of the pertinent portions of a **Notification of the Transmittal of the International Search Report and the Written Opinion of the International Search Authority or the Declaration (Rule 44.1 PCT)**, mailed on 23 October 2009

This International Search Report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. The report comprises a total of 3 pages. Copies of each prior art document cited in this report are also enclosed.

1. **Basis of the Report**
   With regard to **language**, the international search was carried out on the basis of the international application in the language in which it was filed

4. With regard to the **Title of the Invention**:

   The wording has been determined as submitted by the applicant.

5. With regard to the **Abstract**:

   The wording has been determined as submitted by the applicant.

6. With regard to the **Drawings**:

   a. Figure 2 is to be published with the abstract as established by this Authority, because the applicant failed to suggest a figure.

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY (Rule 43*bis*.1 PCT)

1. This opinion contains indications relating to the following items:

Box I Basis of the opinion

Box 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 I Basis of the Opinion

1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed

Box V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step and industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty	Yes: Claims 1-41 No: Claims
Inventive Step	Yes: Claims 1-41 No: Claims
Industrial Applicability	Yes: Claims 1-41 No: Claims:

2. Citations and Explanations
See attached sheet

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY (SUPPLEMENTARY SHEET)

The **closest prior art** is described in EP-A-1 524 115 (D1) or in document WO 2005/037 553, which is cited in the description. Document D1 discloses a printing unit according to the preamble of claim 1. The subject matter of claim 1 differs from D1 in that a three-dimensional sensor is provided, which monitors the space between two frame parts that can be moved in relation to one another, when said frame parts are in the opened maintenance position.
Therefore, the subject matter of claim 1 is novel (PCT Article 33(2)).
The problem of the invention is that of preventing the opened frame parts from moving toward one another when there are still maintenance personnel in the space between the frame parts.
The problem is solved by the aforementioned features that are essential to the invention. None of the cited documents discloses the idea of arranging a sensor that covers three different directions between two movable frame parts. Document D2 discloses a safety device with a linear sensor for a printing press having an automatic plate changer. Here again, a three-dimensional sensor is not used. The three-dimensional sensor allows for better monitoring of the area in question.
Therefore, the subject matter of claim 1 involves an inventive step (PCT Article 33(3)).

Claims

1. A printing unit of a printing press comprising at least two frame parts, the position of which relative to one another can be changed, wherein interacting frame parts (13; 14) are placed against one another along a shared joining surface (16) in a first operating position and are moved away from one another in a second operating position, wherein between frame parts (13; 14) that are moved away from one another in the printing unit (01), an intermediate space (17) is formed, delimited in part by said frame parts (13; 14), wherein of the interacting frame parts (13; 14), at least one frame part (14) is arranged so as to be movable along an adjustment path (S), characterized in that at least one sensor (31) for monitoring the intermediate space (17) is provided, having a directional characteristic (32) effective along the joining surface (16) or having a sensing zone (37) effective along the joining surface (16), wherein a field width (w) of a first angular field of the directional characteristic (32) or of the sensing zone (37), which width is oriented parallel to the adjustment path (S) of a movable frame part (14), is smaller than a respective field width (u; v) of a second or third angular field of said directional characteristic (32) or said sensing zone (37), wherein the field width (u) of the second angular field of the directional characteristic (32) or the sensing zone (37) is oriented in the axial direction of at least one printing couple cylinder (04) mounted in the movable frame part (14), and the field width (v) of the third angular field of the directional characteristic (32) or the sensing zone (37) is oriented in the direction of a height (H) of the movable frame part (14).

2. The printing unit according to claim 1, characterized in that the adjustment path (S) is embodied as linear.

3. The printing unit according to claim 1, characterized in that the sensor (31) detects

electromagnetic waves or ultrasonic waves.

4. The printing unit according to claim 1, characterized in that the sensor (31) monitors the intermediate space (17) for the presence and/or movement of a body not belonging to the printing unit (01).

5. The printing unit according to claim 1, characterized in that the sensor (31) is embodied as a camera or as a motion detector or as a laser or as a scanner or as a radar system.

6. The printing unit according to claim 1, characterized in that the sensing zone (37) of the sensor (31) carries out a pivoting movement, wherein the sensing zone (37) extends along the joining surface (16) formed between the frame parts (13; 14), the position of which relative to one another can be changed.

7. The printing unit according to claim 1, characterized in that a control unit (28) is provided, connected to the sensor (31).

8. The printing unit according to claim 7, characterized in that the control unit (28) connected to the sensor (31) activates the sensor (31) on the basis of the operating positions of the interacting frame parts (13; 14).

9. The printing unit according to claim 7, characterized in that the control unit (28) switches the sensor (31) to mute when the frame parts (13; 14), the position of which relative to one another can be changed, are being moved toward one another, on the basis of the duration of this movement carried out by at least one of the frame parts (13; 14), the position of which relative to one another can be changed.

10. The printing unit according to claim 7, characterized in that the control unit (28) switches the sensor (31) to mute when the frame parts (13; 14), the position of which relative to one another can be changed, are being moved toward one another, once a predefined distance (x) between said frame parts (13; 14) is reached.

11. The printing unit according to claim 10, characterized in that the distance (x) at which the control unit (28) switches the sensor (31) to mute is greater than the first field width (w) of the directional characteristic (32) or the sensing zone (37) of the sensor (31), which width is oriented parallel to the adjustment path (S) of the frame parts (13; 14), the position of which relative to one another can be changed.

12. The printing unit according to claim 7, characterized in that the control unit (28) connected to the sensor (31) evaluates a signal from the sensor (31).

13. The printing unit according to claim 7, characterized in that an access control device (33) connected to the control unit (28) is provided, wherein the access control device (33) controls at least one access point to the intermediate space (17), which remains on one or more sides after the sensor (31) has been switched to mute.

14. The printing unit according to claim 13, characterized in that the control unit (28) activates the access control device (33) no earlier than the start of movement of the frame parts (13; 14), the position of which relative to one another can be changed, and/or no later than simultaneously with the muting of the sensor (31).

15. The printing unit according to claim 13, characterized in that the access control device (33) has one or more photoelectric beam detectors or one or more infrared beam barriers, wherein the respective beam path of the photoelectric beam detectors or infrared beam barriers is oriented horizontally or vertically.

16. The printing unit according to claim 13, characterized in that the access control device (33) exerts a controlling function over the entire height (H) of at least the movable frame part (14) or over only one or more portions of this height (H).

17. The printing unit according to claim 13, characterized in that the access control device (33) is permanently or only temporarily present at the respective access point to the intermediate space (17).

18. The printing unit according to claim 13, characterized in that at least a part of the access control device (33) has an off-line position and a functional position, wherein in the off-line position, the corresponding part of the access control device (33) is mechanically covered or moved to a protected position.

19. The printing unit according to claim 13, characterized in that the control unit (28) alternatingly activates the at least one sensor (31) that monitors the intermediate space (17) and the access control device (33).

20. The printing unit according to claim 1, characterized in that a remotely actuable locking system (26) at least locks the movable frame part (14) in place at least at one of its end points that delimits the adjustment path (S).

21. The printing unit according to at least one of the preceding claims, characterized in that if the sensor (31) and/or the access control device (33) detects the presence and/or movement of a body not belonging to the printing unit (01), the control unit (28) will stop the movement of the movable frame part (14).

22. The printing unit according to claim 1, characterized in that at least one first drive unit (23) is provided, wherein said drive unit (23) is assigned to at least one of the interacting frame parts (13; 14) in order to move said frame part from one operating position to the other.

23. The printing unit according to claim 22, characterized in that the control unit (28) stops the movement of the first drive unit (23) as soon as the sensor (31) detects the presence and/or movement of a person in the intermediate space (17).

24. The printing unit according to claim 1, characterized in that at least one second drive unit (24) is provided, wherein said drive unit (24) is provided for implementing a radial movement of the at least one printing couple cylinder (04) mounted in one of the frame parts (13; 14).

25. The printing unit according to claim 24, characterized in that at least the first drive unit (23) and the second drive unit (24) are supplied with power from the same energy storage device (27).

26. The printing unit according to claim 24, characterized in that the two drive units (23; 24) are actuable each individually and independently of one another.

27. The printing unit according to claim 25, characterized in that the energy storage device (27) is embodied as a hydraulic unit (27).

28. The printing unit according to at least one of the preceding claims, characterized in that the locking system (26) is supplied with power from the same energy storage device (27) as the drive units (23; 24).

29. The printing unit according to claim 24, characterized in that the two drive units (23, 24) are supplied with power by connection to the same conduit system (19) that is supplied with power from the energy storage device (27).

30. The printing unit according to claim 22, characterized in that a control element (29) arranged in the conduit system (19) for supplying power to the first drive unit (23) is controlled by the control unit (28) on the basis of a signal from the sensor (31) that monitors the intermediate space (17).

31. The printing unit according to claim 30, characterized in that the control element (29) is additionally arranged for actuating the first drive unit (23) and is controlled separately from the actuation of the first drive unit (23).

32. The printing unit according to claim 30, characterized in that a functional position of the control element (29), which can be selected by the control unit (28), prevents one of the frame parts (14) from moving toward the other frame part (13).

33. The printing unit according to claim 25, characterized in that a control element (34) assigned to the output of the energy storage device (27) is provided, with which the conduit system (19) that is fed with power from the energy storage device (27) can be switched to pressureless or pressurized by the control unit (28).

34. The printing unit according to claim 7, characterized in that the control unit (28) verifies the functional readiness and/or functionality of the sensor (31).

35. The printing unit according to claim 7, characterized in that if the sensor (31) is not functionally ready and/or functional, the control unit (28) will actuate the locking system (26) for locking the movable frame part (14) in place.

36. The printing unit according to claim 7, characterized in that if the sensor (31) is not functionally ready and/or functional, the control unit (28) will prevent a release that would initiate movement of the movable frame part (14), and/or will stop the first drive unit (23) that drives the movable frame part (14).

37. The printing unit according to claim 7, characterized in that if the sensor (31) is not functionally ready and/or functional, the control unit (28) will actuate the control element (29) arranged in the conduit system (19) for supplying power to the first drive unit (23) and will prevent or stop the movement of the movable frame part (14).

38. The printing unit according to claim 1, characterized in that one of the interacting frame parts (13; 14) is stationary and the other is movable.

39. The printing unit according to claim 38, characterized in that the sensor (31) is attached to the movable frame part (14).

40. The printing unit according to claim 1, characterized in that the control unit (28) is embodied as a control center (28) belonging to the printing unit (01).

41. The printing unit according to claim 1, characterized in that the printing unit (01) imprints a print substrate (02) fed through it in an offset printing process.

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.
12/737,971	03/04/2011	Holger Wilfried Fritz Ruhmke	W1.3076 PCT-US	3387

23294 7590 06/07/2011
JONES, TULLAR & COOPER, P.C.
P.O. BOX 2266 EADS STATION
ARLINGTON, VA 22202

EXAMINER	
ART UNIT	PAPER NUMBER
2854	

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

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JONES, TULLAR & COOPER, P.C.
P.O. BOX 2266 EADS STATION
ARLINGTON VA 22202

In re Application of	**: DECISION ON REQUEST TO**
RUHMKE et al.	**: PARTICIPATE IN THE PATENT**
Application No.: 12/737,971	**: PROSECUTION HIGHWAY**
Filed: 04 March 2011	**: PROGRAM AND PETITION**
Attorney Docket No.: W1.3076 PCT-US	**: TO MAKE SPECIAL UNDER**
For: PRINTING UNIT OF A PRINTING PRESS ...	**: 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 16 March 2011, to make the above-identified application special.

The request and petition are **GRANTED**.

Discussion

A grantable request to participate in the PCT-PPH pilot program and petition to make special require:

(1) The U.S. application must have an eligible relationship to one or more PCT applications where the ISA or IPEA are the JPO, EPO, KIPO, or USPTO;

(2) At least one claim in the PCT application has novelty, inventive step, and industrial applicability and must be free of any observations in Box VIII in the latest work product in the international stage or applicant must identify and explain why the claim(s) is/are not subject to the observation in Box VIII;

(3) Applicant must submit a copy of the claim(s) from the PCT application(s) that have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate, if the claims are not in the English language;

(4) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the claim(s) that have novelty, inventive step, and industrial applicability in the PCT application(s);

(5) Examination of the U.S. application has not begun;

(6) Applicant must submit a copy of the latest international work product from the PCT application indicating that the claim(s) have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate

if the latest international work product is not in the English language;

(7) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

The request to participate in the PCT-PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Lee W. Young at 571-272-4549.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc.index.html.

This application will be forwarded to the examiner for action on the merits commensurate with this decision once this application's formality reviews have been completed.

Lee W. Young
TQAS Technology Center 2800 - Semiconductors,
Electrical & Optical Systems & Components

Doc Code: PPH.PCT.682
Document Description: Petition to make special under PCT-Patent Prosecution Highway

PTO/SB/239(PCT-EP) (08-10)
Approved for use through 03/31/2012. OMB 0651-0068
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REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE EUROPEAN PATENT OFFICE (EPO) AND THE USPTO

Application No:	12/737,972	Filing date:	March 4, 2011
First Named Inventor:	Holger Wilfried Fritz RUHMKE		

Title of the Invention: Printing Unit of a Printing Press, Comprising at Least Two Frame Parts, the Position of Which Relative to One Another Can Be Changed

THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT HTTP://WWW.USPTO.GOV/EBC/EFS_HELP.HTML

APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PROGRAM.

The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.

The corresponding PCT application number(s) is/are: PCT/EP2009/060646

The international filing date of the corresponding PCT application(s) is/are: 18 August 2009

I. List of Required Documents:

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PTO/SB/20/PCT-EP (05-10)
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REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM BETWEEN THE EPO AND THE USPTO

(continued)

Application No.:	12/737,972
First Named Inventor	Holger Wilfried Fritz RUHMKE

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.

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7	7	U.S. dependency corrected
8 - 20	8 - 20	Direct correspondence
21	21	U.S. dependency corrected to overcome Box VIII observation
22	22	Direct correspondence
23	23	U.S. dependency corrected
24 - 26	24 - 26	Direct correspondence
27	27	U.S. dependency corrected to overcome Box VIII observation
28 - 30	28 - 30	Direct correspondence
31	31	U.S. dependency corrected
32 - 37	32 - 37	Direct correspondence

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature: Douglas R. Hanscom	Date: 2011-03-16
Name (Print/Typed): Douglas R. Hanscom	Registration Number: 26600

KARIN T. DUNN, LLC

GERMAN TRANSLATION AND LANGUAGE SERVICES
Certified by the American Translators Association

4706 OLDE FORGE CT., FAIRFAX, VA 22032
TELEPHONE, FAX: 703-426-1422 · DUNN6FAM@MSN.COM

Date: 24 February 2011

DECLARATION

The undersigned, Karin T. Dunn, hereby states that she is well acquainted with both the English and German languages and that the attached is a true translation to the best of her knowledge and ability of the German text of PCT/EP2009/060646, filed on 18 August 2009 and published on 11 March 2010 under No. WO 2010/026040 A1. The undersigned further states that the prosecution document associated with PCT/EP2009/060646 and translated by her is also a true translation to the best of her knowledge and ability.

The undersigned declares that the above statement is true and that this statement was made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or document or any patent resulting therefrom.

Karin T. Dunn

Translation of the pertinent portions of a **Notification of the Transmittal of the International Search Report and the Written Opinion of the International Search Authority or the Declaration (Rule 44.1 PCT)**, mailed on 15 December 2009

This International Search Report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. The report comprises a total of 3 pages. Copies of each prior art document cited in this report are also enclosed.

1. **Basis of the Report**
   With regard to **language**, the international search was carried out on the basis of the international application in the language in which it was filed

4. With regard to the **Title of the Invention**:

   The wording has been determined as submitted by the applicant.

5. With regard to the **Abstract**:

   The wording has been determined as submitted by the applicant.

6. With regard to the **Drawings**:

   a. Figure 2 is to be published with the abstract as established by this Authority, because the applicant failed to suggest a figure.

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY (Rule 43*bis*.1 PCT)

1. This opinion contains indications relating to the following items:

Box I Basis of the opinion

Box 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 VII Certain defects in the international application

Box VIII Certain observations on the international application

Box I Basis of the Opinion

1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed

Box V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step and industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty	Yes: Claims 1-37 No: Claims
Inventive Step	Yes: Claims 1-37 No: Claims
Industrial Applicability	Yes: Claims 1-37 No: Claims:

2. Citations and Explanations
See attached sheet

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY (SUPPLEMENTARY SHEET)

Box V

1 Reference is made to the following documents (D); the same numbering will be used throughout the remainder of the procedure:

D1: EP 1 524 115 A (KOENIG & BAUER AG [DE]) 20 April 2005 (2005-04-20)

D2: EP 1 790 474 A (KBA GIORI SA [CH]) 30 May 2007 (2007-05-30), cited in the application

2 The subject matter of claim 1 appears to satisfy the requirements of PCT Article 33(2) in respect of the found prior art.

The **closest prior art** is disclosed in EP1524115 (D1). Document D1 discloses (the references between parentheses relate to said document) a printing unit of a printing press comprising two frame parts (21) and (23) that are movable relative to one another.

Claim 1 differs from the disclosure of D1 in that the intermediate space formed between the frame parts when said parts have been moved away from one another is monitored by means of a sensor, and in that a control element is arranged in the conduit system which supplies power to the drive unit of the movable frame part, which control element ensures that the drive unit, and therefore the frame part, is brought to a halt when a safety-relevant event is detected in the monitored zone.

The subject matter of claim 1 is therefore novel (PCT Article 33(2)).

3 The present application appears to satisfy the requirements of PCT Article 33(1) because the subject matter of claim 1 involves an inventive step (PCT Article 33(3)).

The **problem addressed by the invention** is that of increasing operational safety when performing maintenance operations, for example, on a printing press.

This problem is solved by preventing the relative movement of the two frame parts being moved toward one another when an object (for example, a press operator) is detected in the intermediate space formed between the two frame parts.

None of the documents cited in the search report suggests this feature.

Therefore, the subject matter of claim 1 involves an inventive step (PCT Article 33(3)).

4 Claims 2-37 are dependent on claim 1 and therefore also appear to satisfy the requirements of the PCT in respect of novelty and inventive step.

5 The subject matter of claims 1-37 appears to be industrially applicable, and therefore appears to satisfy the requirements of PCT Article 33(1) in conjunction with PCT Article 33(4).

Box VII

1 Although claim 1 has been drafted in the two-part form, the features "...at least **one first drive unit** (23) is provided, wherein said drive unit (23) is assigned to at least one of the interacting frame parts (13; 14) **in order to change said frame part from one operating position to the other operating position**" should not be in the characterizing part, since they were disclosed in document D1 (paragraph [0023]) in conjunction with the features in the preamble (PCT Rule 6.3(b)).

Box VIII

1 The application fails to comply with the requirements of PCT Article 6 because claims 21 and 27 are unclear.

1.1 Claim 21 cannot be formulated as dependent on claims 1-12 because the access control unit is first claimed in claim 13.

1.2 The above argumentation applies similarly to the subject matter of claim 27, as the locking system is first claimed in claim 20.

Claims

1. A printing unit of a printing press comprising at least two frame parts, the position of which relative to one another can be changed, wherein interacting frame parts (13; 14) are placed against one another along a shared joining surface (16) in a first operating position and are moved away from one another in a second operating position, wherein between frame parts (13; 14) that are moved away from one another in the printing unit (01), an intermediate space (17) is formed, delimited in part by said frame parts (13; 14), wherein of the interacting frame parts (13; 14), at least one frame part (14) is arranged so as to be movable along an adjustment path (S), wherein at least one sensor (31) for monitoring the intermediate space (17) is provided, having a directional characteristic (32) effective along the joining surface (16) or having a sensing zone (37) effective along the joining surface (16), wherein a control unit (28) connected to the sensor (31) is provided, characterized in that at least one first drive unit (23) is provided, wherein said drive unit (23) is assigned to at least one of the interacting frame parts (13; 14) in order to change said frame part from one operating position to the other operating position, wherein a control element (29), arranged in a conduit system (19) for supplying power to the first drive unit (23), is controlled by the control unit (28) on the basis of a signal from the sensor (31) that monitors the intermediate space (17), wherein the control element (29) is additionally provided for actuating the first drive unit (23) and is controlled independently from the actuation of the first drive unit (23), wherein a functional position of the control element (29), which can be selected by the control unit (28), prevents relative movement between the frame parts (13; 14).

2. The printing unit according to claim 1, characterized in that the adjustment path (S) is embodied as linear.

3. The printing unit according to claim 1, characterized in that the sensor (31) detects electromagnetic waves or ultrasonic waves.

4. The printing unit according to claim 1, characterized in that the sensor (31) monitors the intermediate space (17) for the presence and/or movement of a body not belonging to the printing unit (01).

5. The printing unit according to claim 1, characterized in that the sensor (31) is embodied as a camera or as a motion detector or as a laser or as a scanner or as a radar system.

6. The printing unit according to claim 1, characterized in that the sensing zone (37) of the sensor (31) carries out a pivoting movement, wherein the sensing zone (37) extends along the joining surface (16) formed between the frame parts (13; 14), the position of which relative to one another can be changed.

7. The printing unit according to claim 1, characterized in that a field width (w) of a first angular field of the directional characteristic (32) or of the sensing zone (37), which width is oriented parallel to the adjustment path (S) of a movable frame part (14), is smaller than a respective field width (u; v) of a second or third angular field of said directional characteristic (32) or said sensing zone (37), wherein the field width (u) of the second angular field of the directional characteristic (32) or the sensing zone (37) is oriented in the axial direction of at least one printing couple cylinder (04) mounted in the movable frame part (14), and the field width (v) of the third angular field of the directional characteristic (32) or the sensing zone (37) is oriented in the direction of a height (H) of the movable frame part (14).

8. The printing unit according to claim 1, characterized in that the control unit (28) connected to the sensor (31) activates the sensor (31) on the basis of the operating positions of the interacting frame parts (13; 14).

9. The printing unit according to claim 1, characterized in that the control unit (28) switches the sensor (31) to mute when the frame parts (13; 14), the position of which relative to one another can be changed, are being moved toward one another, on the basis of the duration of this movement carried out by at least one of the frame parts (13; 14), the position of which relative to one another can be changed.

10. The printing unit according to claim 1, characterized in that the control unit (28) switches the sensor (31) to mute when the frame parts 13; 14, the position of which relative to one another can be changed, are being moved toward one another, once a predefined distance (x) between said frame parts (13; 14) is reached.

11. The printing unit according to claim 10, characterized in that the distance (x) at which the control unit (28) switches the sensor (31) to mute is greater than the first field width (w) of the directional characteristic (32) or the sensing zone (37) of the sensor (31), which width is oriented parallel to the adjustment path (S) of the frame parts (13; 14), the position of which relative to one another can be changed.

12. The printing unit according to claim 1, characterized in that the control unit (28) connected to the sensor (31) evaluates a signal from the sensor (31).

13. The printing unit according to claim 1, characterized in that an access control device (33) connected to the control unit (28) is provided, wherein the access control device (33) controls at least one access point to the intermediate space (17), which remains on one

or more sides after the sensor (31) has been switched to mute.

14. The printing unit according to claim 13, characterized in that the control unit (28) activates the access control device (33) no earlier than the start of movement of the frame parts 13; 14, the position of which relative to one another can be changed, and/or no later than simultaneously with the muting of the sensor (31).

15. The printing unit according to claim 13, characterized in that the access control device (33) has one or more photoelectric beam detectors or one or more infrared beam barriers, wherein the respective beam path of the photoelectric beam detectors or infrared beam barriers is oriented horizontally or vertically.

16. The printing unit according to claim 13, characterized in that the access control device (33) exerts a controlling function over the entire height (H) of at least the movable frame part (14) or over only one or more portions of this height (H).

17. The printing unit according to claim 13, characterized in that the access control device (33) is permanently or only temporarily present at the respective access point to the intermediate space (17).

18. The printing unit according to claim 13, characterized in that at least a part of the access control device (33) has an off-line position and a functional position, wherein in the off-line position, the corresponding part of the access control device (33) is mechanically covered or moved to a protected position.

19. The printing unit according to claim 13, characterized in that the control unit (28) alternatingly activates the at least one sensor (31) that monitors the intermediate space

(17) and the access control device (33).

20. The printing unit according to claim 1, characterized in that a remotely actuable locking system (26) at least locks the movable frame part (14) in place at least at one of its end points that delimits the adjustment path (S).

21. The printing unit according to at least one of the preceding claims, characterized in that if the sensor (31) and/or the access control device (33) detects the presence and/or movement of a body not belonging to the printing unit (01), the control unit (28) will stop the movement of the movable frame part (14).

22. The printing unit according to claim 1, characterized in that the control unit (28) stops the movement of the first drive unit (23) as soon as the sensor (31) detects the presence and/or movement of a person in the intermediate space (17).

23. The printing unit according to claim 1, characterized in that at least one second drive unit (24) is provided, wherein said drive unit (24) is provided for implementing a radial movement of the at least one printing couple cylinder (04) mounted in one of the frame parts (13; 14).

24. The printing unit according to claim 23, characterized in that at least the first drive unit (23) and the second drive unit (24) are supplied with power from the same energy storage device (27).

25. The printing unit according to claim 23, characterized in that the two drive units (23; 24) are actuable each individually and independently of one another.

26. The printing unit according to claim 24, characterized in that the energy storage device (27) is embodied as a hydraulic unit (27).

27. The printing unit according to at least one of the preceding claims, characterized in that the locking system (26) is supplied with power from the same energy storage device (27) as the drive units (23; 24).

28. The printing unit according to claim 24, characterized in that the two drive units (23; 24) are supplied with power by connection to the same conduit system (19) that is supplied with power from the energy storage device (27).

29. The printing unit according to claim 24, characterized in that a control element (34) assigned to the output of the energy storage device (27) is provided, which element can be controlled by the control unit (28) to switch the conduit system (19), which is supplied with power from the energy storage device (27), to pressureless or pressurized.

30. The printing unit according to claim 1, characterized in that the control unit (28) verifies the functional readiness and/or functionality of the sensor (31).

31. The printing unit according to claim 1, characterized in that if the sensor (31) is not functionally ready and/or functional, the control unit (28) will actuate the locking system (26) for locking the movable frame part (14) in place.

32. The printing unit according to claim 1, characterized in that if the sensor (31) is not functionally ready and/or functional, the control unit (28) will prevent a release that would initiate movement of the movable frame part (14), and/or will stop the first drive unit (23) that drives the movable frame part (14).

33. The printing unit according to claim 1, characterized in that if the sensor (31) is not functionally ready and/or functional, the control unit (28) will actuate the control element (29) arranged in the conduit system (19) for supplying power to the first drive unit (23).

34. The printing unit according to claim 1, characterized in that one of the interacting frame parts (13; 14) is stationary and the other is movable.

35. The printing unit according to claim 34, characterized in that the sensor (31) is attached to the movable frame part (14).

36. The printing unit according to claim 1, characterized in that the control unit (28) is embodied as a control center (28) belonging to the printing unit (01).

37. The printing unit according to claim 1, characterized in that the printing unit (01) imprints a print substrate (02) fed through it in an offset printing process.

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/737,972	03/04/2011	Holger Wilfried Fritz Ruhmke	W1.3067 PCT-US	4746

23294 7590 05/03/2011
JONES, TULLAR & COOPER, P.C.
P.O. BOX 2266 EADS STATION
ARLINGTON, VA 22202

EXAMINER	
ART UNIT	PAPER NUMBER
2854	

MAIL DATE	DELIVERY MODE
05/03/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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JONES, TULLAR & COOPER, P.C.
P.O. BOX 2266 EADS STATION
ARLINGTON VA 22202

In re Application of
RUHMKE et al.
Application No.: 12/737,972
Filed: 04 March 2011
Attorney Docket No.: W1.3067 PCT-US
For: PRINTING UNIT OF A PRINTING PRESS ...

: 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 16 March 2011, to make the above-identified application special.

The request and petition are **GRANTED**.

Discussion

A grantable request to participate in the PCT-PPH pilot program and petition to make special require:

(1) The U.S. application must have an eligible relationship to one or more PCT applications where the ISA or IPEA are the JPO, EPO, KIPO, or USPTO;

(2) At least one claim in the PCT application has novelty, inventive step, and industrial applicability and must be free of any observations in Box VIII in the latest work product in the international stage or applicant must identify and explain why the claim(s) is/are not subject to the observation in Box VIII;

(3) Applicant must submit a copy of the claim(s) from the PCT application(s) that have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate, if the claims are not in the English language;

(4) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the claim(s) that have novelty, inventive step, and industrial applicability in the PCT application(s);

(5) Examination of the U.S. application has not begun;

(6) Applicant must submit a copy of the latest international work product from the PCT application indicating that the claim(s) have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate

if the latest international work product is not in the English language;

(7) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

The request to participate in the PCT-PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Lee W. Young at 571-272-4549.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc.index.html.

This application will be forwarded to the examiner for action on the merits commensurate with this decision once this application's formality reviews have been completed.

Lee W. Young
TQAS Technology Center 2800 - Semiconductors,
Electrical & Optical Systems & Components

UNITED STATES PATENT AND TRADEMARK OFFICE

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APR 22 2011

PCT LEGAL ADMINISTRATION

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NIXON & VANDERHYE, PC
901 NORTH GLEBE ROAD, 11TH FLOOR
ARLINGTON VA 22203

In re Application of:	:	
EAGLAND, Donald	:	DECISION ON PETITION
U.S. Application No.: 12/737,974	:	(37 CFR 1.137(b))
PCT No.: PCT/GB2009/050854	:	
International Filing Date: 14 July 2009	:	
Priority Date: 16 July 2008	:	
Attorney's Docket No.: LCM-687-196	:	
For: MEDICAL IMPLANT	:	

The petition for revival under 37 CFR 1.137(b) filed 04 March 2011 in the above-captioned application is hereby **GRANTED** as follows:

International application PCT/GB2009/050854 became abandoned with respect to the United States at midnight on 16 January 2011 based on applicant's failure to request entry into national stage in the United States and pay the basic national fee prior to the expiration of thirty months from the priority date.

The present petition for revival was accompanied by payment of the petition fee and the "required reply" in the form of a request for entry into the U.S. national stage and payment of the small entity basic national fee. In addition, the petition includes a statement that "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional," satisfying the requirement of 37 CFR 1.137(b)(3).

Based on the above, the requirements of 37 CFR 1.137(b) have been satisfied. Accordingly, the request to revive the international application with respect to the United States is appropriately granted.

This application is being referred to the National Stage Processing Division of the Office of PCT Operations for further processing in accordance with this decision.

/RichardMRoss/

Richard M. Ross
Attorney Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3296

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MAY 17 2011

PCT LEGAL ADMINISTRATION

COHEN, PONTANI, LIEBERMAN & PAVANE LLP
551 FIFTH AVENUE
SUITE 1210
NEW YORK NY 10176

In re Application of :
WIRTH, Ralph :
Application No.: 12/737,980 :
PCT No.: PCT/DE2009/001104 : DECISION
Int. Filing Date: 04 August 2009 :
Priority Date: 01 September 2008 :
Att. Docket No.: 5367-630PUS :
For: OPTOELECTRIC COMPONENT :

Applicant's petition under 37 CFR 1.137(b), filed in the United States Patent and Trademark Office on 24 January 2011, is **GRANTED**.

Applicant states that the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional, as required by 37 CFR 1.137(b)(3). The appropriate national fee and petition fee have been submitted. A terminal disclaimer is not required as the application was filed on or after 08 June 1995. Accordingly, all requirements under 37 CFR 1.137(b) have been satisfied.

The processing fee for furnishing the English translation after 30 months and the surcharge for paying the search fee, examination fee or supplying the oath or declaration after 30 months will be charged to deposit account no. 03-2412, as authorized.

This application is being referred to the National Stage Processing Branch of the Office of Patent Application Processing for continued processing in accordance with this decision.

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Telephone: 571-272-3292

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COLLARD & ROE, PC
1077 NORTHERN BOULEVARD
ROSLYN, NY 11576

MAILED
DEC 14 2011
OFFICE OF PETITIONS

In re Application of :
Rupert Gscgwendtner, et al. :
Application No. 12/737,983 : NOTICE
Filed: March 7, 2011 :
Attorney Docket No. GSCHWENDTNER ET AL-1 PCT :

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28. On September 1, 1998, the Court of Appeals for the Federal Circuit held that 37 CFR 1.28(c) is the sole provision governing the time for correction of the erroneous payment of the issue fee as a small entity. **See DH Technology v. Synergystex International, Inc. 154 F.3d 1333, 47 USPQ2d 1865 (Fed. Cir. Sept. 1, 1998).**

The Office no longer investigates or rejects original or reissue applications under 37 CFR 1.56. **1098 Off. Gaz. Pat. Office 502 (January 3, 1989)**. Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby **ACCEPTED**.

This application is no longer entitled to small entity status. Accordingly, all future fees paid in this application must be paid at the large entity rate.

Inquiries related to this communication should be directed to the undersigned at (571) 272-1642.

/AMW/
April M. Wise
Petitions Examiner
Office of Petitions

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WASHINGTON DC 20044-4300

MAILED

APR 21 2011

PCT LEGAL ADMINISTRATION

In re Application of :
YAO :
Application No.: 12/738,027 : DECISION ON PETITION
PCT No.: PCT/JP2008/068461 :
Int. Filing Date: 10 October 2008 : UNDER 37 CFR1.181
Priority Date: 15 October 2007 :
Attorney Docket No.: 038788.6217US :
For: PROCESS FOR PRODUCTION OF DISPERSION :
OF FLUORINATED NANO DIAMOND :

This decision is in response to applicant's petition under 37 CFR 1.181 to withdraw the holding of abandonment filed 17 March 2011 in the United States Patent and Trademark Office (USPTO). . No petition fee is required.

On 02 March 2011, applicant was mailed a "Notification of Abandonment" (Form PCT/DO/EO/909) informing application that the present application was abandoned as to the National stage in the United States for failure to respond to a Form PCT/DO/EO/905 mailed 25 May 2010 indicating the need to file an English translation of the international application as filed.

On 17 March 2011, applicant filed the present petition under 37 CFR 1.181 to withdraw the holding of abandonment. Applicant correctly notes in the present petition that applicant provided an English translation of the international application on 24 May 2010 complete with payment of the appropriate surcharge. It appears that the filing and the Form PCT/DO/EO/905 crossed in the mail.

As such, applicant's petition under 37 CFR 1.181 is **GRANTED**.

The Form PCT/DO/EO/905 mailed 25 May 2010 is hereby **VACATED**.

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for treatment in accordance with this decision; including consideration of the 24 May 2010 filing.

Derek A. Putonen
Attorney Advisor
Office of PCT Legal Administration
Tel: (571) 272-3294