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:	12/738,033	Filing date:	April 14, 2010
First Named Inventor:	Klaus SCHULTES		
Title of the Invention:	MOLDED BODY HAVING MATT AND STRUCTURED SURFACE PROPERTIES		

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

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

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

The corresponding PCT application number(s) is/are: PCT/EP08/061352

The international date of the corresponding PCT application(s) is/are: August 29, 2008

I. List of Required Documents:

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

☑ Is attached See Appendix A

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

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

☑ Is attached. See Appendix B

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

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

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 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 April 14, 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/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

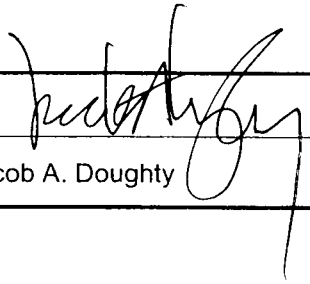
(continued)

Application No.:	12/738,033
First Named Inventor:	Klaus SCHULTES

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
		See Appendix E

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

Signature 	Date 9/14/10
Name (Print/Typed) Jacob A. Doughty	Registration Number 46,671

Request for Participation in the
Patent Prosecution Highway Program
U.S. Patent Application No. 12/738,033
Attorney Docket No. 357425US0PCT

APPENDIX A

July 15, 2010 International Preliminary Report on Patentability
Issued by EPO in International Application No.
PCT/EP08/061352

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 2007P00031WO	**FOR FURTHER ACTION**	See item 4 below
International application No. PCT/EP2008/061352	International filing date *(day/month/year)* 29 August 2008 (29.08.2008)	Priority date *(day/month/year)* 10 December 2007 (10.12.2007)
International Patent Classification (8th edition unless older edition indicated) See relevant information in Form PCT/ISA/237		
Applicant EVONIK RÖHM GMBH		

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 15 June 2010 (15.06.2010)
The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland Facsimile No. +41 22 338 82 70	Authorized officer Agnes Wittmann-Regis e-mail: pt06.pct@wipo.int

Form PCT/IB/373 (January 2004)

VERTRAG ÜBER DIE INTERNATIONALE ZUSAMMENARBEIT AUF DEM GEBIET DES PATENTWESENS

Absender: INTERNATIONALE RECHERCHENBEHÖRDE

An:

siehe Formular PCT/ISA/220

PCT

SCHRIFTLICHER BESCHEID DER INTERNATIONALEN RECHERCHENBEHÖRDE

(Regel 43*bis*.1 PCT)

Absendedatum *(Tag/Monat/Jahr)* 210 (Blatt 2)	siehe Formular PCT/ISA/
Aktenzeichen des Anmelders oder Anwalts: siehe Formular PCT/ISA/220	**WEITERES VORGEHEN** siehe Punkt 2 unten

Internationales Aktenzeichen	Internationales Anmeldedatum *(Tag/Monat/Jahr)*	Prioritätsdatum *(Tag/Monat/Jahr)*
PCT/EP2008/061352	29.08.2008	10.12.2007

Internationale Patentklassifikation (IPC) oder nationale Klassifikation und IPC
INV. C08L33/08 C08L33/10

Anmelder
EVONIK RÖHM GMBH

1. Dieser Bescheid enthält Angaben zu folgenden Punkten:

- ☒ Feld Nr. I Grundlage des Bescheids
- ☐ Feld Nr. II Priorität
- ☐ Feld Nr. III Keine Erstellung eines Gutachtens über Neuheit, erfinderische Tätigkeit und gewerbliche Anwendbarkeit
- ☐ Feld Nr. IV Mangelnde Einheitlichkeit der Erfindung
- ☒ Feld Nr. V Begründete Feststellung nach Regel 43*bis*.1 a) i) hinsichtlich der Neuheit, der erfinderischen Tätigkeit und der gewerblichen Anwendbarkeit; Unterlagen und Erklärungen zur Stützung dieser Feststellung
- ☐ Feld Nr. VI Bestimmte angeführte Unterlagen
- ☐ Feld Nr. VII Bestimmte Mängel der internationalen Anmeldung
- ☐ Feld Nr. VIII Bestimmte Bemerkungen zur internationalen Anmeldung

2. **WEITERES VORGEHEN**

Wird ein Antrag auf internationale vorläufige Prüfung gestellt, so gilt dieser Bescheid als schriftlicher Bescheid der mit der internationalen vorläufigen Prüfung beauftragten Behörde ("IPEA"); dies trifft nicht zu, wenn der Anmelder eine andere Behörde als diese als IPEA wählt und die gewählte IPEA dem Internationale Büro nach Regel 66.1*bis* b) mitgeteilt hat, dass schriftliche Bescheide dieser Internationalen Recherchenbehörde nicht anerkannt werden.

Wenn dieser Bescheid wie oben vorgesehen als schriftlicher Bescheid der IPEA gilt, so ist der Anmelder aufgefordert, bei der IPEA vor Ablauf von 3 Monaten ab dem Tag, an dem das Formblatt PCT/ISA/220 abgesandt wurde oder vor Ablauf von 22 Monaten ab dem Prioritätsdatum, je nachdem, welche Frist später abläuft, eine schriftliche Stellungnahme und, wo dies angebracht ist, Änderungen einzureichen.

Weitere Optionen siehe Formblatt PCT/ISA/220.

3. Nähere Einzelheiten siehe die Anmerkungen zu Formblatt PCT/ISA/220.

Name und Postanschrift der Internationalen Recherchenbehörde	Datum der Fertigstellung dieses Bescheids	Bevollmächtigter Bediensteter
Europäisches Patentamt D-80298 München Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465	siehe Formular PCT/ISA/210	Simmerl, Reinhold Tel. +49 89 2399-8515

SCHRIFTLICHER BESCHEID DER INTERNATIONALEN RECHERCHEBEHÖRDE

Internationales Aktenzeichen
PCT/EP2008/061352

Feld Nr. I Grundlage des Bescheids

1. Hinsichtlich der **Sprache** beruht der Bescheid auf

   ☒ der internationalen Anmeldung in der Sprache, in der sie eingereicht wurde

   ☐ einer Übersetzung der internationalen Anmeldung in die folgende Sprache , bei der es sich um die Sprache der Übersetzung handelt, die für die Zwecke der internationalen Recherche eingereicht worden ist (Regeln 12.3 a) und 23.1 b)).

2. ☐ Dieser Bescheid wurde erstellt unter Berücksichtigung der **Berichtigung eines offensichtlichen Fehlers**, die nach Regel 91 von dieser Behörde genehmigt wurde bzw. dieser Behörde mitgeteilt wurde (Regel 43bis.1 a)).

3. Hinsichtlich der **Nucleotid- und/oder Aminosäuresequenz**, die in der internationalen Anmeldung offenbart wurde und für die beanspruchte Erfindung erforderlich ist, ist der Bescheid auf folgender Grundlage erstellt worden:

   a. Art des Materials:

      ☐ Sequenzprotokoll

      ☐ Tabelle(n) zum Sequenzprotokoll

   b. Form des Materials:

      ☐ in Papierform

      ☐ in elektronischer Form

   c. Zeitpunkt der Einreichung:

      ☐ in der eingereichten internationalen Anmeldung enthalten

      ☐ zusammen mit der internationalen Anmeldung in elektronischer Form eingereicht

      ☐ bei der Behörde nachträglich für die Zwecke der Recherche eingereicht

4. ☐ Wurden mehr als eine Version oder Kopie eines Sequenzprotokolls und/oder einer dazugehörigen Tabelle eingereicht, so sind zusätzlich die erforderlichen Erklärungen, dass die Information in den nachgereichten oder zusätzlichen Kopien mit der Information in der Anmeldung in der eingereichten Fassung übereinstimmt bzw. nicht über sie hinausgeht, vorgelegt worden.

5. Zusätzliche Bemerkungen:

SCHRIFTLICHER BESCHEID DER INTERNATIONALEN RECHERCHEBEHÖRDE

Internationales Aktenzeichen
PCT/EP2008/061352

Feld Nr. V Begründete Feststellung nach Regel 43*bis*.1 a) i) hinsichtlich der Neuheit, der erfinderischen Tätigkeit und der gewerblichen Anwendbarkeit; Unterlagen und Erklärungen zur Stützung dieser Feststellung

1. Feststellung

Neuheit	Ja:	Ansprüche 1-15
	Nein:	Ansprüche
Erfinderische Tätigkeit	Ja:	Ansprüche 1-15
	Nein:	Ansprüche
Gewerbliche Anwendbarkeit	Ja:	Ansprüche: 1-15
	Nein:	Ansprüche:

2. Unterlagen und Erklärungen:

siehe Beiblatt

Zu Abschnitt V.:

1. Der Gegenstand der Ansprüche ist neu und dürfte auch auf einer erfinderischen Tätigkeit beruhen (Art. 33(2) und (3) PCT). Keines der im Recherchenbericht zitierten Dokumente beschreibt oder legt die beanspruchte Polymerzusammensetzung nahe, die neben einem Matrixpolymer vernetzte Polymerpartikel mit bimodaler Größenverteilung enthält, wobei eine bestimmte Differenz zwischen den Brechungsindices des Matrixpolymers und der jeweiligen Polymerpartikel einzuhalten ist.

2. Gewerbliche Anwendbarkeit (Art. 33(4) PCT): gegeben

Request for Participation in the
Patent Prosecution Highway Program
U.S. Patent Application No. 12/738,033
Attorney Docket No. 357425US0PCT

APPENDIX B

Copy of International Application No. PCT/EP08/061352
(Including Claims)

(12) NACH DEM VERTRAG ÜBER DIE INTERNATIONALE ZUSAMMENARBEIT AUF DEM GEBIET DES PATENTWESENS (PCT) VERÖFFENTLICHTE INTERNATIONALE ANMELDUNG

(19) Weltorganisation für geistiges Eigentum
Internationales Büro

(43) Internationales Veröffentlichungsdatum
18. Juni 2009 (18.06.2009)

PCT

(10) Internationale Veröffentlichungsnummer
WO 2009/074358 A1

(51) Internationale Patentklassifikation:
C08L 33/08 (2006.01) *C08L 33/10* (2006.01)

(21) Internationales Aktenzeichen: PCT/EP2008/061352

(22) Internationales Anmeldedatum:
29. August 2008 (29.08.2008)

(25) Einreichungssprache: Deutsch

(26) Veröffentlichungssprache: Deutsch

(30) Angaben zur Priorität:
10 2007 059 632.6
10. Dezember 2007 (10.12.2007) DE

(71) Anmelder *(für alle Bestimmungsstaaten mit Ausnahme von US)*: **EVONIK RÖHM GMBH** [DE/DE]; Kirschenallee, 64293 Darmstadt (DE).

(72) Erfinder; und

(75) Erfinder/Anmelder *(nur für US)*: **SCHULTES, Klaus** [DE/DE]; Platter Strasse 51, 65193 Wiesbaden (DE). **SCHWARZ-BARAC, Sabine** [DE/DE]; Im Meerchen 18 a, 64560 Riedstadt (DE). **ALBRECHT, Klaus** [DE/DE]; Vogelsbergstrasse 20, 55129 Mainz (DE). **GOLCHERT, Ursula** [DE/DE]; G.-von-Fechenbach-Str. 16 B, 64807 Dieburg (DE). **NAU, Stefan** [DE/DE]; Forststr. 21, 64572 Buettelborn (DE). **THOMAS, Sabrina** [DE/DE]; Wormser Str. 5a, 68647 Biblis (DE). **SCHNABEL, Michael** [DE/DE]; Danziger Str. 2, 64584 Biebesheim (DE).

(81) Bestimmungsstaaten *(soweit nicht anders angegeben, für jede verfügbare nationale Schutzrechtsart)*: AE, AG, AL, AM, AO, AT, AU, AZ, BA, BB, BG, BH, BR, BW, BY, BZ, CA, CH, CN, CO, CR, CU, CZ, DE, DK, DM, DO, DZ, EC, EE, EG, ES, FI, GB, GD, GE, GH, GM, GT, HN, HR, HU, ID, IL, IN, IS, JP, KE, KG, KM, KN, KP, KR, KZ, LA, LC, LK, LR, LS, LT, LU, LY, MA, MD, ME, MG, MK, MN, MW, MX, MY, MZ, NA, NG, NI, NO, NZ, 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.

(84) Bestimmungsstaaten *(soweit nicht anders angegeben, für jede verfügbare regionale Schutzrechtsart)*: ARIPO (BW, GH, GM, KE, LS, MW, MZ, NA, SD, SL, SZ, TZ, UG, ZM, ZW), eurasisches (AM, AZ, BY, KG, KZ, MD, RU, TJ, TM), europäisches (AT, BE, BG, CH, CY, CZ, DE, DK, EE, ES, FI, FR, GB, GR, HR, HU, IE, IS, IT, LT, LU, LV, MC, MT, NL, NO, PL, PT, RO, SE, SI, SK, TR), OAPI (BF, BJ, CF, CG, CI, CM, GA, GN, GQ, GW, ML, MR, NE, SN, TD, TG).

Veröffentlicht:
— *mit internationalem Recherchenbericht*

(54) Title: MOLDED BODY HAVING MATT AND STRUCTURED SURFACE PROPERTIES

(54) Bezeichnung: FORMKÖRPER MIT MATTER UND STRUKTURIERTER OBERFLÄCHENBESCHAFFENHEIT

(57) Abstract: The invention relates to a composition for the production of molded bodies having matt and structured surface properties, comprising a polymer matrix and cross-linked polymer particles, wherein the polymer matrix comprises at least one acrylic polymer, and wherein the composition (i) contains first cross-linked polymer particles having a volume mean of the particle size in a range from 30 µm to 1500 µm, and (ii) second cross-linked polymer particles having a volume mean of the particle size of less than 30 µm, wherein the difference of the refraction index of the polymer matrix, each measured at 25°C, is 0.015 less, and wherein the difference of the refraction index of the second polymer particles minus the refraction index of the polymer matrix, measured at 25°C, is greater than or equal to 0.015. The molded bodies of the invention are particularly suitable for use as components for lighting, characters and symbols, points of sale, cosmetic vendor stands, containers, home and office decoration, furniture applications, shower and office doors.

(57) Zusammenfassung: Zusammensetzung zur Herstellung von Formkörpern mit matter und strukturierter Oberflächenbeschaffenheit, umfassend eine Polymermatrix und vernetzte Polymerpartikel, wobei die Polymermatrix mindestens ein Acrylpolymer umfasst und wobei die Zusammensetzung (i) erste vernetzte Polymerpartikel mit einem Volumenmittel der Teilchengröße im Bereich von 30 µm bis 1500 µm und (ii) zweite vernetzte Polymerpartikel mit einem Volumenmittel der Teilchengröße kleiner 30 µm enthält, wobei die Differenz des Brechungsindex der ersten Polymerpartikel minus dem Brechungsindex der Polymermatrix, jeweils gemessen bei 25°C, im Betrag kleiner 0,015 ist und wobei die Differenz des Brechungsindex der zweiten Polymerpartikel minus Brechungsindex der Polymermatrix, gemessen bei 25°C, im Betrag größer gleich 0,015 ist. Die Formkörper der Erfindung eignen sich besonders zur Verwendung als Bauteile für Beleuchtungen, Zeichen und Symbole, Verkaufsstellen, Kosmetikverkaufsständer, Behältnisse, Heim- und Bürodekoration, Möbelanwendungen, Dusch- und Bürotüren.

WO 2009/074358 A1

Formkörper mit matter und strukturierter Oberflächenbeschaffenheit

Die vorliegende Erfindung betrifft eine Zusammensetzung zur Herstellung von Formkörpern mit matter und strukturierter Oberflächenbeschaffenheit, die aus einer solchen Zusammensetzung erhältlichen Formkörper sowie deren Verwendung.

Für Licht- und Beleuchtungsanwendungen, Verkaufsstellen und Kosmetikverkaufständer gibt es eine permanente Nachfrage nach neuen und innovativen Produkten, die optisch möglichst ansprechend sind und gleichzeitig möglichst kostengünstig hergestellt werden können. Wünschenswert ist insbesondere eine Kunststoffprodukt, welches die Eigenschaften und das Aussehen von sandgestrahltem Glas möglichst gut imitiert.

Die Herstellung derartiger Kunststoffe auf konventionelle Weise, z. B. durch Oberflächenbehandlung, wie Sandstrahlen und Herstellung von Oberflächenmustern, und mittels Zugabe anorganischer Füll- und Zusatzstoffe, wie Bariumsulfat, Calciumcarbonat, Titandioxid, Siliziumdioxid usw., ist für diesen Zweck nur bedingt geeignet. Zum einen ist diese Vorgehensweise äußerst aufwendig und kostenintensiv. Darüber hinaus können anorganische Füllstoffe meist nur schlecht innerhalb einer Polymermatrix gleichmäßig dispergiert werden. Zudem reduzieren sie in großem Maße die Lichtdurchlässigkeit des Polymers und führen nicht zu der gewünschten Oberflächentextur oder –beschaffenheit. Außerdem verschlechtern derartige Füllstoffe die physikalischen Eigenschaften des Polymers.

Stand der Technik

Das Patent US 4,876,311 schlägt die Verwendung einer opaken synthetischen Harzzusammensetzung vor, die 1 – 30 Gew.-% vernetzte Perlen enthält. Die Perlen sollen dabei aus einem Polymer aus

(i) 9,9 – 59,9 Gew.-% mindestens eines radikalisch polymerisierbaren Monomers, das einen aromatischen Rest enthält, oder eines nicht-aromatischen Monomers, das ein Halogen enthält,
(ii) 90 – 40 Gew.-% vinylischer Monomere, die mit diesen copolymerisierbar sind, aber von ihnen verschieden sind,
(iii) 0,1 – 20 Gew.-% mindestens eines vernetzenden Monomers und
(iv) 0 – 10 Gew.-% eines stark polaren Monomers bestehen.

Weiterhin soll der Brechungsindex des Polymers größer als der der Polymermatrix sein und die mittlere Teilchengröße der Perlen im Bereich von 20 – 50 µm liegen.

Die Harzzusammensetzung wird zu den gewünschten Formkörpern extrudiert.

Das Patent EP 1 022 115 beschreibt extrudierte Gegenstände, die eine matte und strukturierte Oberfläche aufweisen. Um diesen Effekt zu erreichen, werden lichtstreuende Perlen mit einem Brechungsindexversatz zur Matrix von > 0,02 eingesetzt. Das Gewichtsmittel der Teilchengröße der Perlen soll im Bereich von
25 – 55 µm liegen und die Teilchen sollen eine Teilchengrößenverteilung im Bereich von 10 – 110 µm aufweisen. Der besondere Oberflächeneffekt kommt angeblich erst durch den Einsatz von Perlen mit exakt dieser Teilchengrößenverteilung zustande.

Aufgabe

Der vorliegenden Erfindung liegt die Aufgabe zugrunde, Möglichkeiten zur Herstellung von Formkörpern mit matter und strukturierter Oberflächenbeschaffenheit aufzuzeigen, die ein verbessertes Eigenschaftsprofil aufweisen. So sollte eine möglichst hohe Homogenität erreicht werden. Inhomogenitäten und optische Defekte, wie z. B. Stippen, sollten nach Möglichkeit vermieden werden. Weiterhin wurden möglichst gute mechanische Eigenschaften angestrebt. Die Rauhigkeit der Formkörper sollte nach Möglichkeit verbessert werden. Zusätzlich wurde eine wesentliche Verbesserung der Witterungsbeständigkeit gewünscht. Weiterhin wurde eine Lösung angestrebt, die sich auf vergleichbar einfache Art und Weise großtechnisch und kostengünstig realisieren lässt.

Lösung

Diese sowie weitere nicht konkret genannte Aufgaben, die sich aus den einleitend diskutierten Zusammenhängen jedoch in nahe liegender Weise ergeben, werden durch eine Zusammensetzung mit allen Eigenschaften des vorliegenden Patentanspruchs 1 gelöst. Die auf Anspruch 1 rückbezogenen Unteransprüche beschreiben besonders zweckmäßige Abwandlungen der Zusammensetzung. Weiterhin werden die aus der Zusammensetzung erhältlichen Formkörper sowie besonders vorteilhafte Anwendungsgebiete der Formkörper unter Schutz gestellt.

Dadurch, dass man eine Zusammensetzung zur Herstellung von Formkörpern mit matter und strukturierter Oberflächenbeschaffenheit zur Verfügung stellt, die eine Polymermatrix und vernetzte Polymerpartikel umfasst, wobei die Zusammensetzung

(i) erste vernetzte Polymerpartikel mit einem Gewichtsmittel der Teilchengröße im Bereich von 30 µm – 1500 µm und
(ii) zweite vernetzte Polymerpartikel mit einem Gewichtsmittel der Teilchengröße kleiner 30 µm enthält,

wobei die Differenz des Brechungsindex der ersten Polymerpartikel minus dem Brechungsindex der Polymermatrix, jeweils gemessen bei 25°C, im Betrag kleiner 0,015 ist und wobei die Differenz des Brechungsindex der zweiten Polymerpartikel minus dem Brechungsindex der Polymermatrix, jeweils gemessen bei 25°C, im Betrag größer gleich 0,015 ist, gelingt es auf nicht ohne weiteres vorhersehbare Weise, eine Zusammensetzung für die Herstellung von Formkörpern mit matter und strukturierter Oberflächenbeschaffenheit zugänglich zu machen, die ein verbessertes Eigenschaftsprofil aufweisen. So zeichnen sich die erfindungsgemäß erhältlichen Formkörper durch eine sehr hohe Homogenität, insbesondere bezüglich der mechanischen und der optischen Eigenschaften aus. Inhomogenitäten und optische Defekte, wie z. B. Stippen, werden nicht beobachtet. Weiterhin weisen die erfindungsgemäß erhältlichen Formkörper sehr gute mechanische Eigenschaften, eine sehr hohe Rauhigkeit und eine signifikant verbesserte Witterungsbeständigkeit auf. Die Herstellung der erfindungsgemäßen Formkörper mit matter und strukturierter Oberflächenbeschaffenheit kann auf vergleichbar einfache Art und Weise durch Umformen der erfindungsgemäßen Zusammensetzung erfolgen.

Die erfindungsgemäße Zusammensetzung enthält eine Polymermatrix als kontinuierliche Phase. Als Matrixpolymere eignen sich alle für diesen Zweck bekannten thermoplastisch verarbeitbaren Polymere. Hierzu gehören unter anderem Polyalkyl(meth)acrylate, wie beispielsweise Polymethylmethacrylat

(PMMA), Polyacrylnitrile, Polystyrole, Polyether, Polyester, Polycarbonate, Polyvinylchloride. Hierbei sind Polyalkyl(meth)acrylate bevorzugt. Diese Polymere können einzeln sowie als Mischung eingesetzt werden. Des Weiteren können diese Polymere auch in Form von Copolymeren vorliegen.

Im Rahmen der vorliegenden Erfindung werden Homo- und Copolymere von C_1-C_{18}-Alkyl(meth)acrylaten, zweckmäßigerweise von C_1-C_{10}-Alkyl(meth)acrylaten, insbesondere von C_1-C_4-Alkyl(meth)acrylatpolymere, die ggf. noch davon verschiedene Monomereinheiten enthalten können, besonders bevorzugt.

Die Schreibweise (Meth)acrylat bedeutet hier sowohl Methacrylat, wie z. B. Methylmethacrylat, Ethylmethacrylat usw., als auch Acrylat, wie z. B. Methylacrylat, Ethylacrylat usw., sowie Mischungen aus beiden Monomeren.

Die Verwendung von Copolymeren, die 70 Gew.-% bis 99 Gew.-%, insbesondere 70 Gew.-% bis 90 Gew.-%, C_1-C_{10}-Alkyl(meth)acrylate enthalten hat sich ganz besonders bewährt. Bevorzugte C_1-C_{10}-Alkylmethacrylate umfassen Methylmethacrylat, Ethylmethacrylat, Propylmethacrylat, Isopropylmethacrylat, n-Butylmethacrylat, Isobutylmethacrylat, tert.-Butylmethacrylat, Pentylmethacrylat, Hexylmethacrylat, Heptylmethacrylat, Oktylmethacrylat, Isooctylmethacrylat und Ethylhexylmethacrylat, Nonylmethacrylat, Decylmethcrylat sowie Cycloalkylmethacrylate, wie beispielsweise Cyclohexylmethacrylat, Isobornylmethacrylat oder Ethylcyclohexylmethacrylat. Bevorzugte C_1-C_{10}-Alkylacrylate umfassen Methylacrylat, Ethylacrylat, Propylacrylat, Isopropylacrylat, n-Butylacrylat, Isobutylacrylat, tert.-Butylacrylat, Pentylacrylat, Hexylacrylat, Heptylacrylat, Octylacrylat, Isooctylacrylat, Nonylacrylat, Decylacrylat und Ethylhexylacrylat sowie Cycloalkylacrylate, wie beispielsweise Cyclohexylacrylat, Isobornylacrylat oder Ethylcyclohexylacrylat.

Ganz besonders bevorzugte Copolymere umfassen 80 Gew.-% bis 99 Gew.-% MMA-Einheiten und 1 Gew.-% bis 20 Gew.-%, vorzugsweise 1 Gew.-% bis 5 Gew.-%, C_1-C_{10}-Alkylacrylat-Einheiten, insbesondere Methylacrylat- und/oder Ethylacrylat-Einheiten. Die Verwendung des bei der Firma Evonik Röhm GmbH erhältlichen Polymethylmethacrylats PLEXIGLAS® 7N hat sich in diesem Zusammenhang ganz besonders bewährt.

Das Matrixpolymer kann durch an sich bekannte Polymerisationsverfahren hergestellt werden, wobei radikalische Polymerisationsverfahren, insbesondere Substanz-, Lösungs-, Suspensions- und Emulsionspolymerisationsverfahren besonders bevorzugt werden. Für diese Zwecke besonders geeignete Initiatoren umfassen insbesondere Azoverbindungen, wie 2,2'-Azobis-(isobutyronitril) oder 2,2'-Azobis(2,4-dimethylvaleronitril), Redox-Systeme, wie beispielsweise die Kombination von tertiären Aminen mit Peroxiden oder Natriumdisulfit und Persulfate von Kalium, Natrium oder Ammonium oder bevorzugt Peroxide (vgl. hierzu beispielsweise H. Rauch-Puntigam, Th. Völker, "Acryl- und Methacrylverbindungen", Springer, Heidelberg, 1967 oder Kirk-Othmer, Encyclopedia of Chemical Technology, Vol. 1, Seiten 386ff, J. Wiley, New York, 1978). Beispiele geeigneter Peroxid-Polymerisationsinitiatoren sind Dilauroylperoxid, tert.-Butylperoctoat, tert.-Butylperisononanoat, Dicyclohexylperoxidicarbonat, Dibenzoylperoxid oder 2,2-Bis-(tert.-butylperoxy)-butan. Man kann auch bevorzugt die Polymerisation mit einem Gemisch verschiedener Polymerisationsinitiatoren unterschiedlicher Halbwertzeit durchführen, beispielsweise Dilauroylperoxid und 2,2-Bis-(tert.-butylperoxy)-butan, um den Radikalstrom im Verlauf der Polymerisation sowie bei verschiedenen Polymerisationstemperaturen konstant zu halten. Die eingesetzten Mengen an Polymerisationsinitiator liegen im Allgemeinen bei 0,01 Gew.-% bis 2 Gew.-% bezogen auf das Monomerengemisch.

Die Polymerisation kann sowohl kontinuierlich als auch chargenweise durchgeführt werden. Nach der Polymerisation wird das Polymer über herkömmliche Isolier- und Trennschritte, wie z. B. Filtration, Koagulation und Sprühtrocknung, gewonnen und üblicherweise in teilchenförmiger Form eingesetzt.

Die Einstellung der Kettenlängen der Polymerisate oder Copolymerisate kann durch Polymerisation des Monomers oder Monomerengemisches in Gegenwart von Molekulargewichtsreglern erfolgen, wie insbesondere von den dafür bekannten Mercaptanen, wie beispielsweise n-Butylmercaptan, n-Dodecylmercaptan, 2-Mercaptoethanol, Methyl-3-mercaptopropionat oder 2-Ethylhexylthioglycolat, Pentaerythrittetrathioglycolat; wobei die Molekulargewichtsregler im Allgemeinen in Mengen von 0,05 Gew.-% bis 5 Gew.-% bezogen auf das Monomer oder Monomerengemisch, bevorzugt in Mengen von 0,1 Gew.-% bis 2 Gew.-% und besonders bevorzugt in Mengen von 0,2 Gew.-% bis 1 Gew.-% bezogen auf das Monomer oder Monomerengemisch eingesetzt werden (vgl. beispielsweise H. Rauch-Puntigam, Th. Völker, "Acryl- und Methacrylverbindungen", Springer, Heidelberg, 1967; Houben-Weyl, Methoden der organischen Chemie, Bd. XIV/1, Seite 66, Georg Thieme, Heidelberg, 1961 oder Kirk-Othmer, Encyclopedia of Chemical Technology, Vol. 1, Seiten 296ff, J. Wiley, New York, 1978). Bevorzugt wird als Molekulargewichtsregler n-Dodecylmercaptan eingesetzt.

Die Matrix kann gleichermaßen weitere, dem Fachmann wohlbekannte Additive enthalten. Bevorzugt werden schlagzähmodifizierende Substanzen, externe Schmiermittel, Antioxidantien, Flammschutzmittel, UV-Stabilisatoren, Fließhilfen, Metalladditive zur Abschirmung elektromagnetischer Strahlung, Antistatika, Entformungsmittel, Farbstoffe, Pigmente, Haftvermittler, Verwitterungsschutzmittel, Weichmacher, Füllstoffe und dergleichen.

Die Herstellung der schlagzähmodifizierenden Substanzen erfolgt vorzugsweise durch Emulsionspolymerisationsverfahren. Auf diese Weise wird ein stabiler Latex mit einem arithmetischen Gewichtsmittel der Teilchengröße im Bereich von 0,05 µm bis 5 µm erhalten, der üblicherweise sprühgetrocknet oder koaguliert/trockengewaschen wird, um das Polymer zu isolieren.

Für diese Zwecke geeignete Emulgatoren sind dem Fachmann bekannt und umfassen insbesondere übliche Seifen, Alkylbenzolsulfonate, wie Natriumdodecylbenzolsulfonate, Alkylphenoxypolyethylensulfonate, Natriumlaurylsulfate, Salze langkettiger Amine, Salze langkettiger Carbon- und Sulfonsäuren usw.. Besonders bevorzugte Emulgatoren umfassen Kohlenwasserstoffgruppen mit 8 bis 22 Kohlenstoffatomen, die mit hochpolaren, solubilisierenden Gruppen verbunden sind, wie Alkalimetall- und Ammoniumcarboxylatgruppen, Sulfathalbestergruppen, Sulfonatgruppen, Phosphatteilestergruppen usw..

Die Einarbeitung der schlagzähmodifizierenden Substanzen kann durch nachträgliches Abmischen erfolgen. Es sich jedoch besonders bewährt, die schlagzähmodifizierenden Substanzen schon vor oder bei der Herstellung des Matrixpolymers zuzugeben, wie z. B. durch Dispergieren der schlagzähmodifizierenden Substanzen in einer Monomermischung, die zur Herstellung des Matrixpolymers verwendet wird, oder in einer Monomer/Polymer-Sirupmischung, welche gemeinsam das gewünschte Matrixpolymer ergibt. Gleichermaßen können die schlagzähmodifizierenden Substanzen in eine Gießmischung in Form einer Emulsion, Suspension oder Dispersion in Wasser oder in einen organischen Träger gegeben werden. Das Wasser oder der organische Träger kann dann vor oder nach dem Gießen in die endgültige Polymerform entfernt werden. Die schlagzähmodifizierenden Substanzen können auch mit dem Polymer mittels Strangpressmischen

compoundiert werden. Für weitere Details bezüglich der Zugabe von schlagzähmodifizierenden Substanzen zu Matrixpolymeren wird auf das US-Patent 3,793,402 verwiesen.

Ein besonders bevorzugtes schlagzähmodifiziertes Matrixpolymer ist Polymethylmethacrylat, das kommerziell von der Firma Evonik Röhm GmbH unter dem Handelsnamen Plexiglas® zk6BR erhältlich ist.

Die Polymermatrix weist vorzugsweise einen Lichtransmissionsgrad T_{D65} nach DIN 5033/7 im Bereich von 40 % bis 93 %, vorzugsweise größer 75 %, insbesondere größer 85 %, auf.

Der Gehalt der Polymermatrix, bezogen auf das Gesamtgewicht der Zusammensetzung, beträgt günstigerweise 20,0 Gew.-% bis 95,0 Gew.-%, bevorzugt 30 Gew.-% bis 90 Gew.-%, zweckmäßigerweise 50 Gew.-% bis 89 Gew.-%, insbesondere 70 Gew.-% bis 88 Gew.-%.

Im Rahmen der vorliegenden Erfindung enthält die Zusammensetzung neben der Polymermatrix noch

(i) erste Polymerpartikel mit einem Gewichtsmittel der Teilchengröße im Bereich von 30 µm bis 1500 µm, vorzugsweise im Bereich von größer 35 µm bis 500 µm, insbesondere im Bereich von 40 µm bis 150 µm, und
(ii) zweite Polymerpartikel mit einem Gewichtsmittel der Teilchengröße kleiner 30 µm, vorzugsweise im Bereich von 1 µm bis kleiner 30 µm, insbesondere im Bereich von 5 µm bis 25 µm.

Diese Polymerpartikel sind vorzugsweise möglichst homogen in der Polymermatrix dispergiert.

Die angegebenen Werte zur Teilchengröße beziehen sich jeweils auf das Volumenmittel der Teilchengrößenverteilung. Diese Teilchengrößenverteilung kann beispielsweise durch einen Mastersizer 2000 der Fa. Malvern Instruments Ltd. ermittelt werden, wobei die exakte Meßmethode zur Bestimmung der Teilchengröße im Benutzerhandbuch enthalten ist. Hierbei gilt die Norm ISO 13320-1, die Berechnung erfolgt nach der Fraunhofermodell- und Mie-Theorie. Als Parameter werden der Brechungsindex n^{20} von 1,489 (PMMA) und der $ABS_{Koeffizient}$ von 0 angesetzt. Diese Methode ist bevorzugt. Darüber hinaus kann die Teilchengröße durch Messen und Auszählen der Teilchen auf entsprechenden Rasterelektronenmikroskop-Aufnahmen ermittelt werden.

Zweckmäßigerweise weisen die ersten Polymerpartikel eine enge Größenverteilung auf. Besonders bevorzugt ist die Standardabweichung der gemittelten Partikeldurchmesser von höchstens 50 µm, ganz besonders bevorzugt von höchstens 40 µm und insbesondere von höchstens 35 µm. Die Standardabweichung der gemittelten Partikeldurchmesser der zweiten Partikel ist vorzugsweise höchstens 30 µm, zweckmäßigerweise höchstens 25 µm , insbesondere höchstens 20 µm, noch mehr bevorzugt höchstens 15 µm und äußerst zweckmäßig höchstens 12,5 µm.

In besonders bevorzugten Ausgestaltungen der vorliegenden Erfindung werden erste und zweite Polymerpartikel eingesetzt, die nicht oder nur in geringem Maß koagulieren, aggregieren oder zusammenlagern. Unter der Aussage „nur in geringem Maß koagulieren" wird im Zusammenhang mit der Erfindung verstanden, dass bei Einarbeitung der Partikel in eine polymere Matrix und anschließender Verarbeitung durch Extrusion, an der Oberfläche des so hergestellten Formkörpers keinen Inhomogenitäten oder Stippen (punktartige vereinzelte Erhöhungen) auftreten.

Der Brechungsindex der Polymerpartikel kann für das Erreichen der erfindungsgemäßen Ziele von ganz besonderem Interesse sein. Die Differenz des Brechungsindex der ersten Polymerpartikel minus dem Brechungsindex der Polymermatrix soll vorteilhaft im Betrag kleiner 0,015, vorzugsweise kleiner 0,013, zweckmäßigerweise kleiner 0,01, insbesondere kleiner 0,007 betragen, noch mehr bevorzugt 0,005 oder 0,0035 oder 0,002. Die Differenz des Brechungsindex der zweiten Polymerpartikel minus dem Brechungsindex der Polymermatrix soll nach Möglichkeit im Betrag größer gleich 0,015, vorzugsweise größer 0,016, zweckmäßigerweise größer 0,018, insbesondere größer 0,02, ganz besonders bevorzugt größer 0,025, noch mehr bevorzugt größer 0,03, größer 0,033 oder größer 0,035 sein.

Dabei werden die Werte für den Brechungsindex gemäß ISO 489 bei λ = 589,3 nm bestimmt. Im Übrigen beziehen sich die Angaben auf 25°C. Dies gilt auch für alle anderen Messgrößen, auf die hier Bezug genommen wird, sofern nicht eine andere Referenztemperatur ausdrücklich spezifiziert wird.

Sowohl die ersten als auch die zweiten Polymerpartikel sind im Rahmen der vorliegenden Erfindung vernetzt. „Vernetzt" heißt in diesem Zusammenhang, dass die Partikel nur in geringen Mengen in einem starken organischen Lösungsmittel, wie Tetrahydrofuran (THF) gelöst werden können. Hierbei bedeutet „geringe Menge", dass der polymerlösliche Anteil maximal 7 Gew.-% beträgt, bezogen auf das Gesamtgewicht der in der Meßmethode eingesetzten Partikel. Der Polymerlösliche Anteil wird wie folgt bestimmt:
Die Polymerpartikel werden in THF gelöst und 3 Stunden bei 21000 U/min. zentrifugiert. Von dem Überstand werden jeweils 15 ml abgezogen und wieder mit ca. 15 ml THF aufgefüllt. Dies wird 3 mal wiederholt. Der abgezogene Überstand wird durch einen 0,45µm Membranfilter filtriert, anschließend auf 60 mL reduziert und erneut 3 Stunden zentrifugiert. Nach der Zentrifugation wird der Überstand eingedampft und mittels NMR und GC-MS analysiert.

Die Vernetzung der Polymerpartikel wird vorzugsweise durch Copolymerisation mit geeigneten vernetzenden Monomeren erreicht, die üblicherweise mehr als eine, vorzugsweise radikalisch, polymerisierbare Einheit im Molekül besitzen. Bevorzugt werden solche mit mindestens zwei vinylischen Gruppen, insbesondere Divinylbenzol, ferner Acryl- und Methacrylsäureester und -amide von Polyolen, insbesondere Glykoldi(meth)acrylat, 1,3- und 1,4-Butandiol(meth)acrylat, Trimethylolpropantri(meth)- acrylat, Tetraäthylenglykoldi(meth)acrylat, weiter Monomere, die Vinyliden-, die (verkappte) Amidmethylol-, Carbamidmethyloläther-, Azlacton- und Epoxygruppen enthalten, insbesondere N-Methylol(meth)acrylamid, Methylenbisacrylamid und methacrylamid, Glycidyl(meth)acrylat, sowie auch vernetzende Monomere mit ungesättigten Gruppen abgestufter Reaktivität im Molekül, insbesondere die Vinyl, Allyl- und Crotylester der Acryl- und/oder Methacrylsäure. Besonders bevorzugt werden Allylmethacrylat, Divinylbenzol und/oder Ethylenglykoldimethacrylat eingesetzt. Weitere Details zu derartigen Monomeren können H. Rauch-Puntigam, Th. Völker, Acryl- und Methacrylverbindungen, Springer-Verlag Berlin, 1967 entnommen werden.

Der Anteil der vernetzenden Monomeren bezogen auf das Gesamtgewicht der jeweiligen Monomermischung liegt günstigerweise im Bereich von 0,1 Gew.-% bis 5,0 Gew.-%, insbesondere im Bereich von 0,5 Gew.-% bis 1,5 Gew.-%.

Die Vernetzung soll u. a. bewirken, dass die Partikel bei der Verarbeitung bei erhöhter Temperatur (bis ca. 300°C) nicht aufschmelzen.

Bezüglich ihrer Zusammensetzung unterliegen die vernetzten Partikel keinen besonderen Beschränkungen.

Als erste Polymerpartikel werden Polyalkyl(meth)acrylate besonders bevorzugt. Diese Polymere können einzeln sowie als Mischung eingesetzt werden. Des Weiteren können diese Polymere auch in Form von Copolymeren vorliegen.

Im Rahmen der vorliegenden Erfindung werden Homo- und Copolymere von C_1-C_{18}-Alkyl(meth)acrylaten, zweckmäßigerweise von C_1-C_{10}-Alkyl(meth)acrylaten, insbesondere von C_1-C_4-Alkyl(meth)acrylatpolymere, die ggf. noch davon verschiedene Monomereinheiten enthalten können, besonders bevorzugt.

Die Verwendung von Copolymeren, die 70 Gew.-% bis 99 Gew.-%, insbesondere 70 Gew.-% bis 90 Gew.-%, C_1-C_{10}-Alkyl(meth)acrylate enthalten hat sich ganz besonders bewährt. Bevorzugte C_1-C_{10}-Alkylmethacrylate umfassen Methylmethacrylat, Ethylmethacrylat, Propylmethacrylat, Isopropylmethacrylat, n-Butylmethacrylat, Isobutylmethacrylat, tert.-Butylmethacrylat, Pentylmethacrylat, Hexylmethacrylat, Heptylmethacrylat, Oktylmethacrylat, Isooctylmethacrylat und Ethylhexylmethacrylat, Nonylmethacrylat, Decylmethcrylat sowie Cycloalkylmethacrylate, wie beispielsweise Cyclohexylmethacrylat, Isobornylmethacrylat oder Ethylcyclohexlmethacrylat. Bevorzugte C_1-C_{10}-Alkylacrylate umfassen Methylacrylat, Ethylacrylat, Propylacrylat, Isopropylacrylat, n-Butylacrylat, Isobutylacrylat, tert.-Butylacrylat, Pentylacrylat, Hexylacrylat, Heptylacrylat, Octylacrylat, Isooctylacrylat, Nonylacrylat, Decylacrylat und Ethylhexylacrylat sowie Cycloalkylacrylate, wie beispielsweise Cyclohexylacrylat, Isobornylacrylat oder Ethycyclohexlacrylat.

Ganz besonders bevorzugte Copolymere umfassen 80 Gew.-% bis 99 Gew.-% MMA-Einheiten und 1 Gew.-% bis 20 Gew.-%, vorzugsweise 1 Gew.-% bis 5 Gew.-%, C_1-C_{10}-Alkylacrylat-Einheiten, insbesondere Methylacrylat- und/oder Ethylacrylat-Einheiten.

Besonders bevorzugt ist weiterhin die Verwendung von zweiten Polymerpartikeln, die mindestens ein radikalisch polymerisierbares Monomer enthalten, das mindestens einen aromatischen Rest umfasst. Vorzugsweise handelt es sich hierbei um Styrol und seine methylsubstituierten Derivate, wie das alpha-Methyl- und das p-Methylstyrol, das p-Ethylstyrol, sowie halogenierte Derivate des Styrols, wie das p-Chlorstyrol. Weiter werden als Monomer A der Formel (I) Phenylacrylat und -methacrylat, Xylylenmethacrylat und -acrylat, insbesondere die m-Form, 4-Methylphenylacrylat und -methacrylat, 2-Phenylethylacrylat und -methacrylat, 3-Phenyl-1-propylmethacrylat und -acrylat, 2-Phenyl-oxyethylacrylat und –methacrylat sowie Benzylmethacrylat bevorzugt. Der Anteil der aromatischen Monomere ist vorzugsweise größer 50 Gew.-%, bezogen auf das Gesamtgewicht der ersten Polymerpartikel.

Eine ausführliche Beschreibung zur Herstellung solcher Partikel ist beispielsweise in EP1219641, Beispiel 2, zu finden. Auf diese Druckschrift wird hiermit zum Zwecke der Offenbarung Bezug genommen.

Weiterhin besonders zweckmäßig als zweite Polymerpartikel werden solche eingesetzt, die unter dem Namen „Techpolymer® SBX8“ im Handel vom Hersteller Sekisui Chemical Co. Ltd., Japan erhältlich sind. Hierbei handelt es sich um Polymerpartikel die aus vernetztem Polystyrol bestehen und ein Volumenmittel der Teilchengröße von 6 bis 10 µm haben.

Die Zusammensetzung der Polymerpartikel kann mittels eines Pyrolyse-GC/MS-Spektrometers bestimmt werden, wobei das Polymermaterial bei einer erhöhten Temperatur pyrolisiert wird und die zerfallenen Bestandteile zur quantitativen Bestimmung weiter analysiert werden.

Für die Herstellung der Polymerpartikel haben sich Suspensionspolymerisationsverfahren (Perlpolymerisationen) ganz besonders bewährt haben. Bei diesem Verfahren werden die Monomere als disperse Phase durch Einwirkung mechanischer Kräfte (Rührung) in einem Nichtlösungsmittel (kontinuierliche Phase) verteilt und in dieser Form polymerisiert. Das gebildete Polymerisat ist überwiegend im Monomeren löslich. Unter dem Einfluss der Grenzflächenspannung bildet das Monomere kugelförmige Tropfen. Um die Tropfenform während der Polymerisation zu erhalten und das Zusammenlaufen von Tropfen zu verhindern, setzt man dem Polymerisationsansatz so genannte "Dispergatoren" oder Verteiler (Schutzkolloide) zu, vorzugsweise Substanzen, die sich nach beendeter Polymerisation vollständig von dem perlförmig anfallenden Polymerisat abtrennen lassen.

Der "Verteiler" bewirkt, dass die einmal gebildeten Monomertröpfchen soweit stabilisiert werden, dass eine Vereinigung von Tropfen praktisch unterbleibt.

Als kontinuierliche Phase verwendet man in der Regel Wasser. Als zur Polymerisation geeignete Monomere kommen daher primär schwerlösliche bis wasserunlösliche, radikalisch polymerisierbare Monomere in Frage. (Vgl. Houben-Weyl, 4. Auflage, Bd. XIV/1 "Makromolekulare Stoffe", S. 406-433, G. Thieme-Verlag 1961.)

Als Verteiler werden vorzugsweise (wasserunlösliche) Salze anorganischer Säuren, wie Bariumsulfat oder Bariumcarbonat oder hochmolekulare Naturstoffe oder synthetische Polymere eingesetzt. Zu der Gruppe der hochmolekularen Verteiler gehören wasserlösliche Kolloide, wie Polyvinylalkohol, teilweise verseiftes Polyvinylacetat, Methylcellulose, Stärke, Gelatine, Pektin, die Alkalisalze der Polyacrylsäure oder die Alkalisalze von Styrol- oder Vinylacetat-Maleinsäureanhydrid-copolymeren u. a. (Vgl. Houben-

Weyl, loc.cit. S. 411-430.) Das Verhältnis der wässrigen zur Monomerenphase liegt vorzugsweise bei 2 : 1 bis 4 : 1.

Bei der Perlpolymerisation werden bekanntlich Starter eingesetzt, die in erster Näherung im Monomeren löslich, aber in Wasser unlöslich sind. Meistens liegt die angewandte Startermenge bei 0,1 Gew.-% bis 1 Gew.-%, bevorzugt um 0,5 Gew.-%, bezogen auf die Monomeren. Als Starter kommen bevorzugt die üblichen im Monomeren löslichen organischen Peroxide oder entsprechende Azoverbindungen zur Anwendung, wie z. B. Dibenzoylperoxid, Lauroylperoxid, Azoisobutyronitril. Radikalbildner mit höheren Zerfallstemperaturen können zusätzlich verwendet werden, wenn gegen Reaktionsende zur möglichst vollständigen Polymerisation die Temperatur gesteigert wird. Die Perlgrösse lässt sich in dem beanspruchten Rahmen einstellen.

Ferner können die üblicherweise verwendeten Gleitmittel wie Fettalkohole, Stearinsäureester, Palmitinsäureester oder natürliche Wachse - vorzugsweise vor der Polymerisation - zugesetzt werden.

Die praktische Durchführung der Polymerisation kann so erfolgen, dass das Wasser, die Monomere, Starter, Dispergiermittel und gegebenenfalls Gleitmittel zusammen vorgelegt und dann erhitzt werden, beispielsweise auf ca. 90°C. Gegebenenfalls wird die überschüssige Polymerisationswärme, besonders ab 95°C, durch äußere Kühlung abgeführt. Temperaturen oberhalb 115°C sollten nach Möglichkeit vermieden werden. Die Dauer der Polymerisation liegt üblicherweise im Bereich von 1 bis 5 Stunden. Die Viskosität des Polymerisationsansatzes (gemessen mit einem Brookfield-Viskosimeter bei der Polymerisationstemperatur) liegt im Allgemeinen im Bereich zwischen 800 mPas und 8.000 mPas.

Die zum Teil reaktiven Gleitmittel werden vorzugsweise erst ab etwa 20% Umsatz zugesetzt. Auch der Zusatz von Reglern kann im Verlauf der Polymerisation erfolgen.

Nach Reaktionsende werden die Perlen im Allgemeinen durch Filtration oder Zentrifugation abgetrennt. Anhaftende Zusätze können auf geeignete Weise, z. B. durch Waschen mit verdünnter Säure und Wasser entfernt werden. Die Perlen werden häufig unter Erwärmen, vorzugsweise mit Luftumwälzung, getrocknet, z. B. in Hordenschränken.

Es liegt im Rahmen der vorliegenden Erfindung, die vernetzten Partikel während der Suspensionsverfahren zu färben oder einzufärben. Der Vorteil der Verwendung von gefärbten oder eingefärbten Partikel gegenüber einem eingefärbten Matrixmaterial sind Flexibilität in Bezug auf Herstellung, Verringerung der Kosten, bessere Farbverteilung, verringerter Oberflächenglanz, tiefe und natürliche Farbverteilung sowie ein verminderter Reinigungsaufwand bei der Herstellung von unterschiedlichen Produkten.

Das Einbringen der vernetzten Polymerpartikel in die erfindungsgemäße Zusammensetzung kann durch Mischen der Komponenten erfolgen, wobei die Bestandteile vorzugsweise homogen in der Zusammensetzung verteilt werden.

Der Gehalt der ersten Polymerpartikel, bezogen auf das Gesamtgewicht der Zusammensetzung, beträgt günstigerweise 0,1 Gew.-% bis 20,0 Gew.-%, bevorzugt 1,0 Gew.-% bis 18,0 Gew.-%, zweckmäßigerweise 3,0 Gew.-% bis 15,0 Gew.-%, insbesondere 4,0 Gew.-% bis 12,0 Gew.-%.

Der Gehalt der zweiten Polymerpartikel, bezogen auf das Gesamtgewicht der Zusammensetzung, beträgt günstigerweise 0,1 Gew.-% bis 20,0 Gew.-%,

bevorzugt 0,2 Gew.-% bis 18,0 Gew.-%, zweckmäßigerweise 0,3 Gew.-% bis 14,0 Gew.-%, insbesondere 0,4 Gew.-% bis 10,0 Gew.-%.

Die Zusammensetzung kann wie herkömmliche Thermoplaste zu verschiedenen Endprodukten weiterverarbeitet, insbesondere umgeformt, werden. Bevorzugte Umformverfahren umfassen die Profilextrusion, die Platten- und Folienextrusion, Spritzgießen und Spritzpressen. Das aus der Platten-, Folien oder Profilextrusion resultierende Produkt weist eine strukturierte Oberfläche und ein mattes Aussehen auf, ohne spezielle gemusterte Rollen, Walzen, Polier- oder Schleifvorrichtungen zu benötigen. Das Produkt, welches durch Spritzgießen erhalten wird, besitzt ein mattes Aussehen.

Der Ausdruck „strukturierte Oberfläche", wie er hier verwendet wird, beschreibt eine Oberfläche mit folgender Rauhigkeit:

- Der Mittenrauhwert Ra beträgt mindestens 1,0 µm, vorzugsweise mindestens 2,7 µm, insbesondere mindestens 4,55 µm.
- Die gemittelte Rauhtiefe Rz beträgt mindestens 10 µm, vorzugsweise mindestens 22 µm, insbesondere mindestens 31 µm.
- Die Rauhtiefe Rt beträgt mindestens 20 µm, vorzugsweise mindestens 28 µm, insbesondere mindestens 38 µm.

Dabei wird die Oberflächenrauhigkeit gemäß DIN EN ISO 4287 und DIN EN ISO 4288 ermittelt.

Einer der Vorteile der vorliegenden Erfindung besteht darin, dass die Gesamtweißlichtransmission (Total White Light Transmission (TWLT)) viel größer ist als bei ähnlichen kommerziellen Produkten, die mit anorganischen Füllstoffen, wie Bariumsulfat oder Farbkonzentrat, zur Erreichung eines matten Aussehens versehen sind. Z. B. weist bariumsulfatpigmentiertes PMMA einen

TWLT-Wert von 47 % auf, während erfindungsgemäß TWLT-Werte von über 80 % erreicht werden können. Der TWLT-Wert wird nach ASTM: E1331 und E1164,, vorzugsweise unter Verwendung eines Hunterlab-Coloimeter-D25-Modell, gemessen.

Das mattierte Aussehen kann mittels einer Opazitäts- oder Lichtundurchlässigkeitsmessung (Trübungsmessung) bestimmt werden. Je höher der Opazitätswert, desto besser ist die Deckkraft oder das Unkenntlichkeitsvermögen. Um ein mattiertes Aussehen zu erreichen, sollte die Opazität mindestens 10 % betragen. Die Beladung der Polymerpartikel und der Unterscheid in den Brechungsindizes beeinflusst die Deckkraft der Probe, welche durch die Opazitätszahl ausgedrückt wird. Die Bestimmung der Opazitätswerte erfolgt vorzugsweise nach den Normen ASTM D2805-80, ASTM D589-65, TAPPI T-425 und TAPPI T-519.

Die erfindungsgemäße Zusammensetzung und die daraus erhältlichen Formkörper weisen vorzugsweise einen Lichttransmissionsgrad T_{D65} nach DIN 5033/7 von mindestens 50 %, bevorzugt mindestens 55 %, besonders bevorzugt von mindestens 70 %, insbesondere im Bereich von 80 % bis kleiner 90% auf.

Aus den erfindungsgemäße Zusammensetzungen erhältliche Formkörper weisen vorzugsweise einen Intensitätshalbwertswinkel (IHW), gemessen gemäß DIN 5036 mit einem LMT-Goniometer-Meßplatz GO-T-1500 der Fa. LMT, im Bereich von größer 5° und kleiner 60° auf. Besonders zweckmäßig sind IHW-Werte im Bereich von größer 10° und kleiner 50°. Ganz besonders zweckmäßig sind Werte im Bereich von größer 15° und kleiner 45°, noch mehr bevorzugt sind Werte für den IHW im Bereich von größer 20° und kleiner 40°.

Die Zugfestigkeit (ISO 527) von aus der Zusammensetzung erhältlichen Formkörpern beträgt vorzugsweise mindestens 20 MPa, bevorzugt mindestens 40 MPa, besonders bevorzugt mindestens 50 MPa, insbesondere mindestens 60 MPa.

Das E-Modul von aus der Zusammensetzung erhältlichen Formkörpern nach ISO 527 ist beim Einsatz von schlagzähen Polymermatrices günstiger Weise größer 1600 MPa, bevorzugt größer 1700 MPa.

Die Charpy-Schlagzähigkeit von aus der Zusammensetzung erhältlichen Formkörpern nach ISO 179 beträgt beim Einsatz von schlagzähen Polymermatrices vorzugsweise mindestens 30 kJ/m^2, bevorzugt mindestens 40 kJ/m^2, insbesondere mindestens 50 kJ/m^2.

Die Streckdehnung von aus der Zusammensetzung erhältlichen Formkörpern nach ISO 527 ist günstiger Weise größer 3 %, bevorzugt größer 4 %.

Die Bruchdehnung von aus der Zusammensetzung erhältlichen Formkörpern nach ISO 527 beträgt vorzugsweise mindestens 2 % und bei Einsatz von schlagzähen Polymermatrices bevorzugt mindestens 15 %, insbesondere mindestens 30 %.

Die Vicaterweichungstemperatur VET (ISO 306-B50) der erfindungsgemäßen Zusammensetzung und der daraus erhältlichen Formkörper ist beim Einsatz von nicht schlagzähen Polymermatrices vorzugsweise mindestens 95°C, bevorzugt mindestens 97°C, besonders bevorzugt mindestens 103°C, insbesondere größer 104°C.

Der Schmelzindex MVR (ISO 1133, 230°C / 3,8 kg) der erfindungsgemäßen Zusammensetzung und der daraus erhältlichen Formkörper ist beim Einsatz

von schlagzähen Polymermatrices vorzugsweise mindestens 1,0 cm^3/10 min, bevorzugt mindestens 1,3 cm^3/10 min und bei Einsatz von nichtschlagzähen Polymermatrices besonders bevorzugt mindestens 3,0 cm^3/10 min, insbesondere mindestens 4,5 cm^3/10 min.

Die erfindungsgemäß erhältlichen Formkörper können insbesondere für Beleuchtungen, Zeichen oder Symbole, Verkaufsstellen und Kosmetikverkaufsständer, Behältnisse, Heim- und Bürodekorationen, Möbelanwendungen, Duschtüren und Bürotüren verwendet werden.
Die Erfindung wird durch die nachfolgenden Beispiele und Vergleichsbeispiele weiter erläutert, ohne dass hierdurch eine Beschränkung des Erfindungsgedankens erfolgen soll.

Es wurden folgende Materialien eingesetzt:

A1) Matrix 1
Als Matrix 1 wurde PLEXIGLAS zk6BR glasklar von der Fa. Evonik Röhm GmbH eingesetzt. Der Brechungsindex des Materials betrug 1,4933 (n_D^{25}).

A2) Matrix 2

Als Matrix 2 wurde PLEXIGLAS 7N glasklar von der Fa. Evonik Röhm GmbH eingesetzt. Der Brechungsindex des Materials betrug 1,4939 (n_D^{25}).

B1) Perlpolymerisat 1 (=Perle 1)

In einem 100 l V4A-Stahl-Reaktor, der mit einem Stickstoffeinlaß und einem Blattrührer versehen war, wurden 600 g $Al_2(SO_4)3X18H_2O$ und 6 g Natriumparaffinsulfonat in 50 l entionisiertem Wasser bei 85°C durch Rühren mit 350 Upm gelöst. Die als Dispergiermittel verwendete Aluminiumverbindung wurde durch Zugabe von 264 g Natriumcarbonat ausgefällt.

Dann wurde eine Monomermischung aus 5,9 kg Methylmethacrylat, 4,0 kg Styrol und 0,1 kg Glykoldimethacrylat sowie 0,2 kg Dilauroylperoxid unter Stickstoff zugegeben. Die Polymerisation wurde bei 80°C für 140 Minuten und dann bei 90°C für 60 Minuten unter Rühren durchgeführt. Die Polymerisationsmischung wurde dann auf 50°C abgekühlt und mit 600 ml Schwefelsäure (50 %) behandelt, um das Dispergiermittel aufzulösen. Die Perlen wurden abfiltriert, mit entionisiertem Wasser gewaschen und für 20 Stunden bei 50°C getrocknet.

Das Volumenmittel der Teilchengröße lag bei 39,7 µm, die Teilchengrößenstandardabweichung lag bei 11 µm und der Brechungsindex der Perlen betrug 1,5248 (n_D^{25})..

C1) Perlpolymerisat 2 (=Perle 2)

Herstellung s. EP 1219641, Beispiel 2

Das Volumenmittel der Teilchengröße lag bei 20,4 µm, die Teilchengrößenstandardabweichung lag bei 8,4 µm und der Brechungsindex der Perlen betrug 1,5174 (n_D^{25}).

B2) Perlpolymerisat 3 (=Perle 3)

In einem 15 V2A-Stahl-Reaktor, der mit einem Stickstoffeinlaß und einem Propellerrührer versehen war, wurden 94,5 g $Al_2(SO_4)3X14H_2O$ in 8127,0 ml entionisiertem Wasser bei 40°C durch Rühren mit 220 Upm gelöst. Die Aluminiumverbindung wurde dann durch Zugabe von 378 g 10 %-ige Sodalösung ausgefällt. Anschließend erfolgte die Zugabe von 0,47 g Natrium-C_{15}-paraffinsulfonat und von 0,47 g Gleitmittel als 1 %-ige Lösung. Der pH-Wert der Wasserphase betrug ca. 5-5,5.

Dann wurde eine Mischung aus 1795,5 g Methylmethacrylat, 75,6 g Ethylacrylat und 18,9 g Glykoldimethacrylat sowie 37,8 g Dilauroylperoxid, 3,78 g tert. Butylper-2-ethylhaxanoat und 5,67 g tert. Dodecylmercaptan unter Stickstoff zugegeben. Die Polymerisation wurde bei 90°C für 60 Minuten unter Rühren (220 Upm) durchgeführt. Die Polymerisationsmischung wurde dann auf 40°C abgekühlt und mit 29 ml Schwefelsäure (50 %) angesäuert. Die Perlen wurden abfiltriert, mit entionisiertem Wasser gewaschen und für 20 Stunden bei 50°C getrocknet.

Das Volumenmittel der Teilchengröße lag bei 43,1 µm, die Teilchengrößenstandardabweichung lag bei 26,7 µm und der Brechungsindex der Perlen betrug n_D^{25}.1,4888

C2) Perlpolymerisat 4 (=Perle 4)

Es wurde eine unter der Bezeichnung Techpolymer® SBX-8 vom Hersteller Sekisui Chemical Co. Ltd, Japan erhältliche vernetzte Polystyrolperle mit einem mittleren Teilchendurchmesser von 8 µm eingesetzt. Das Volumenmittel der Teilchengröße lag bei 8,2 µm, die Teilchengrößenstandardabweichung lag bei 3,1 µm und der Brechungsindex der Perlen betrug 1,5891 (n_D^{25})..

Die Komponenten wurden miteinander gemischt und hinsichtlich ihrer Eigenschaften untersucht. Die Anteile der jeweiligen Komponenten können Tabelle 1 entnommen werden.

Tabelle 1: Zusammensetzungen (Gewichtsanteile in Klammern)

	Matrix	Perle mit Δn > 0,015	Perle mit Δn < 0,015
B 1	Matrix 1 (90)	Perle 2 (4)	Perle 3 (6)
B 2	Matrix 1 (83)	Perle 2 (7)	Perle 3 (10)
B 3	Matrix 1 (93,5)	Perle 4 (0,5)	Perle 3 (6)
B 4	Matrix 1 (87)	Perle 4 (1)	Perle 3 (12)
B 5	Matrix 2 (83)	Perle 2 (7)	Perle 3 (10)
B 6	Matrix 2 (87)	Perle 4 (1)	Perle 3 (12)
VB 1	Matrix 1 (94)	Perle 1 (6)	-
VB 2	Matrix 1 (88)	Perle 1 (12)	-
VB 3	Matrix 2 (94)	Perle 1 (6)	-
VB 4	Matrix 2 (88)	Perle 1 (12)	-

Die einzelnen Komponenten wurden mittels Einschneckenextruder abgemischt.

Der Volumen-Fließindex MVR (Prüfnorm ISO 1133: 1997) wurde bestimmt.

Aus den abgemischten Formmassen wurden Prüfkörper durch Spritzguss und Bändchenextrusion hergestellt. Bei der Verarbeitung wurde weder bei der Bändchenextrusion noch beim Spritzguss Metallabrieb festgestellt. Die entsprechenden Prüfkörper wurden nach folgenden Methoden geprüft:

Vicat (16h/80°C):	Bestimmung der Vicat Erweichungstemperatur (Prüfnorm DIN ISO 306: August 1994)
SZ (Charpy 179/1eU):	Bestimmung der Charpy-Schlagzähigkeit (Prüfnorm: ISO 179: 1993)
E-Modul:	Bestimmung des E-Moduls (Prüfnorm: ISO 527-2)
Zugfestigkeit:	Bestimmung der Bruchspannung (Prüfnorm: ISO 527; 5 mm/min), der Streckspannung (Prüfnorm: ISO 527; 50 mm/min)
Streckdehnung	Bestimmung der Streckdehnung (Prüfnorm: ISO 527; 50 mm/min)
Bruchdehnung	Bestimmung der (nominellen) Bruchdehnung (Prüfnorm: ISO 527)

Transmission (T):	gemäß DIN 5036
Intensitätshalbwertswinkel (IHW):	gemessen gemäß DIN 5036 mit einem LMT-Goniometer-Meßplatz GO-T-1500 der Fa. LMT
Oberflächenrauhigkeit:	Rauheitsgrößen Ra, Rz und Rt nach DIN 4768. Ra-Werte < 2 µm wurden mit einem cut off von 0,8 mm, bei Ra ≥ 2 µm mit einem cut off von 2,5 mm ermittelt. Die Rauheitsmessungen wurden mit einem Form Talysurf 50, Hersteller ist die Rank Taylor Hobson GmbH durchgeführt.

Tabelle 2 fasst die erhaltenen Ergebnisse zusammen. Man erkennt, dass durch die erfindungsgemäße Lösung Formkörper mit matter und strukturierter Oberflächenbeschaffenheit erhalten werden. Die Rauhigkeit der Formkörper ist erhöht und gleichzeitig streuen sie sehr gut das Licht mit geringem Energieverlust.

Tabelle 2

	B1	B2	B3	B4	B5	B6	VB1	VB2	VB3	VB4
Lichttransmission (D65/10) [%]	87,8	82,7	72	57,3	84,3	57	87,4	81,8	87,8	80
I-Halbwertswinkel	13,7	21	11,4	41,5	20,7	45,2	12,3	20,7	13,9	24,2
Streuvermögen										
Mittenrauhwert Ra (2,5mm)[µm]	2,74	4,83	3,33	4,81	4,41	4,24	2,64	4,52	2,35	3,59
Gemittelte Rauhtiefe Rz (2,5mm) {[µm]	22,4	37,66	27,59	33,7	31,95	29,79	21,32	30,31	18,11	25,85
Rauhtiefe Rt (2,5mm) [µm]	28,86	50,01	36,14	43,71	40,15	37,4	27,64	37,4	23,25	32,27
Charpy-Schlagzähigkeit [MPa]		34,3		32,6				58,3		
Zugfestigkeit (spröd 5 mm/min, zäh(*) 50 mm/min) [MPa]		45,8*		47*	59,7	63,7		46,5*		59,6
E-Modul (spröd 5 mm/min, zäh(*) 50mm/min) [MPa]		1983*		1905*	3330	3297		1904*		3311
Streckdehnung (zäh 50mm/min) [%]		3,8		4,3	-	-		4,2		-
Bruchdehnung (spröd 5 mm/min, zäh (*) 50mm/min) [%]		15,1*		17*	2,4	2,8		37,3*		2,3
Vicat (16H/80°C) [°C]	97,4	96,9	98	98,9	103,2	104,9	98,3	98,5	103,9	103,9
MVR (230°C;3,8kg) [cm^3/10min]	1,4	1,1	1,4	1,3	4,6	4,9	1,4	1,3	5,6	5,2

Patentansprüche:

1. Zusammensetzung zur Herstellung von Formkörpern mit matter und strukturierter Oberflächenbeschaffenheit, umfassend eine Polymermatrix und vernetzte Polymerpartikel, dadurch gekennzeichnet, dass die Zusammensetzung
   (i) erste vernetzte Polymerpartikel mit einem Volumenmittel der Teilchengröße im Bereich von 30 µm bis 1500 µm und
   (ii) zweite vernetzte Polymerpartikel mit einem Volumenmittel der Teilchengröße kleiner 30 µm enthält,
   wobei die Differenz des Brechungsindex der ersten Polymerpartikel minus dem Brechungsindex der Polymermatrix, jeweils gemessen bei 25°C, im Betrag kleiner 0,015 ist und wobei die Differenz des Brechungsindex der zweiten Polymerpartikel minus dem Brechungsindex der Polymermatrix, gemessen bei 25°C, im Betrag größer gleich 0,015 ist.

.

2. Zusammensetzung nach Anspruch 1, dadurch gekennzeichnet, dass die ersten vernetzten Polymerpartikel ein Volumenmittel der Teilchengröße im Bereich von 35 µm bis 500 µm aufweisen.

3. Zusammensetzung nach Anspruch 2, dadurch gekennzeichnet, dass die ersten vernetzten Polymerpartikel ein Volumenmittel der Teilchengröße im Bereich von 40 µm bis 150 µm aufweisen.

4. Zusammensetzung nach mindestens einem der vorangehenden Ansprüche, dadurch gekennzeichnet, dass die zweiten vernetzten Polymerpartikel ein Volumenmittel der Teilchengröße im Bereich von 1 µm bis kleiner 30 µm aufweisen.

5. Zusammensetzung nach Anspruch 4, dadurch gekennzeichnet, dass die zweiten vernetzten Polymerpartikel ein Volumenmittel der Teilchengröße im Bereich von 5 µm bis 25 µm aufweisen.

6. Zusammensetzung nach mindestens einem der vorangehenden Ansprüche, dadurch gekennzeichnet, dass die Differenz der Brechungsindizes von Polymermatrix und ersten Polymerpartikeln, gemessen bei 25°C, im Betrag kleiner 0,01 ist.

7. Zusammensetzung nach mindestens einem der vorangehenden Ansprüche, dadurch gekennzeichnet, dass das Matrixpolymer ein Homo- und Copolymer von C_1-C_{18}-Alkyl(meth)acrylaten umfasst, das ggf. noch davon verschiedene Monomereinheiten enthalten kann.

8. Zusammensetzung nach mindestens einem der vorangehenden Ansprüche, dadurch gekennzeichnet, dass die ersten Polymerpartikel ein Homo- oder Copolymer von C_1-C_{18}-Alkyl(meth)acrylaten umfasst, das ggf. noch davon verschiedene Monomereinheiten enthalten kann.

9. Zusammensetzung nach mindestens einem der vorangehenden Ansprüche, dadurch gekennzeichnet, dass die zweiten Polymerpartikel Wiederholungseinheiten umfasst, die mindestens einen aromatischen Rest aufweisen.

10. Zusammensetzung nach mindestens einem der vorangehenden Ansprüche, dadurch gekennzeichnet, dass die Polymerpartikel durch Vernetzung mit Allylmethacrylat, Divinylbenzol und/oder Ethylenglykoldimethacrylat erhältlich sind.

11. Zusammensetzung nach mindestens einem der vorangehenden Ansprüche, dadurch gekennzeichnet, dass sie, jeweils bezogen auf ihr Gesamtgewicht,
    a. 20,0 Gew.-% bis 90 Gew.-% einer Polymermatrix,
    b. 0,1 Gew.-% bis 20,0 Gew.-% erste Polymerpartikel und
    c. 0,1 Gew.-% bis 20,0 Gew.-% zweite Polymerpartikel enthält.

12. Formkörper mit matter und strukturierter Oberflächenbeschaffenheit, erhältlich durch Umformen einer Zusammensetzung nach Anspruch 1.

13. Formkörper nach Anspruch 12, erhältlich durch Extrusion einer Zusammensetzung nach Anspruch 1.

14. Formkörper nach Anspruch 12 oder 13 mit einem Intensitätshalbwertswinkel bei 3 mm Dicke von mindestens 10 % und einer gemittelten Rauhtiefe Rz von mindestens 10 µm.

15. Verwendung eines Formkörpers gemäß Anspruch 12, 13 oder 14 als Bauteil für Beleuchtungen, Zeichen und Symbole, Verkaufsstellen, Kosmetikverkaufsständer, Behältnisse, Heim- oder Bürodekorationen, Möbelanwendungen, Duschtüren und Bürotüren.

INTERNATIONAL SEARCH REPORT

International application No
PCT/EP2008/061352

A. CLASSIFICATION OF SUBJECT MATTER
INV. C08L33/08 C08L33/10

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

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)
C08L

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

Electronic data base consulted during the international search (name of data base and, where practical, search terms used)
EPO-Internal, WPI Data

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
A	EP 1 022 115 A (ATOCHEM ELF SA [FR] ATOFINA [FR]) 26 July 2000 (2000-07-26) cited in the application the whole document	1-15
A	EP 0 422 837 A (DOW CHEMICAL CO [US]) 17 April 1991 (1991-04-17) the whole document	1-15
A	DE 199 61 894 A1 (BASF AG [DE]) 21 June 2001 (2001-06-21) the whole document	1-15

☐ Further documents are listed in the continuation of Box C.

☒ See patent family annex.

* Special categories of cited documents :

"A" document defining the general state of the art which is not considered to be of particular relevance

"E" earlier document but published on or after the international filing date

"L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)

"O" document referring to an oral disclosure, use, exhibition or other means

"P" document published prior to the international filing date but later than the priority date claimed

"T" later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention

"X" document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone

"Y" document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art.

"&" document member of the same patent family

Date of the actual completion of the international search	Date of mailing of the international search report
4 Dezember 2008	15/12/2008

Name and mailing address of the ISA/	Authorized officer
European Patent Office, P.B. 5818 Patentlaan 2 NL – 2280 HV Rijswijk Tel. (+31–70) 340–2040, Fax: (+31–70) 340–3016	Simmerl, Reinhold

INTERNATIONAL SEARCH REPORT

Information on patent family members

International application No
PCT/EP2008/061352

Patent document cited in search report	Publication date	Patent family member(s)	Publication date
EP 1022115 A	26-07-2000	AT 263018 T	15-04-2004
		BR 0000137 A	08-08-2000
		CA 2296162 A1	21-07-2000
		CN 1267678 A	27-09-2000
		DE 60009361 D1	06-05-2004
		DE 60009361 T2	17-02-2005
		DK 1022115 T3	02-08-2004
		ES 2218065 T3	16-11-2004
		HK 1030005 A1	09-12-2005
		JP 2000212293 A	02-08-2000
		PT 1022115 T	30-07-2004
		US 7067188 B1	27-06-2006
EP 0422837 A	17-04-1991	AU 624737 B2	18-06-1992
		AU 6388390 A	11-04-1991
		BR 9005030 A	10-09-1991
		CA 2027104 A1	10-04-1991
		JP 3152109 A	28-06-1991
DE 19961894 A1	21-06-2001	WO 0146317 A1	28-06-2001

INTERNATIONALER RECHERCHENBERICHT

Internationales Aktenzeichen
PCT/EP2008/061352

A. KLASSIFIZIERUNG DES ANMELDUNGSGEGENSTANDES
INV. C08L33/08 C08L33/10

Nach der Internationalen Patentklassifikation (IPC) oder nach der nationalen Klassifikation und der IPC

B. RECHERCHIERTE GEBIETE

Recherchierter Mindestprüfstoff (Klassifikationssystem und Klassifikationssymbole)
C08L

Recherchierte, aber nicht zum Mindestprüfstoff gehörende Veröffentlichungen, soweit diese unter die recherchierten Gebiete fallen

Während der internationalen Recherche konsultierte elektronische Datenbank (Name der Datenbank und evtl. verwendete Suchbegriffe)
EPO-Internal, WPI Data

C. ALS WESENTLICH ANGESEHENE UNTERLAGEN

Kategorie*	Bezeichnung der Veröffentlichung, soweit erforderlich unter Angabe der in Betracht kommenden Teile	Betr. Anspruch Nr.
A	EP 1 022 115 A (ATOCHEM ELF SA [FR] ATOFINA [FR]) 26. Juli 2000 (2000-07-26) in der Anmeldung erwähnt das ganze Dokument	1-15
A	EP 0 422 837 A (DOW CHEMICAL CO [US]) 17. April 1991 (1991-04-17) das ganze Dokument	1-15
A	DE 199 61 894 A1 (BASF AG [DE]) 21. Juni 2001 (2001-06-21) das ganze Dokument	1-15

☐ Weitere Veröffentlichungen sind der Fortsetzung von Feld C zu entnehmen ☒ Siehe Anhang Patentfamilie

* Besondere Kategorien von angegebenen Veröffentlichungen :
"A" Veröffentlichung, die den allgemeinen Stand der Technik definiert, aber nicht als besonders bedeutsam anzusehen ist
"E" älteres Dokument, das jedoch erst am oder nach dem internationalen Anmeldedatum veröffentlicht worden ist
"L" Veröffentlichung, die geeignet ist, einen Prioritätsanspruch zweifelhaft erscheinen zu lassen, oder durch die das Veröffentlichungsdatum einer anderen im Recherchenbericht genannten Veröffentlichung belegt werden soll oder die aus einem anderen besonderen Grund angegeben ist (wie ausgeführt)
"O" Veröffentlichung, die sich auf eine mündliche Offenbarung, eine Benutzung, eine Ausstellung oder andere Maßnahmen bezieht
"P" Veröffentlichung, die vor dem internationalen Anmeldedatum, aber nach dem beanspruchten Prioritätsdatum veröffentlicht worden ist
"T" Spätere Veröffentlichung, die nach dem internationalen Anmeldedatum oder dem Prioritätsdatum veröffentlicht worden ist und mit der Anmeldung nicht kollidiert, sondern nur zum Verständnis des der Erfindung zugrundeliegenden Prinzips oder der ihr zugrundeliegenden Theorie angegeben ist
"X" Veröffentlichung von besonderer Bedeutung; die beanspruchte Erfindung kann allein aufgrund dieser Veröffentlichung nicht als neu oder auf erfinderischer Tätigkeit beruhend betrachtet werden
"Y" Veröffentlichung von besonderer Bedeutung; die beanspruchte Erfindung kann nicht als auf erfinderischer Tätigkeit beruhend betrachtet werden, wenn die Veröffentlichung mit einer oder mehreren anderen Veröffentlichungen dieser Kategorie in Verbindung gebracht wird und diese Verbindung für einen Fachmann naheliegend ist
"&" Veröffentlichung, die Mitglied derselben Patentfamilie ist

Datum des Abschlusses der internationalen Recherche	Absendedatum des internationalen Recherchenberichts
4. Dezember 2008	15/12/2008

Name und Postanschrift der internationalen Recherchenbehörde	Bevollmächtigter Bediensteter
Europäisches Patentamt, P.B. 5818 Patentlaan 2 NL – 2280 HV Rijswijk Tel. (+31-70) 340-2040, Fax: (+31-70) 340-3016	Simmerl, Reinhold

INTERNATIONALER RECHERCHENBERICHT

Angaben zu Veröffentlichungen, die zur selben Patentfamilie gehören

Internationales Aktenzeichen
PCT/EP2008/061352

Im Recherchenbericht angeführtes Patentdokument		Datum der Veröffentlichung	Mitglied(er) der Patentfamilie		Datum der Veröffentlichung
EP 1022115	A	26-07-2000	AT	263018 T	15-04-2004
			BR	0000137 A	08-08-2000
			CA	2296162 A1	21-07-2000
			CN	1267678 A	27-09-2000
			DE	60009361 D1	06-05-2004
			DE	60009361 T2	17-02-2005
			DK	1022115 T3	02-08-2004
			ES	2218065 T3	16-11-2004
			HK	1030005 A1	09-12-2005
			JP	2000212293 A	02-08-2000
			PT	1022115 T	30-07-2004
			US	7067188 B1	27-06-2006
EP 0422837	A	17-04-1991	AU	624737 B2	18-06-1992
			AU	6388390 A	11-04-1991
			BR	9005030 A	10-09-1991
			CA	2027104 A1	10-04-1991
			JP	3152109 A	28-06-1991
DE 19961894	A1	21-06-2001	WO	0146317 A1	28-06-2001

Request for Participation in the
Patent Prosecution Highway Program
U.S. Patent Application No. 12/738,033
Attorney Docket No. 357425US0PCT

APPENDIX C

English-Language Translation of July 15, 2010 International Preliminary Report on Patentability Issued by EPO in International Application No. PCT/EP08/061352

PATENT COOPERATION TREATY

PCT/EP2008/061352

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:

EVONIK RÖHM GMBH
DG-IPM-PAT
Postcode 84/339
Rodenbacher Chaussee 4
63457 Hanau
ALLEMAGNE

Eingang bei
Intellectual Property
Management

20. JULI 2010

Standort Wolfgang

Date of mailing *(day/month/year)* 15 July 2010 (15.07.2010)	
Applicant's or agent's file reference 2007P00031WO	IMPORTANT NOTIFICATION
International application No. PCT/EP2008/061352	International filing date *(day/month/year)* 29 August 2008 (29.08.2008)
Applicant EVONIK RÖHM GMBH 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:

None

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, EP, ES, FI, GB, GD, GE, GH, GM, GT, HN, HR, HU, ID, IL, IN, IS, JP, KE, KG, KM, KN, KP, KR, KZ, LA, LC, LK, LR, LS, LT, LU, LY, MA, MD, ME, MG, MK, MN, MW, MX, MY, MZ, NA, NG, NI, NO, NZ, OA, OM, PG, PH, PL, PT, RO, RS, RU, SC, SD, SE, SG, SK, SL, SM, 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.

H001005310

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

Facsimile No. +41 22 338 82 70

Authorized officer
Agnes Wittmann-Regis

e-mail: pt06.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 2007P00031WO	**FOR FURTHER ACTION**	See item 4 below
International application No. PCT/EP2008/061352	International filing date *(day/month/year)* 29 August 2008 (29.08.2008)	Priority date *(day/month/year)* 10 December 2007 (10.12.2007)
International Patent Classification (8th edition unless older edition indicated) See relevant information in Form PCT/ISA/237		
Applicant EVONIK RÖHM GMBH		

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 06 July 2010 (06.07.2010)
The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland Facsimile No. +41 22 338 82 70	Authorized officer Agnes Wittmann-Regis e-mail: pt06.pct@wipo.int

Form PCT/IB/373 (January 2004)

PATENT COOPERATION TREATY

TRANSLATION

From the
INTERNATIONAL SEARCHING AUTHORITY

To:

PCT

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43*bis*.1)

Date of mailing *(day/month/year)*	See form PCT/ISA/210
Applicant's or agent's file reference 2007P00031WO	FOR FURTHER ACTION See paragraph 2 below

International application No.	International filing date *(day/month/year)*	Priority date *(day/month/year)*
PCT/EP2008/061352	29.08.2008	10.12.2007

International Patent Classification (IPC) or both national classification and IPC
C08L33/08 C08L33/10

Applicant
EVONIK RÖHM GMBH

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/EP	Date of completion of this opinion	Authorized officer
Facsimile No.		Telephone No.

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/EP2008/061352

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/EP2008/061352

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	1-15	YES
	Claims		NO
Inventive step (IS)	Claims	1-15	YES
	Claims		NO
Industrial applicability (IA)	Claims	1-15	YES
	Claims		NO

2. Citations and explanations:

1. The subject matter of the claims is novel and would also appear to involve an inventive step (PCT Article 33(2) and (3)). None of the documents cited in the search report describes or suggests the claimed polymer composition which, besides a matrix polymer, comprises crosslinked polymer particles with bimodal size distribution, where a certain difference between the refractive indices of the matrix polymer and of the respective polymer particles is to be observed.

2. Industrial applicability (PCT Article 33(4)): present

Request for Participation in the
Patent Prosecution Highway Program
U.S. Patent Application No. 12/738,033
Attorney Docket No. 357425US0PCT

APPENDIX D

English-Language Translation of International Application No. PCT/EP08/061352 (Including Claims) and Statement that Translation is Accurate

IN THE MATTER OF an Indian
Application corresponding to
PCT Application PCT/EP2008/061352

RWS Group Ltd, of Europa House, Marsham Way, Gerrards Cross, Buckinghamshire, England, hereby solemnly and sincerely declares that, to the best of its knowledge and belief, the following document, prepared by one of its translators competent in the art and conversant with the English and German languages, is a true and correct translation of the PCT Application filed under No. PCT/EP2008/061352.

Date: 11 February 2010

N. T. SIMPKIN
Deputy Managing Director - UK Translation Division
For and on behalf of RWS Group Ltd

(12) INTERNATIONAL APPLICATION PUBLISHED UNDER THE PATENT COOPERATION TREATY (PCT)

(19) World Intellectual Property Organization
International Bureau

(43) International Publication Date
18 June 2009 (18.06.2009)

PCT

(10) International Publication Number
WO 2009/074358 A1

(51) International Patent Classification:
C08L 33/08 (2006.01) *C08L 33/10* (2006.01)

(21) International Application Number: PCT/EP2008/061352

(22) International Filing Date: 29 August 2008 (29.08.2008)

(25) Filing Language: German

(26) Publication Language: German

(30) Priority Data:
10 2007 059 632.6 10 December 2007 (10.12.2007) DE

(71) Applicant *(for all designated States except US)*: **EVONIK RÖHM GMBH** [DE/DE]; Kirschenallee, 64293 Darmstadt (DE).

(72) Inventors; and
(75) Inventors/Applicants *(for US only)*: **SCHULTES, Klaus** [DE/DE]; Platter Strasse 51, 65193 Wiesbaden (DE). **SCHWARZ-BARAC, Sabine** [DE/DE]; Im Meerchen 18 a, 64560 Riedstadt (DE). **ALBRECHT, Klaus** [DE/DE]; Vogelsbergstrasse 20, 55129 Mainz (DE). **GOLCHERT, Ursula** [DE/DE]; G.-von-Fechenbach-Str. 16 B, 64807 Dieburg (DE). **NAU, Stefan** [DE/DE]; Forststr. 21, 64572 Buettelborn (DE). **THOMAS, Sabrina** [DE/DE]; Wormser Str. 5a, 68647 Biblis (DE). **SCHNABEL, Michael** [DE/DE]; Danziger Str. 2, 64584 Biebesheim (DE).

(81) Designated states *(unless otherwise indicated, for every kind of national protection available)*: AE, AG, AL, AM, AO, AT, AU, AZ, BA, BB, BG, BH, BR, BW, BY, BZ, CA, CH, CN, CO, CR, CU, CZ, DE, DK, DM, DO, DZ, EC, EE, EG, ES, FI, GB, GD, GE, GH, GM, GT, HN, HR, HU, ID, IL, IN, IS, JP, KE, KG, KM, KN, KP, KR, KZ, LA, LC, LK, LR, LS, LT, LU, LY, MA, MD, ME, MG, MK, MN, MW, MX, MY, MZ, NA, NG, NI, NO, NZ, 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.

(84) Designated states *(unless otherwise indicated, for every kind of regional protection available)*: ARIPO (BW, GH, GM, KE, LS, MW, MZ, NA, SD, SL, SZ, TZ, UG, ZM, ZW), Eurasian (AM, AZ, BY, KG, KZ, MD, RU, TJ, TM), European (AT, BE, BG, CH, CY, CZ, DE, DK, EE, ES, FI, FR, GB, GR, HR, HU, IE, IS, IT, LT, LU, LV, MC, MT, NL, NO, PL, PT, RO, SE, SI, SK, TR), OAPI (BF, BJ, CF, CG, CI, CM, GA, GN, GQ, GW, ML, MR, NE, SN, TD, TG).

Published:
- *with international search report*

As printed

(54) Title: MOLDED BODY HAVING MATT AND STRUCTURED SURFACE PROPERTIES

(54) Bezeichnung: FORMKÖRPER MIT MATTER UND STRUKTURIERTER OBERFLÄCHENBESCHAFFENHEIT

(57) Abstract: The invention relates to a composition for the production of molded bodies having matt and structured surface properties, comprising a polymer matrix and cross-linked polymer particles, wherein the polymer matrix comprises at least one acrylic polymer, and wherein the composition (i) contains first cross-linked polymer particles having a volume mean of the particle size in a range from 30 µm to 1500 µm, and (ii) second cross-linked polymer particles having a volume mean of the particle size of less than 30 µm, wherein the difference of the refraction index of the polymer matrix, each measured at 25°C, is 0.015 less, and wherein the difference of the refraction index of the second polymer particles minus the refraction index of the polymer matrix, measured at 25°C, is greater than or equal to 0.015. The molded bodies of the invention are particularly suitable for use as components for lighting, characters and symbols, points of sale, cosmetic vendor stands, containers, home and office decoration, furniture applications, shower and office doors.

(57) Zusammenfassung: Zusammensetzung zur Herstellung von Formkörpern mit matter und strukturierter Oberflächenbeschaffenheit, umfassend eine Polymermatrix und vernetzte Polymerpartikel, wobei die Polymermatrix mindestens ein Acrylpolymer umfasst und wobei die Zusammensetzung (i) erste vernetzte Polymerpartikel mit einem Volumenmittel der Teilchengröße im Bereich von 30 µm bis 1500 µm und (ii) zweite vernetzte Polymerpartikel mit einem Volumenmittel der Teilchengröße kleiner 30 µm enthält, wobei die Differenz des Brechungsindex der ersten Polymerpartikel minus dem Brechungsindex der Polymermatrix, jeweils gemessen bei 25°C, im Betrag kleiner 0,015 ist und wobei die Differenz des Brechungsindex der zweiten Polymerpartikel minus Brechungsindex der Polymermatrix, gemessen bei 25°C, im Betrag größer gleich 0,015 ist. Die Formkörper der Erfindung eignen sich besonders zur Verwendung als Bauteile für Beleuchtungen, Zeichen und Symbole, Verkaufsstellen, Kosmetikverkaufsständer, Behältnisse, Heim- und Bürodekoration, Möbelanwendungen, Dusch- und Bürotüren.

WO 2009/074358 A1

Molded body having matt and structured surface properties

The present invention relates to a composition for the production of moldings having a matt and structured surface character, the moldings obtainable from such a composition and the use thereof.

For lighting and illumination applications, points-of-sale and cosmetics display stands, there is a permanent demand for novel and innovative products which are visually as appealing as possible and at the same time can be produced as economically as possible. What is desirable in particular is a plastics product which imitates the properties and the appearance of sand-blasted glass as well as possible.

Production of such plastics in a conventional manner, for example by surface treatment, such as sand blasting and the production of surface patterns, and by means of addition of inorganic fillers and additives, such as barium sulphate, calcium carbonate, titanium dioxide, silica, etc., is suitable only to a limited extent for this purpose. Firstly, this procedure is extremely complicated and expensive. In addition, uniform dispersion of inorganic fillers within a polymer matrix can generally only be poorly effected. Moreover, they reduce the light transmittance of the polymer to a great extent and do not lead to the desired surface texture or character. Furthermore, such fillers adversely affect the physical properties of the polymer.

Prior art

US Patent 4,876,311 proposes the use of an opaque synthetic resin composition which contains 1 - 30% by weight of crosslinked beads. The beads are said to consist of a polymer comprising

(i) 9.9 - 59.9% by weight of at least one monomer which is capable of free radical polymerization and contains an aromatic radical, or of a nonaromatic monomer which contains a halogen,
(ii) 90 - 40% by weight of vinylic monomers which are copolymerizable therewith but are different from them,
(iii) 0.1 - 20% by weight of at least one crosslinking monomer and
(iv) 0 - 10% by weight of a strongly polar monomer.

Furthermore, the refractive index of the polymer is said to be greater than that of the polymer matrix and the mean particle size of the beads is said to be in the range of 20 - 50 µm.

The resin composition is extruded to give the desired moldings.

Patent EP 1 022 115 describes extruded articles which have a matt and structured surface. In order to achieve this effect, light-scattering beads having a refractive index offset relative to the matrix of > 0.02 are used. The weight average of the particle size of the beads is said to be in the range of 25 - 55 µm and the particles are said to have a particle size distribution in the range of 10 - 110 µm. The particular surface effect allegedly arises only through the use of beads having exactly this particle size distribution.

Object

It is the object of the present invention to provide possibilities for the production of moldings having a matt and structured surface character, which have an improved property profile. Thus, as high a homogeneity as possible should be achieved. Inhomogeneities and optical defects, such as, for example, specks, should as far as possible be avoided. Furthermore, mechanical properties which

are as good as possible were strived for. The roughness of the moldings should as far as possible be improved. In addition, a substantial improvement in the weathering resistance was desired. Furthermore, a solution which can be realized on an industrial scale and economically in a comparatively simple manner was strived for.

Achievement

This and further objects which are not specifically mentioned but which arise in an obvious manner from the relationships discussed in the introduction are achieved by a composition having all properties of the present Patent Claim 1. The subclaims relating back to Claim 1 describe particularly expedient modifications of the composition. Furthermore, the moldings obtainable from the composition and particularly advantageous fields of use of the moldings are protected.

By providing a composition for the production of moldings having a matt and structured surface character, which composition comprises a polymer matrix and crosslinked polymer particles, the composition containing

(i) first crosslinked polymer particles having a weight average of the particle size in the range of 30 µm - 1500 µm and
(ii) second crosslinked polymer particles having a weight average of the particle size of less than 30 µm,

the difference between the refractive index of the first polymer particles and the refractive index of the polymer matrix, measured in each case at 25°C, being less than 0.015 as an absolute value and the difference between the refractive index of the second polymer particles and the refractive index of the polymer matrix, measured in each case at 25°C, being greater than or equal to 0.015 as an absolute value, it is possible in a manner not directly foreseeable to provide

a composition for the production of moldings having a matt and structured surface character, which have an improved property profile. Thus, the moldings obtainable according to the invention are distinguished by a very high homogeneity, in particular with regard to the mechanical and the optical properties. Inhomogeneities and optical defects, such as, for example specks, are not observed. Furthermore, the moldings obtainable according to the invention have very good mechanical properties, a very high roughness and significantly improved weathering resistance. The production of the moldings according to the invention having a matt and structured surface character can be effected in a comparatively simple manner by the forming of the composition according to the invention.

The composition according to the invention contains a polymer matrix as the continuous phase. Suitable matrix polymers are all thermoplastically processable polymers which are known for this purpose. These include, inter alia, polyalkyl (meth)acrylates, such as, for example, polymethyl methacrylate (PMMA), polyacrylonitriles, polystyrenes, polyethers, polyesters, polycarbonates, polyvinyl chlorides. Polyalkyl (meth)acrylates are preferred here. These polymers can be used individually and as a mixture. Furthermore, these polymers may also be present in the form of copolymers.

In the context of the present invention, homo- and copolymers of C_1-C_{18}-alkyl (meth)acrylates, expediently of C_1-C_{10}-alkyl (meth)acrylates, in particular of C_1-C_4-alkyl (meth)acrylate polymers which may optionally also contain monomer units differing therefrom, are particularly preferred.

Here, the notation (meth)acrylate means both methacrylate, such as, for example, methyl methacrylate, ethyl methacrylate etc., and acrylate, such as, for example, methyl acrylate, ethyl acrylate, etc., and mixtures of the two monomers.

The use of copolymers which contain 70% by weight to 99% by weight, in particular 70% by weight to 90% by weight, of C_1-C_{10}-alkyl (meth)acrylates has proved to be very particularly useful. Preferred C_1-C_{10}-alkyl methacrylates comprise methyl methacrylate, ethyl methacrylate, propyl methacrylate, isopropyl methacrylate, n-butyl methacrylate, isobutyl methacrylate, tert-butyl methacrylate, pentyl methacrylate, hexyl methacrylate, heptyl methacrylate, octyl methacrylate, isooctyl methacrylate and ethylhexyl methacrylate, nonyl methacrylate, decyl methacrylate and cycloalkyl methacrylates, such as, for example, cyclohexyl methacrylate, isobornyl methacrylate or ethylcyclohexyl methacrylate. Preferred C_1-C_{10}-alkyl acrylates comprise methyl acrylate, ethyl acrylate, propyl acrylate, isopropyl acrylate, n-butyl acrylate, isobutyl acrylate, tert-butyl acrylate, pentyl acrylate, hexyl acrylate, heptyl acrylate, octyl acrylate, isooctyl acrylate, nonyl acrylate, decyl acrylate and ethylhexyl acrylate and cycloalkyl acrylates, such as, for example, cyclohexyl acrylate, isobornyl acrylate or ethylcyclohexyl acrylate.

Very particularly preferred copolymers comprise 80% by weight to 99% by weight of MMA units and 1% by weight to 20% by weight, preferably 1% by weight to 5% by weight, of C_1-C_{10}-alkyl acrylate units, in particular methyl acrylate and/or ethyl acrylate units. The use of the polymethyl methacrylate PLEXIGLAS® 7N obtainable from Evonik Röhm GmbH has proved to be very particularly useful in this context.

The matrix polymer can be prepared by polymerization processes known per se, free radical polymerization processes, in particular mass, solution, suspension and emulsion polymerization processes, being particularly preferred. Initiators particularly suitable for these purposes comprise in particular azo compounds, such as 2,2'-azobisisobutyronitrile or 2,2'-azobis(2,4-dimethylvaleronitrile), Redox systems, such as, for example, the

combination of tertiary amines with peroxides or sodium disulphite and persulphates of potassium, sodium or ammonium or preferably peroxides (cf. in this context, for example H. Rauch-Puntigam, Th. Völker, "Acryl- und Methacrylverbindungen [Acrylic and Methacrylic Compounds]", Springer, Heidelberg, 1967 or Kirk-Othmer, Encyclopedia of Chemical Technology, Vol. 1, page 386 et seq., J. Wiley, New York, 1978). Examples of suitable peroxide polymerization initiators are dilauroyl peroxide, tert-butyl peroctanoate, tert-butyl perisononanoate, dicyclohexyl peroxydicarbonate, dibenzoyl peroxide or 2,2-bis(tert-butylperoxy)butane. The polymerization can preferably also be carried out with a mixture of different polymerization initiators having different half-lives, for example dilauroyl peroxide and 2,2-bis(tert-butylperoxy)butane, in order to keep the free radical stream constant in the course of the polymerization and at different polymerization temperatures. The amounts of polymerization initiator used are in general 0.01% by weight to 2% by weight, based on the monomer mixture.

The polymerization can be carried out both continuously and batchwise. After the polymerization, the polymer is obtained via conventional isolation and separation steps, such as, for example, filtration, coagulation and spray drying, and is usually used in particulate form.

The chain lengths of the polymers or copolymers can be established by polymerization of the monomer or monomer mixture in the presence of molecular weight regulators, such as, in particular, of the mercaptans known for this purpose, such as, for example, n-butyl mercaptan, n-dodecyl mercaptan, 2-mercaptoethanol, methyl 3-mercaptopropionate or 2-ethylhexyl thioglycolate, pentaerythritol tetrathioglycolate; the molecular weight regulators being used in general in amounts of 0.05% by weight to 5% by weight, based on the monomer or monomer mixture, preferably in amounts of from 0.1% by weight to 2% by weight and particularly preferably in amounts of 0.2% by weight to 1% by

weight, based on the monomer or monomer mixture (cf. for example H. Rauch-Puntigam, Th. Völker, "Acryl- und Methacrylverbindungen [Acrylic and Methacrylic Compounds]", Springer, Heidelberg, 1967; Houben-Weyl, Methoden der organischen Chemie [Methods of Organic Chemistry], Vol. XIV/1, page 66, Georg Thieme, Heidelberg, 1961 or Kirk-Othmer, Encyclopedia of Chemical Technology, Vol. 1, page 296 et seq., J. Wiley, New York, 1978). n-Dodecyl mercaptan is preferably used as a molecular weight regulator.

The matrix may equally contain further additives well known to the person skilled in the art. Substances which modify the impact strength, external lubricants, antioxidants, flameproofing agents, UV stabilizers, flow improvers, metal additives for shielding against electromagnetic radiation, antistatic agents, demolding agents, dyes, pigments, adhesion promoters, weathering stabilizers, plasticizers, fillers and the like are preferred.

The preparation of the impact-modifying substances is preferably effected by emulsion polymerization processes. In this way, a stable latex having an arithmetic weight average of the particle size in the range from 0.05 µm to 5 µm is obtained, which latex is usually spray-dried or coagulated/washed dry in order to isolate the polymer.

Emulsifiers suitable for these purposes are known to the person skilled in the art and comprise in particular customary soaps, alkylbenzenesulphonates, such as sodium dodecylbenzenesulphonates, alkyl phenoxypolyethylenesulphonates, sodium laurylsulphates, salts of long-chain amines, salts of long-chain carboxylic and sulphonic acids, etc. Particularly preferred emulsifiers comprise hydrocarbon groups having 8 to 22 carbon atoms, which are linked to highly polar, solubilizing groups, such as alkali metal and ammonium carboxylate groups, sulphate monoester groups, sulphonate groups, phosphate partial ester groups, etc.

The incorporation of the impact-modifying substances can be effected by subsequent mixing. However, it has proved to be particularly useful to add the impact-modifying substances before or during the preparation of the matrix polymer, such as, for example, by dispersing the impact-modifying substances in a monomer mixture which is used for the preparation of the matrix polymer or in a monomer/polymer syrup mixture, which together gives the desired matrix polymer. Equally, the impact-modifying substances can be introduced into a casting mixture in the form of an emulsion, suspension or dispersion in water or in an organic carrier. The water or the organic carrier can then be removed before or after the casting to give the final polymer form. The impact-modifying substances can also be compounded with the polymer by means of extrusion compounding. For further details regarding the addition of impact-modifying substances to matrix polymers, reference is made to US Patent 3,793,402.

A particularly preferred impact-modified matrix polymer is polymethyl methacrylate, which is commercially available from Evonik Röhm GmbH under the trade name Plexiglas® zk6BR.

The polymer matrix preferably has a light transmittance T_{D65} according to DIN 5033/7 in the range from 40% to 93%, preferably greater than 75%, in particular greater than 85%.

The content of the polymer matrix, based on the total weight of the composition, is advantageously 20.0% by weight to 95.0% by weight, preferably 30% by weight to 90% by weight, expediently 50% by weight to 89% by weight, in particular 70% by weight to 88% by weight.

In the present invention, the composition contains, in addition to the polymer matrix, also

(i) first polymer particles having a weight average of the particle size in the range from 30 µm to 1500 µm, preferably in the range from greater than 35 µm to 500 µm, in particular in the range from 40 µm to 150 µm, and
(ii) second polymer particles having a weight average of the particle size of less than 30 µm, preferably in the range from 1 µm to less than 30 µm, in particular in the range from 5 µm to 25 µm.

These polymer particles are preferably dispersed as homogenously as possible in the polymer matrix.

The stated values for the particle size are based in each case on the volume average of the particle size distribution. This particle size distribution can be determined, for example, by a Mastersizer 2000 from Malvern Instruments Ltd., the exact method of measurement for determining the particle size being contained in the user manual. The ISO 13320-1 standard is applicable here and the calculation is effected by the Fraunhofer model and Mie theory. The refractive index n^{20} of 1.489 (PMMA) and the $ABS_{coefficient}$ of 0 are specified as parameters. This method is preferred. In addition, the particle size can be determined by measuring and counting the particles on corresponding scanning electron micrographs.

Expediently, the first polymer particles have a narrow size distribution. Particularly preferably, the standard deviation of the averaged particle diameters is not more than 50 µm, very particularly preferably not more than 40 µm and in particular not more than 35 µm. The standard deviation of the averaged particle diameters of the second particles is preferably not more than 30 µm, expediently not more than 25 µm, in particular not more than 20 µm, even more preferably not more than 15 µm and extremely expediently not more than 12.5 µm.

In particularly preferred developments of the present invention, first and second polymer particles which do not coagulate, aggregate or agglomerate or do so only to a small extent are used. In the context of the invention, the statement "coagulate only to a small extent" is understood as meaning that, on incorporation of the particles into a polymeric matrix and subsequent processing by extrusion, no inhomogeneities or specks (point-like isolated elevations) occur on the surface of the molding thus produced.

The refractive index of the polymer particles may be of very particular interest for achieving the aims according to the invention. The difference between the refractive index of the first polymer particles and the refractive index of the polymer matrix should advantageously be, as an absolute value, less than 0.015, preferably less than 0.013, expediently less than 0.01, in particular less than 0.007, even more preferably 0.005 or 0.0035 or 0.002. The difference between the refractive index of the second polymer particles and the refractive index of the polymer matrix should as far as possible be, as an absolute value, greater than or equal to 0.015, preferably greater than 0.016, expediently greater than 0.018, in particular greater than 0.02, very particularly preferably greater than 0.025, even more preferably greater than 0.03, greater than 0.033 or greater than 0.035.

The values for the refractive index are determined according to ISO 489 at λ = 589.3 nm. Besides, the data are based on 25°C. This also applies to all other measured quantities referred to here unless another reference temperature is expressly specified.

In the context of the present invention, both the first and the second polymer particles are crosslinked. In this context, "crosslinked" means that the particles can be dissolved only in small amounts in a strong organic solvent, such as tetrahydrofuran (THF). Here, "small amount" means that the polymer-soluble

fraction is not more than 7% by weight, based on the total weight of the particles used in the method of measurement. The polymer-soluble fraction is determined as follows:
the polymer particles are dissolved in THF and centrifuged for 3 hours at 21 000 rpm. In each case 15 ml of the supernatant are taken off and are made up again with about 15 ml of THF. This was repeated 3 times. The supernatant taken off is filtered through a 0.45 µm membrane filter, then reduced to 60 ml and centrifuged again for 3 hours. After the centrifuging, the supernatant is evaporated down and is analysed by means of NMR and GC-MS.

The crosslinking of the polymer particles is preferably achieved by copolymerization with suitable crosslinking monomers which usually have more than one unit capable of polymerization, preferably free radical polymerization, in the molecule. Those having at least two vinylic groups, in particular divinylbenzene, furthermore acrylates and methacrylates and acrylamides and methacrylamides of polyols, in particular glycol di(meth)acrylate, 1,3- and 1,4-butanediol (meth)acrylate, trimethylolpropane tri(meth)acrylate, tetraethylene glycol di(meth)acrylate, further monomers which contain vinylidene, (capped) amidomethylol, carbamide methylol ether, azlactone and epoxy groups, in particular N-methylol (meth)acrylamide, methylenebisacrylamide and methacrylamide, glycidyl (meth)acrylate, and also crosslinking monomers having unsaturated groups of graded reactivity in the molecule, in particular the vinyl, allyl and crotyl esters of acrylic and/or methacrylic acid, are preferred. Allyl methacrylate, divinylbenzene and/or ethylene glycol dimethacrylate are particularly preferably used. Further details of such monomers appear in H. Rauch-Puntigam, Th. Völker, Acryl- und Methacrylverbindungen [Acrylic and methacrylic compounds], Springer-Verlag Berlin, 1967.

The proportion of the crosslinking monomers, based on the total weight of the

respective monomer mixture, is advantageously in the range from 0.1% by weight to 5.0% by weight, in particular in the range from 0.5% by weight to 1.5% by weight.

The crosslinking is intended, inter alia, to ensure that the particles do not melt during the processing at elevated temperature (up to about 300°C).

Regarding their composition, the crosslinked particles are not subject to any particular limitations.

Polyalkyl (meth)acrylates are particularly preferred as first polymer particles. These polymers can be used individually and as a mixture. Furthermore, these polymers may also be present in the form of copolymers.

In the context of the present invention, homo- and copolymers of C_1-C_{18}-alkyl (meth)acrylates, expediently of C_1-C_{10}-alkyl (meth)acrylates, in particular of C_1-C_4-alkyl (meth)acrylate polymers, which optionally may also contain monomer units differing therefrom, are particularly preferred.

The use of copolymers which contain 70% by weight to 99% by weight, in particular 70% by weight to 90% by weight, of C_1-C_{10}-alkyl (meth)acrylates has proved to be very particularly useful. Preferred C_1-C_{10}-alkyl methacrylates comprise methyl methacrylate, ethyl methacrylate, propyl methacrylate, isopropyl methacrylate, n-butyl methacrylate, isobutyl methacrylate, tert-butyl methacrylate, pentyl methacrylate, hexyl methacrylate, heptyl methacrylate, octyl methacrylate, isooctyl methacrylate and ethylhexyl methacrylate, nonyl methacrylate, decyl methacrylate and cycloalkyl methacrylates, such as, for example, cyclohexyl methacrylate, isobornyl methacrylate or ethylcyclohexyl methacrylate. Preferred C_1-C_{10}-alkyl acrylates comprise methyl acrylate, ethyl acrylate, propyl acrylate, isopropyl acrylate, n-butyl acrylate, isobutyl acrylate,

tert-butyl acrylate, pentyl acrylate, hexyl acrylate, heptyl acrylate, octyl acrylate, isooctyl acrylate, nonyl acrylate, decyl acrylate and ethylhexyl acrylate and cycloalkyl acrylates, such as, for example, cyclohexyl acrylate, isobornyl acrylate or ethylcyclohexyl acrylate.

Very particularly preferred copolymers comprise 80% by weight to 99% by weight of MMA units and 1% by weight to 20% by weight, preferably 1% by weight to 5% by weight, of C_1-C_{10}-alkyl acrylate units, in particular methyl acrylate and/or ethyl acrylate units.

The use of second polymer particles which contain at least one monomer which is capable of free radical polymerization and comprises at least one aromatic radical is furthermore particularly preferred. Said radicals are preferably styrene and its methyl-substituted derivatives, such as alpha-methyl and p-methylstyrene, p-ethylstyrene, and halogenated derivatives of styrene, such as p-chlorostyrene. Furthermore, phenyl acrylate and methacrylate, xylylene methacrylate and acrylate, in particular in the m-form, 4-methylphenyl acrylate and methacrylate, 2-phenylethyl acrylate and methacrylate, 3-phenyl-1-propyl methacrylate and acrylate, 2-phenyloxyethyl acrylate and methacrylate and benzyl methacrylate are furthermore preferred as monomer A of the formula (I). The proportion of the aromatic monomers is preferably greater than 50% by weight, based on the total weight of the first polymer particles.

A detailed description of the preparation of such particles is to be found, for example, in EP1219641, Example 2. Reference is hereby made to this document for the purpose of disclosure.

Furthermore particularly expediently used as second polymer particles are those which are commercially available under the name "Techpolymer® SBX8" from the manufacturer Sekisui Chemical Co. Ltd., Japan. These are polymer

particles which consist of crosslinked polystyrene and have a volume average of the particle size of 6 to 10 µm.

The composition of the polymer particles can be determined by means of a pyrolysis GC/MS spectrometer, the polymer material being pyrolysed at an elevated temperature and the decomposed constituents being further analysed for quantitative determination.

Suspension polymerization processes (bead polymerizations) have proved to be very particularly useful for the preparation of the polymer particles. In this process, the monomers are distributed as the disperse phase by the action of mechanical forces (stirring) in a nonsolvent (continuous phase) and are polymerized in this form. The polymer formed is predominantly soluble in the monomer. Under the influence of the surface tension, the monomer forms spherical drops. In order to retain the drop shape during the polymerization and to prevent the coalescence of drops, so-called "dispersants" or distributors (protective colloids), preferably substances which can be completely separated off from the polymer obtained in bead form after the end of the polymerization, are added to the polymerization batch.

The "distributor" ensures that the monomer droplets, once formed, are stabilized to such an extent that combination of drops is practically absent.

As a rule, water is used as the continuous phase. Primarily sparingly soluble to water-insoluble monomers capable of free radical polymerization are therefore suitable as monomers suitable for the polymerization. (cf. Houben-Weyl, 4th edition, Vol. XIV/1 "Makromolekulare Stoffe [Macromolecular Substances]", pages 406-433, G. Thieme Verlag 1961.)

Distributors used are preferably (water insoluble) salts of inorganic acids, such

as barium sulphate or barium carbonate, or high molecular weight natural substances or synthetic polymers. The group consisting of the high molecular weight distributors includes water-soluble colloids, such as polyvinyl alcohol, partly hydrolysed polyvinyl acetate, methylcellulose, starch, gelatin, pectin, the alkali metal salts of polyacrylic acid or the alkali metal salts of styrene- or vinyl acetate-maleic anhydride copolymers, etc. (cf. Houben-Weyl, loc. cit. pages 411-430.) The ratio of the aqueous phase to the monomer phase is preferably 2 : 1 to 4 : 1.

It is known that initiators which are soluble to a first approximation in the monomers but insoluble in water are used in the bead polymerization. In general, the amount of initiator used is 0.1% by weight to 1% by weight, preferably about 0.5% by weight, based on the monomers. Preferably used initiators are the customary organic peroxides soluble in the monomer or corresponding azo compounds, such as, for example, dibenzoyl peroxide, lauroyl peroxide, azoisobutyronitrile. Free radical formers having higher decomposition temperatures can additionally be used if the temperature is increased towards the end of the reaction for polymerization which is as complete as possible. The bead size can be adjusted within the claimed range.

Furthermore, the lubricants usually used, such as fatty alcohols, stearic acid esters, palmitic acid esters or natural waxes may be added - preferably before the polymerization.

The polymerization can be carried out in practice by initially introducing the water, the monomers, initiator, dispersants and optionally lubricant together and then heating, for example to about 90°C. Optionally the excess heat of polymerization, in particular from 95°C, is removed by external cooling. Temperatures above 115°C should as far as possible be avoided. The duration of the polymerization is usually in the range from 1 to 5 hours. The viscosity of

the polymerization batch (measured using a Brookfield viscometer at the polymerization temperature) is in general in the range between 800 mPa·s and 8000 mPa·s.

The lubricants, some of which are reactive, are preferably added only from a conversion of about 20%. The addition of regulators can also be effected in the course of the polymerization.

After the end of the reaction, the beads are generally separated off by filtration or centrifuging. Adhering additives can be removed in a suitable manner, for example by washing with dilute acid and water. The beads are frequently dried with heating, preferably with air circulation, e.g. in tray dryers.

It is within the scope of the present invention to dye or color the crosslinked particles during the suspension process. The advantages of using dyed or colored particles compared with a colored matrix material are flexibility with regard to production, reduction of costs, better color distribution, reduced surface gloss, deep and natural color distribution and a reduced cleaning effort in the case of the production of different products.

The introduction of the crosslinked polymer particles into the composition according to the invention can be effected by mixing the components, the constituents preferably being distributed homogeneously in the composition.

The content of the first polymer particles, based on the total weight of the composition, is advantageously 0.1% by weight to 20.0% by weight, preferably 1% by weight to 18% by weight, expediently 3.0% by weight to 15.0% by weight, in particular 4.0% by weight to 12.0% by weight.

The content of the second polymer particles, based on the total weight of the

composition, is advantageously 0.1% by weight to 20.0% by weight, preferably 0.2% by weight to 18.0% by weight, expediently 0.3% by weight to 14.0% by weight, in particular 0.4% by weight to 10.0% by weight.

The composition can be further processed, in particular formed, like conventional thermoplastics to give different end products. Preferred forming processes comprise profile extrusion, slab and sheet extrusion, injection molding and transfer molding. The product resulting from the slab, sheet or profile extrusion has a structured surface and a matt appearance without special patterned rollers, rolls or polishing or grinding apparatuses being required. The product which is obtained by injection molding has a matt appearance.

The expression "structured surface" as used here describes a surface having the following roughness:

- The centre line average value Ra is at least 1.0 µm, preferably at least 2.7 µm, in particular at least 4.55 µm.
- The averaged peak-to-valley height Rz is at least 10 µm, preferably at least 22 µm, in particular at least 31 µm.
- The peak-to-valley height Rt is at least 20 µm, preferably at least 28 µm, in particular at least 38 µm.

The surface roughness is determined according to DIN EN ISO 4287 and DIN EN ISO 4288.

One of the advantages of the present invention is that the total white light transmission (TWLT) is much greater than in the case of similar commercial products which are provided with inorganic fillers, such as barium sulphate or color concentrate, for achieving a matt appearance. For example, PMMA

pigmented with barium sulphate has a TWLT value of 47% whereas TWLT values of above 80% can be achieved according to the invention. The TWLT value is measured according to ASTM: E1331 and E1164, preferably with the use of a Hunterlab colorimeter D25 model.

The matt appearance can be determined by means of an opacity or light opacity measurement (turbidity measurement). The higher the opacity value, the better the hiding power or the power of masking identity. In order to achieve a matt appearance, the opacity should be at least 10%. The polymer particle load and the difference between the refractive indices influence the hiding power of the sample, which is expressed by the opacity number. The determination of the opacity values is preferably effected according to the standards ASTM D2805-80, ASTM D589-65, TAPPI T-425 and TAPPI T-519.

The composition according to the invention and the moldings obtainable therefrom preferably have a light transmittance T_{D65} according to DIN 5033/7 of at least 50%, preferably of at least 55%, particularly preferably of at least 70%, in particular in the range from 80% to less than 90%.

Moldings obtainable from the compositions according to the invention preferably have a half-intensity angle (HIA), measured according to DIN 5036 using a GO-T-1500 goniometer test unit from LMT, in the range of greater than 5° and less than 60°. HIA values in the range of greater than 10° and less than 50° are particularly expedient. Values in the range of greater than 15° and less than 45° are very particularly expedient and values for HIA in the range of greater than 20° and less than 40° are even more preferred.

The tensile strength (ISO 527) of moldings obtainable from the composition is preferably at least 20 MPa, preferably at least 40 MPa, particularly preferably at least 50 MPa, in particular at least 60 MPa.

The modulus of elasticity of moldings obtainable from the composition according to ISO 527 is advantageously greater than 1600 MPa, preferably greater than 1700 MPa, with the use of impact-resistant polymer matrices.

The Charpy impact strength, according to ISO 179, of moldings obtainable from the composition is preferably at least 30 kJ/m^2, preferably at least 40 kJ/m^2, in particular at least 50 kJ/m^2, with the use of impact-resistant polymer matrices.

The tensile strain at yield, according to ISO 527, of moldings obtainable from the composition is advantageously greater than 3%, preferably greater than 4%.

The tensile strain at break, according to ISO 527, of moldings obtainable from the composition is preferably at least 2% and, with the use of impact-resistant polymer matrices, preferably at least 15%, in particular at least 30%.

The Vicat softening temperature VET (ISO 306-B50) of the composition according to the invention and of the moldings obtainable therefrom is preferably at least 95°C, preferably at least 97°C, particularly preferably at least 103°C, in particular greater than 104°C, with the use of non-impact-resistant polymer matrices.

The melt volume flow rate MVR (ISO 1133, 230°C/3.8 kg) of the composition according to the invention and of the moldings obtainable therefrom is preferably at least 1.0 $cm^3/10$ min, preferably at least 1.3 $cm^3/10$ min, with the use of impact-resistant polymer matrices and particularly preferably at least 3.0 $cm^3/10$ min, in particular at least 4.5 $cm^3/10$ min, with the use of non-impact-resistant polymer matrices.

The moldings obtainable according to the invention can be used in particular for

lighting, signs or symbols, points-of-sale and cosmetic display stands, containers, home and office decorations, furniture applications, shower cabinet doors and office doors. The invention is further explained by the following examples and comparative examples without it being intended to limit the concept of the invention thereby.

The following materials were used:

A1) Matrix 1

Glass-clear PLEXIGLAS zk6BR from Evonik Röhm GmbH was used as matrix 1. The refractive index of the material was 1.4933 (n_D^{25}).

A2) Matrix 2

Glass-clear PLEXIGLAS 7N from Evonik Röhm GmbH was used as matrix 2. The refractive index of the material was 1.4939 (n_D^{25}).

B1) Bead polymer 1 (= bead 1)

In a 100 l V4A steel reactor which was provided with a nitrogen inlet and a paddle stirrer, 600 g of $Al_2(SO_4)_3 \cdot 18H_2O$ and 6 g of sodium paraffinsulphonate were dissolved in 50 l of demineralized water at 85°C by stirring at 350 rpm. The aluminum compound used as a dispersant was precipitated by addition of 264 g of sodium carbonate.

A monomer mixture comprising 5.9 kg of methyl methacrylate, 4.0 kg of styrene and 0.1 kg of glycol dimethacrylate and 0.2 kg of dilauroyl peroxide was then added under nitrogen. The polymerization was carried out at 80°C for 140 minutes and then at 90°C for 60 minutes with stirring. The polymerization

mixture was then cooled to 50°C and treated with 600 ml of sulphuric acid (50%) in order to dissolve the dispersant. The beads were filtered off, washed with demineralized water and dried for 20 hours at 50°C.

The volume average of the particle size was 39.7 µm, the particle size standard deviation was 11 µm and the refractive index of the beads was 1.5248 (n_D^{25}).

C1) Bead polymer 2 (= bead 2)

For preparation, cf. EP 1219641, Example 2

The volume average of the particle size was 20.4 µm, the particle size standard deviation was 8.4 µm and the refractive index of the beads was 1.5174 (n_D^{25}).

B2) Bead polymer 3 (= bead 3)

In a 15 V2A steel reactor which was provided with a nitrogen inlet and a propeller stirrer, 94.5 g of $Al_2(SO_4)_3 \cdot 14H_2O$ were dissolved in 8127.0 ml of demineralized water at 40°C by stirring at 220 rpm. The aluminum compound was then precipitated by addition of 378 g of 10% strength sodium carbonate solution. This was followed by the addition of 0.47 g of sodium C_{15}-paraffinsulphonate and of 0.47 g of lubricant as a 1% strength solution. The pH of the aqueous phase was about 5-5.5.

A mixture of 1795.5 g of methyl methacrylate, 75.6 g of ethyl acrylate and 18.9 g of glycol dimethacrylate and 37.8 g of dilauroyl peroxide, 3.78 g of tert-butyl per-2-ethylhexanoate and 5.67 g of tert-dodecyl mercaptan was then added under nitrogen. The polymerization was carried out at 90°C for 60 minutes with stirring (220 rpm). The polymerization mixture was then cooled to 40°C and acidified with 29 ml of sulphuric acid (50%). The beads were

filtered off, washed with demineralized water and dried for 20 hours at 50°C.

The volume average of the particle size was 43.1 µm, the particle size standard deviation was 26.7 µm and the refractive index of the beads was 1.4888 (n_D^{25}).

C2) Bead polymer 4 (= bead 4)

A crosslinked polystyrene bead obtainable under the name Techpolymer® SBX-8 from the manufacturer Sekisui Chemical Co. Ltd., Japan, and having an average particle diameter of 8 µm was used. The volume average of the particle size was 8.2 µm, the particle size standard deviation was 3.1 µm and the refractive index of the beads was 1.5891 (n_D^{25}).

The components were mixed with one another and investigated with regard to their properties. The proportions of the respective components are shown in Table 1.

Table 1: Compositions (proportions by weight in brackets)

	Matrix	Bead with $\Delta n > 0.015$	Bead with $\Delta n < 0.015$
B 1	Matrix 1 (90)	Bead 2 (4)	Bead 3 (6)
B 2	Matrix 1 (83)	Bead 2 (7)	Bead 3 (10)
B 3	Matrix 1 (93.5)	Bead 4 (0.5)	Bead 3 (6)
B 4	Matrix 1 (87)	Bead 4 (1)	Bead 3 (12)
B 5	Matrix 2 (83)	Bead 2 (7)	Bead 3 (10)
B 6	Matrix 2 (87)	Bead 4 (1)	Bead 3 (12)
VB 1	Matrix 1 (94)	Bead 1 (6)	-
VB 2	Matrix 1 (88)	Bead 1 (12)	-
VB 3	Matrix 2 (94)	Bead 1 (6)	-
VB 4	Matrix 2 (88)	Bead 1 (12)	-

The individual components were mixed by means of a single-screw extruder.

The melt volume flow rate MVR (test standard ISO 1133: 1997) was determined.

Test specimens were produced from the mixed molding materials by injection molding and strip extrusion. In the processing, metal abrasion was found neither during the strip extrusion nor during the injection molding. The corresponding test specimens were tested by the following methods:

Vicat (16 h/80°C):	Determination of the Vicat softening temperature (test standard DIN ISO 306: August 1994)
IS (Charpy 179/1eU):	Determination of the Charpy impact strength (test standard: ISO 179: 1993)
Modulus of elasticity:	Determination of the modulus of elasticity (test standard: ISO 527-2)
Tensile strength:	Determination of the tensile stress at break (test standard: ISO 527; 5 mm/min), and of the tensile stress at yield (test standard: ISO 527; 50 mm/min)
Tensile strain at yield:	Determination of the tensile strain at yield (test standard: ISO 527; 50 mm/min)
Tensile strain at break:	Determination of the (nominal) tensile strain at break (test standard: ISO 527)
Transmittance (T):	according to DIN 5036
Half-intensity angle (HIA):	measured according to DIN 5036 using a GO-T-1500 goniometer test unit from LMT
Surface roughness:	roughness parameters Ra, Rz and Rt according to DIN 4768. Ra values < 2 µm were determined with a cut-off of 0.8 mm and in the case of Ra ≥ 2 µm with a cut-off of

2.5 mm. The roughness measurements were carried out using a Form Talysurf 50; the manufacturer is Rank Taylor Hobson GmbH.

Table 2 summarizes the results obtained. It is evident that moldings having a matt and structured surface character are obtained by the solution according to the invention. The roughness of the moldings is increased and at the same time they scatter the light very well with little energy loss.

Table 2

	B1	B2	B3	B4	B5	B6	VB1	VB2	VB3	VB4
Light transmittance (D65/10) [%]	87.8	82.7	72	57.3	84.3	57	87.4	81.8	87.8	80
1 - Half-intensity angle	13.7	21	11.4	41.5	20.7	45.2	12.3	20.7	13.9	24.2
Scattering power										
Centre line average value Ra (2.5 mm) [µm]	2.74	4.83	3.33	4.81	4.41	4.24	2.64	4.52	2.35	3.59
Averaged peak-to-valley height Rz (2.5 mm) [µm]	22.4	37.66	27.59	33.7	31.95	29.79	21.32	30.31	18.11	25.85
Peak-to-valley height Rt (2.5 mm) [µm]	28.86	50.01	36.14	43.71	40.15	37.4	27.64	37.4	23.25	32.27
Charpy impact strength [MPa]		34.3		32.6				58.3		
Tensile strength (brittle 5 mm/min, tough(*) 50 mm/min) [MPa]		45.8*		47*	59.7	63.7		46.5*		59.6
Modulus of elasticity (brittle 5 mm/min, tough (*) 50 mm/min) [MPa]		1983*		1905*	3330	3297		1904*		3311
Tensile strain at yield (tough 50 mm/min) [%]		3.8		4.3	-	-		4.2		-
Tensile strain at break (brittle 5 mm/min, tough (*) 50 mm/min) [%]		15.1*		17*	2.4	2.8		37.3*		2.3
Vicat (16 h/80°C) [°C]	97.4	96.9	98	98.9	103.2	104.9	98.3	98.5	103.9	103.9
MVR (230°C;3.8 kg) [cm^3/10 min]	1.4	1.1	1.4	1.3	4.6	4.9	1.4	1.3	5.6	5.2

Patent claims:

1. Composition for the production of moldings having a matt and structured surface character, comprising a polymer matrix and crosslinked polymer particles, characterized in that the composition contains
   (i) first crosslinked polymer particles having a volume average of the particle size in the range from 30 µm to 1500 µm and
   (ii) second crosslinked polymer particles having a volume average of the particle size of less than 30 µm,
   the difference between the refractive index of the first polymer particles and the refractive index of the polymer matrix, measured in each case at 25°C, being less than 0.015 as an absolute value and the difference between the refractive index of the second polymer particles and the refractive index of the polymer matrix, measured at 25°C, being greater than or equal to 0.015 as an absolute value.

2. Composition according to Claim 1, characterized in that the first crosslinked polymer particles have a volume average of the particle size in the range from 35 µm to 500 µm.

3. Composition according to Claim 2, characterized in that the first crosslinked polymer particles have a volume average of the particle size in the range from 40 µm to 150 µm.

4. Composition according to at least one of the preceding claims, characterized in that the second crosslinked polymer particles have a volume average of the particle size in the range from 1 µm to less than 30 µm.

5. Composition according to Claim 4, characterized in that the second crosslinked polymer particles have a volume average of the particle size in the range from 5 µm to 25 µm.

6. Composition according to at least one of the preceding claims, characterized in that the difference between the refractive indices of the polymer matrix and first polymer particles, measured at 25°C, is less than 0.01 as an absolute value.

7. Composition according to at least one of the preceding claims, characterized in that the matrix polymer comprises a homo- and copolymer of C_1-C_{18}-alkyl (meth)acrylates, which homo- or copolymer may optionally also contain monomer units differing therefrom.

8. Composition according to at least one of the preceding claims, characterized in that the first polymer particles comprise a homo- or copolymer of C_1-C_{18}-alkyl (meth)acrylates, which homo- or copolymer may optionally also contain monomer units differing therefrom.

9. Composition according to at least one of the preceding claims, characterized in that the second polymer particles comprise repeating units which have at least one aromatic radical.

10. Composition according to at least one of the preceding claims, characterized in that the polymer particles are obtainable by crosslinking with allyl methacrylate, divinylbenzene and/or ethylene glycol dimethacrylate.

11. Composition according to at least one of the preceding claims, characterized in that they contain, based in each case on their total weight,
    a. 20.0% by weight to 90% by weight of a polymer matrix,
    b. 0.1% by weight to 20.0% by weight of first polymer particles and
    c. 0.1% by weight to 20.0% by weight of second polymer particles.

12. Moldings having a matt and structured surface character, obtainable by

forming a composition according to Claim 1.

13. Moldings according to Claim 12, obtainable by extrusion of a composition according to Claim 1.

14. Moldings according to Claim 12 or 13, having a half-intensity angle at 3 mm thickness of at least 10% and an averaged peak-to-valley height Rz of at least 10 µm.

15. Use of a molding according to Claim 12, 13 or 14 as a component for lighting, signs and symbols, points-of-sale, cosmetics display stands, containers, home or office decorations, furniture applications, shower cabinet doors and office doors.

INTERNATIONAL SEARCH REPORT

International application No
PCT/EP2008/061352

A. CLASSIFICATION OF SUBJECT MATTER
INV. C08L33/08 C08L33/10

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

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)
C08L

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

Electronic data base consulted during the international search (name of data base and, where practical, search terms used)
EPO-Internal, WPI Data

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
A	EP 1 022 115 A (ATOCHEM ELF SA [FR] ATOFINA [FR]) 26 July 2000 (2000-07-26) cited in the application the whole document	1-15
A	EP 0 422 837 A (DOW CHEMICAL CO [US]) 17 April 1991 (1991-04-17) the whole document	1-15
A	DE 199 61 894 A1 (BASF AG [DE]) 21 June 2001 (2001-06-21) the whole document	1-15

☐ Further documents are listed in the continuation of Box C.

☒ See patent family annex.

* Special categories of cited documents :

"A" document defining the general state of the art which is not considered to be of particular relevance

"E" earlier document but published on or after the international filing date

"L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)

"O" document referring to an oral disclosure, use, exhibition or other means

"P" document published prior to the international filing date but later than the priority date claimed

"T" later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention

"X" document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone

"Y" document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art.

"&" document member of the same patent family

Date of the actual completion of the international search	Date of mailing of the international search report
4 Dezember 2008	15/12/2008

Name and mailing address of the ISA/	Authorized officer
European Patent Office, P.B. 5818 Patentlaan 2 NL – 2280 HV Rijswijk Tel. (+31-70) 340-2040, Fax: (+31-70) 340-3016	Simmerl, Reinhold

INTERNATIONAL SEARCH REPORT

Information on patent family members

International application No
PCT/EP2008/061352

Patent document cited in search report	Publication date	Patent family member(s)	Publication date
EP 1022115 A	26-07-2000	AT 263018 T	15-04-2004
		BR 0000137 A	08-08-2000
		CA 2296162 A1	21-07-2000
		CN 1267678 A	27-09-2000
		DE 60009361 D1	06-05-2004
		DE 60009361 T2	17-02-2005
		DK 1022115 T3	02-08-2004
		ES 2218065 T3	16-11-2004
		HK 1030005 A1	09-12-2005
		JP 2000212293 A	02-08-2000
		PT 1022115 T	30-07-2004
		US 7067188 B1	27-06-2006
EP 0422837 A	17-04-1991	AU 624737 B2	18-06-1992
		AU 6388390 A	11-04-1991
		BR 9005030 A	10-09-1991
		CA 2027104 A1	10-04-1991
		JP 3152109 A	28-06-1991
DE 19961894 A1	21-06-2001	WO 0146317 A1	28-06-2001

INTERNATIONALER RECHERCHENBERICHT

Internationales Aktenzeichen
PCT/EP2008/061352

A. KLASSIFIZIERUNG DES ANMELDUNGSGEGENSTANDES
INV. C08L33/08 C08L33/10

Nach der Internationalen Patentklassifikation (IPC) oder nach der nationalen Klassifikation und der IPC

B. RECHERCHIERTE GEBIETE

Recherchierter Mindestprüfstoff (Klassifikationssystem und Klassifikationssymbole)
C08L

Recherchierte, aber nicht zum Mindestprüfstoff gehörende Veröffentlichungen, soweit diese unter die recherchierten Gebiete fallen

Während der internationalen Recherche konsultierte elektronische Datenbank (Name der Datenbank und evtl. verwendete Suchbegriffe)
EPO-Internal, WPI Data

C. ALS WESENTLICH ANGESEHENE UNTERLAGEN

Kategorie*	Bezeichnung der Veröffentlichung, soweit erforderlich unter Angabe der in Betracht kommenden Teile	Betr. Anspruch Nr.
A	EP 1 022 115 A (ATOCHEM ELF SA [FR] ATOFINA [FR]) 26. Juli 2000 (2000-07-26) in der Anmeldung erwähnt das ganze Dokument	1-15
A	EP 0 422 837 A (DOW CHEMICAL CO [US]) 17. April 1991 (1991-04-17) das ganze Dokument	1-15
A	DE 199 61 894 A1 (BASF AG [DE]) 21. Juni 2001 (2001-06-21) das ganze Dokument	1-15

☐ Weitere Veröffentlichungen sind der Fortsetzung von Feld C zu entnehmen ☒ Siehe Anhang Patentfamilie

* Besondere Kategorien von angegebenen Veröffentlichungen :
"A" Veröffentlichung, die den allgemeinen Stand der Technik definiert, aber nicht als besonders bedeutsam anzusehen ist .
"E" älteres Dokument, das jedoch erst am oder nach dem internationalen Anmeldedatum veröffentlicht worden ist
"L" Veröffentlichung, die geeignet ist, einen Prioritätsanspruch zweifelhaft erscheinen zu lassen, oder durch die das Veröffentlichungsdatum einer anderen im Recherchenbericht genannten Veröffentlichung belegt werden soll oder die aus einem anderen besonderen Grund angegeben ist (wie ausgeführt)
"O" Veröffentlichung, die sich auf eine mündliche Offenbarung, eine Benutzung, eine Ausstellung oder andere Maßnahmen bezieht
"P" Veröffentlichung, die vor dem internationalen Anmeldedatum, aber nach dem beanspruchten Prioritätsdatum veröffentlicht worden ist
"T" Spätere Veröffentlichung, die nach dem internationalen Anmeldedatum oder dem Prioritätsdatum veröffentlicht worden ist und mit der Anmeldung nicht kollidiert, sondern nur zum Verständnis des der Erfindung zugrundeliegenden Prinzips oder der ihr zugrundeliegenden Theorie angegeben ist
"X" Veröffentlichung von besonderer Bedeutung; die beanspruchte Erfindung kann allein aufgrund dieser Veröffentlichung nicht als neu oder auf erfinderischer Tätigkeit beruhend betrachtet werden
"Y" Veröffentlichung von besonderer Bedeutung; die beanspruchte Erfindung kann nicht als auf erfinderischer Tätigkeit beruhend betrachtet werden, wenn die Veröffentlichung mit einer oder mehreren anderen Veröffentlichungen dieser Kategorie in Verbindung gebracht wird und diese Verbindung für einen Fachmann naheliegend ist
"&" Veröffentlichung, die Mitglied derselben Patentfamilie ist

Datum des Abschlusses der internationalen Recherche	Absendedatum des internationalen Recherchenberichts
4. Dezember 2008	15/12/2008

Name und Postanschrift der Internationalen Recherchenbehörde	Bevollmächtigter Bediensteter
Europäisches Patentamt, P.B. 5818 Patentlaan 2 NL – 2280 HV Rijswijk Tel. (+31-70) 340-2040, Fax: (+31-70) 340-3016	Simmerl, Reinhold

INTERNATIONALER RECHERCHENBERICHT

Angaben zu Veröffentlichungen, die zur selben Patentfamilie gehören

Internationales Aktenzeichen
PCT/EP2008/061352

Im Recherchenbericht angeführtes Patentdokument	Datum der Veröffentlichung	Mitglied(er) der Patentfamilie	Datum der Veröffentlichung
EP 1022115 A	26-07-2000	AT 263018 T	15-04-2004
		BR 0000137 A	08-08-2000
		CA 2296162 A1	21-07-2000
		CN 1267678 A	27-09-2000
		DE 60009361 D1	06-05-2004
		DE 60009361 T2	17-02-2005
		DK 1022115 T3	02-08-2004
		ES 2218065 T3	16-11-2004
		HK 1030005 A1	09-12-2005
		JP 2000212293 A	02-08-2000
		PT 1022115 T	30-07-2004
		US 7067188 B1	27-06-2006
EP 0422837 A	17-04-1991	AU 624737 B2	18-06-1992
		AU 6388390 A	11-04-1991
		BR 9005030 A	10-09-1991
		CA 2027104 A1	10-04-1991
		JP 3152109 A	28-06-1991
DE 19961894 A1	21-06-2001	WO 0146317 A1	28-06-2001

APPENDIX E

Claims Correspondence Table

Request for Participation in the
Patent Prosecution Highway Program
U.S. Patent Application No. 12/738,033
Attorney Docket No. 357425US0PCT

CLAIMS CORRESPONDENCE TABLE

Claims in US Application	Patentable Claims in PCT Application	Explanation regarding the correspondence
Claim 1	Claim 1	Claim 1 of the US application is substantively identical to claim 1 of the PCT application.
Claim 2	Claim 2	Claim 2 of the US application is substantively identical to claim 2 of the PCT application.
Claim 3	Claim 3	Claim 3 of the US application is substantively identical to claim 3 of the PCT application.
Claim 4	Claim 4	Claim 4 of the US application is substantively identical to claim 4 of the PCT application.
Claim 5	Claim 5	Claim 5 of the US application is substantively identical to claim 5 of the PCT application.
Claim 6	Claim 6	Claim 6 of the US application is substantively identical to claim 6 of the PCT application, except that PCT claim 6 depends from any one of PCT claims 1 to 5, while US claim 7 depends only from US claim 1.
Claim 7	Claim 7	Claim 7 of the US application is substantively identical to claim 7 of the PCT application, except that PCT claim 7 depends from any one of PCT claims 1 to 6, while US claim 7 depends only from US claim 1.
Claim 8	Claim 8	Claim 8 of the US application is substantively identical to claim 8 of the PCT application, except that PCT claim 8 depends from any one of PCT claims 1 to 7, while US claim 8 depends only from US claim 1.
Claim 9	Claim 9	Claim 9 of the US application is substantively identical to claim 9 of the PCT application, except that PCT claim 9 depends from any one of PCT claims 1 to 8, while US claim 9 depends only from US claim 1.
Claim 10	Claim 10	Claim 10 of the US application is substantively identical to claim 10 of the PCT application, except that PCT claim 10 depends from any one of PCT claims 1 to 9, while US claim 10 depends only from US claim 1.

Request for Participation in the
Patent Prosecution Highway Program
U.S. Patent Application No. 12/738,033
Attorney Docket No. 357425US0PCT

CLAIMS CORRESPONDENCE TABLE

Claims in US Application	Patentable Claims in PCT Application	Explanation regarding the correspondence
Claim 11	Claim 11	Claim 11 of the US application is substantively identical to claim 11 of the PCT application, except that PCT claim 11 depends from any one of PCT claims 1 to 10, while US claim 11 depends only from US claim 1.
Claim 12	Claim 12	Claim 12 of the US application is substantively identical to claim 12 of the PCT application.
Claim 13	Claim 13	Claim 13 of the US application is substantively identical to claim 13 of the PCT application.
Claim 14	Claim 14	Claim 14 of the US application is substantively identical to claim 14 of the PCT application, except that PCT claim 14 depends from any one of PCT claims 12 to 13, while US claim 14 depends only from US claim 12.
Claim 16	Claim 1	Claim 16 of the US application is narrower in scope than claim 1 of the PCT application. US claim 16 is supported by the specification of the US application and is presented in dependent form.
Claim 17	Claim 1	Claim 17 of the US application is narrower in scope than claim 1 of the PCT application. US claim 16 is supported by the specification of the US application and is presented in dependent form.
Claim 18	Claim 1	Claim 18 of the US application is narrower in scope than claim 1 of the PCT application. US claim 16 is supported by the specification of the US application and is presented in dependent form.
Claim 19	Claim 1	Claim 19 of the US application is narrower in scope than claim 1 of the PCT application. US claim 16 is supported by the specification of the US application and is presented in dependent form.
Claim 20	Claim 1	Claim 20 of the US application is narrower in scope than claim 1 of the PCT application. US claim 16 is supported by the specification of the US application and is presented in dependent form.

Request for Participation in the
Patent Prosecution Highway Program
U.S. Patent Application No. 12/738,033
Attorney Docket No. 357425US0PCT

CLAIMS CORRESPONDENCE TABLE

Claims in US Application	Patentable Claims in PCT Application	Explanation regarding the correspondence
Claim 21	Claim 1	Claim 21 of the US application is narrower in scope than claim 1 of the PCT application. US claim 16 is supported by the specification of the US application and is presented in dependent form.

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.
12/738,033	04/14/2010	Klaus Schultes	357425US0PCT	8581

22850 7590 01/11/2011

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

EXAMINER	
JACKSON, MONIQUE R	
ART UNIT	**PAPER NUMBER**
1787	

NOTIFICATION DATE	DELIVERY MODE
01/11/2011	ELECTRONIC

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

BC

January 10, 2011

In re application of	:	DECISION ON REQUEST TO
Klaus Schultes et al.	:	PARTICIPATE IN PATENT
Serial No. 12/738,033	:	PROSECUTION HIGHWAY
Filed: April 14, 2010	:	PROGRAM AND
For: MOLDED BODY HAVING MATT AND	:	PETITION TO MAKE SPECIAL
STRUCTURED SURFACE PROPERTIES	:	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 14, 2010, to make the above-identified application special.

The request and petition are **GRANTED**.

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

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

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

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

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

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

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

product is not in the English language; and

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

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

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

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

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

/Blaine Copenheaver/

Blaine Copenheaver
Quality Assurance Specialist
Technology Center 1700

UNITED STATES PATENT AND TRADEMARK OFFICE

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.
12/738,038	07/09/2010	Chul Soo Lee	8736.382.00	8637

30827 7590 07/29/2011

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

EXAMINER	
ART UNIT	PAPER NUMBER
2482	

MAIL DATE	DELIVERY MODE
07/29/2011	PAPER

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

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

MAILED

JUN 28 2011

DIRECTOR OFFICE
TECHNOLOGY CENTER 2400

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Yong S. Choi
MCKENNA LONG & ALDRIDGE LLP
1900 K STREET, NW
WASHINGTON, DC 20006

In re Application of: LEE, CHUL SOO et al
Application No.: **12/738,038**
Filed: April 14, 2010
For: RECEIVING SYSTEM AND METHOD OF PROCESSING DATA

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

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed **July 29, 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 fails to meet condition **three (3)** as shown above. In the petition currently filed, it was indicated by the Applicant that claims 16-35 sufficiently correspond to KIPO patentable claims 1-9, 11-19, 1, and 11 respectively.

However, upon inspection of the record, it is found that a preliminary amendment was filed May 10, 2011 that cancels claims 16-35 and adds claims 36-50. Since the claims in the U.S. application as indicated in the petition must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the KIPO application(s) and the Applicant must submit a claim correspondence table in English outlining the claims and their correspondence to the KIPO patentable claims, the petition fails to meet condition (3).

The Applicant's attention is directed to the following additional deficiencies:

The request to participate in the PPH program and petition fails to meet condition **six (6)** as shown above. In the request currently filed, it was indicated by the Applicant that copies of all documents except for U.S. patents or U.S. patent application publications are attached to the petition as filed.

However, the request fails to indicate whether an information disclosure statement listing the documents cited in the KIPO office action. Upon inspection of the KIPO non-final rejection mailed April 28, 2010, it appears that no references were cited. Upon inspection of the record, it has been found that there was no IDS attached to the request to participate in the PPH program and petition as filed.

Therefore, since the Applicant indicated that non-U.S. patent or U.S. patent application publications were attached to the request, but did not indicate whether or not an information disclosure statement was in fact attached and the record is unclear as to whether an information disclosure statement was attached, the petition also fails to meet condition (6).

Accordingly, the Petition is **DISMISSED**.

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

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

Telephone inquiries concerning this decision should be directed to Beatriz Prieto at 571-272-3902. A second point of contact is 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.

/Beatriz Prieto/

Beatriz Prieto, Quality Assurance Specialist
Technology Center 2400

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/738,038	07/09/2010	Chul Soo Lee	8736.382.00	8637

30827 7590 09/15/2011
MCKENNA LONG & ALDRIDGE LLP
1900 K STREET, NW
WASHINGTON, DC 20006

EXAMINER	
ART UNIT	PAPER NUMBER
2482	

MAIL DATE	DELIVERY MODE
09/15/2011	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

MAILED

SEP 14 2011

DIRECTOR OFFICE
TECHNOLOGY CENTER 2400

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

Randall C. Pyles
MCKENNA LONG & ALDRIDGE LLP
1900 K STREET, NW
WASHINGTON, DC 20006

In re Application of: LEE, CHUL S., et al.
Application No.: **12/738,038**
Filed: April 14, 2010
For: RECEIVING SYSTEM AND METHOD OF PROCESSING DATA

DECISION ON REQUEST TO PARTCIPATE IN PATENT PROSECUTION HIGHWAY PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 C.F.R. § 1.102(a)

This is a decision on the renewed petition filed on **August 29, 2011** including a request to participate in the Patent Prosecution Highway (PPH) pilot program and make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(a). The original petition, submitted July 29, 2010, was dismissed in the decision mailed on July 29, 2011.

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).

In view of the renewed request and petition filed August 29, 2011, the request and petition now meet the requirements of conditions (3) and (6) which were found to be deficient in the original request and petition.

Accordingly, the petition is **GRANTED**.

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.

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

Telephone inquiries concerning this decision should be directed to Beatriz Prieto at 571-272-3902. A second point of contact is 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.

/Beatriz Prieto/

Beatriz Prieto, Quality Assurance Specialist
Technology Center 2400

UNITED STATES PATENT and TRADEMARK OFFICE

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

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

MAILED

OCT 12 2010

PCT LEGAL ADMINISTRATION

In re Application of	:	DECISION ON RENEWED
UETANI et al	:	
Application No.: 12/738,041	:	
PCT No.: PCT/JP2008/069286	:	
Int. Filing Date: 17 October 2008	:	PETITION
Priority Date: 19 Ocotber 2007	:	
Attorney's Docket No.: Q118152	:	
For: POLYMER COMPOUND ...	:	
USING THE SAME	:	UNDER 37 CFR 1.182

This decision is in response to the "RENEWED PETITION UNDER CFR 1.182" filed on 05 August 2010, to accept entry of the above identified application into the national stage with the corrected PCT number of PCT/JP2008/069286. Petitioner has submitted the petition fee of $400.00.

BACKGROUND

In a decision from this Office on 29 July 2010, the electronic transmission filing on 14 April 2010 had an incorrect PCT number and as such the Office dismissed petition as no explanation was provided.

On 05 August 2010, petitioner filed the current petition.

DISCUSSION

Petitioner states that the PCT number was erroneously electronically entered as PCT/JP2008/068286 as noted by Electronic Acknowledgement Receipt rather than the correct number PCT/JP2008/069286.

Although applicants entered the incorrect PCT serial number at the time of filing the national stage application, the correct PCT number PCT/JP2008/069286 was placed on Transmittal letter and the application letter. Accordingly, there is sufficient evidence that the correct international application PCT number is PCT/JP2008/069286.

Therefore, petition to accept the correct PCT number of PCT/JP2008/069286 for the instant application is granted, and will be reflected in the filing receipt.

DECISION

The petition under 37 CFR 1.182 is **GRANTED**.

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

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

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.
12/738,051	04/14/2010	Geun Ho Kim	3449-1409PUS1	8798

2292 7590 09/10/2010
BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH, VA 22040-0747

EXAMINER	
GURLEY, LYNNE ANN	

ART UNIT	PAPER NUMBER
2811	

NOTIFICATION DATE	DELIVERY MODE
09/10/2010	ELECTRONIC

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

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

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

mailroom@bskb.com

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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

In re Application of
KIM et al.
Application No.: 12/738,051
Filed: 14 April 2010
Attorney Docket No.: 3449-1409PUS1
For: LIGHT EMITTING DEVICE AND METHOD FOR FABRICATING THE SAME

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

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed 19 July 2010 and renewed on 13 August 2010, to make the above-identified application special.

The request and petition are **GRANTED**.

Discussion

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

1. The U.S. application is

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

   or

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

   or

c. a so-called bypass application filed under 35 U.S.C. 111(a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application
    i. validly claims priority under 35 U.S.C. 365(b) to an application filed in the KIPO, or
    ii. validly claims priority under 35 U.S.C. 365(b) to a PCT application that contains no priority claims, or
    iii. contains no priority claim;

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

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

Any response must be submitted via EFS-Web.

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

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

Lee W. Young
TQAS
Technology Center 2800

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

PTO/SB/420 (05-10)
Approved for use through 01/31/2011. OMB 0651-0062
U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Attorney Docket Number: AMPT-Electrolytic-USNP	Application Number (if known): 12/738,068	Filing date: 2010-04-14

First Named Inventor: Robert M. Porter

Title: High Reliability Power Systems and Solar Power

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

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

1. By filing this petition:

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

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

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

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

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

6. Other attachments: Second Preliminary Amendment, Two Information Disclosure Statements along with Foreign and NPL references cited, Firm Letter of Transmittal, Electronic Patent Application Fee

Signature /Nicole A. Ressue/	Date 2010-08-18
Name (Print/Typed) Nicole A. Ressue	Registration Number 48665

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

☐ *Total of 1 forms are submitted.

The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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

Filed via Electronic Filing

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application Number:	12/738,068
Filed:	April 14, 2010
Applicants:	Robert M. Porter, Anatoli Ledenev
Title:	High Reliability Power Systems and Solar Power
Group Art Unit:	
Examiner:	
Assignee:	AMPT, LLC
Attorney Docket::	AMPT-Electrolytic-USNP
Customer No.:	33549
Confirmation No.:	8996

STATEMENT OF THE BASIS FOR SPECIAL STATUS

The basis for special status is that the invention materially contributes to development of renewable energy resources or energy conservation. Conventional solar power technologies often may suffer from unacceptably high power loss due to inefficient conversion of solar energy into electricity usable by power grids or the like, thus decreasing the economic viability and widespread adoption of these technologies. This invention complies with the materiality standard by providing methods focused on photovoltaic techniques specifically tailored to solar power applications that can now avoid large electrolytic capacitors to harvest maximum power from a solar panel or strings of panels, so that this power can be provided for AC use, perhaps for transfer to a power grid or the like.

Dated this 18th day of August, 2010.

Respectfully submitted,
SANTANGELO LAW OFFICES, P.C.

By: /Nicole A. Ressue/
Nicole A. Ressue
Attorney for Assignee
PTO No. 48,665
125 South Howes, Third Floor
Fort Collins, Colorado 80521
(970) 224-3100

UNITED STATES PATENT AND TRADEMARK OFFICE

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.
12/738,068	04/14/2010	Robert M. Porter	AMPT-Electrolytic-USNP	8996

33549 7590 09/07/2010
SANTANGELO LAW OFFICES, P.C.
125 SOUTH HOWES, THIRD FLOOR
FORT COLLINS, CO 80521

EXAMINER	
ART UNIT	PAPER NUMBER
2838	

NOTIFICATION DATE	DELIVERY MODE
09/07/2010	ELECTRONIC

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

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

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

BarbH@idea-asset.com
CherylS@idea-asset.com
SantangeloLawOfficesPTOnotices@yahoo.com

UNITED STATES PATENT AND TRADEMARK OFFICE

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

SANTANGELO LAW OFFICES, P.C.
125 SOUTH HOWES, THIRD FLOOR
FORT COLLINS CO 80521

In re Application of	:	
PORTER et al.	:	DECISION ON PETITION
Application No. 12/738,068	:	TO MAKE SPECIAL UNDER
Filed: 14 April 2010	:	THE GREEN TECHNOLOGY
Attorney Docket No. AMPT-Electrolytic-USNP	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed 18 August 2010, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010).

The petition is DENIED.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications and be filed prior to the date of the notice, December 8, 2009.

The instant application was filed 14 April 2010 and is therefore not eligible for the Pilot. Since this condition cannot be overcome, the petition is Denied.

The instant application has not been accorded "special" status.

Any confusion over the earlier decisions is deeply regretted. Telephone inquires concerning this decision should be directed to Lee W. Young at 571-272-4549.

The application is being forwarded to the Technology Center Art Unit 2838 for action on the merits commensurate with this decision.

Lee W. Young
Quality Assurance Specialist
Technology Center 2800

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/738,068	04/14/2010	Robert M. Porter	AMPT-Electrolytic-USNP	8996

33549 7590 09/09/2010

SANTANGELO LAW OFFICES, P.C.
125 SOUTH HOWES, THIRD FLOOR
FORT COLLINS, CO 80521

EXAMINER	
ART UNIT	PAPER NUMBER
2838	

NOTIFICATION DATE	DELIVERY MODE
09/09/2010	ELECTRONIC

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

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

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

BarbH@idea-asset.com
CherylS@idea-asset.com
SantangeloLawOfficesPTOnotices@yahoo.com

UNITED STATES PATENT AND TRADEMARK OFFICE

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

SANTANGELO LAW OFFICES, P.C.
125 SOUTH HOWES, THIRD FLOOR
FORT COLLINS CO 80521

In re Application of	:	
PORTER et al.	:	DECISION ON PETITION
Application No. 12/738,068	:	TO MAKE SPECIAL UNDER
Filed: 14 April 2010	:	THE GREEN TECHNOLOGY
Attorney Docket No. AMPT-Electrolytic-USNP	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed 18 August 2010, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010).

The decision mailed 07 September 2010 is hereby **VACATED**.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications and be filed prior to the date of the notice, December 8, 2009.

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

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

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

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

The application is being forwarded to the Technology Center Art Unit 2838 for action in its regular turn.

Lee W. Young
Quality Assurance Specialist
Technology Center 2800

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/738,081	04/15/2010	Toshiya Tanaka	352005-000004	9328

47604 7590 11/09/2010

DLA PIPER LLP US
P. O. BOX 2758
RESTON, VA 20195

EXAMINER	
HOLLWEG, THOMAS A	
ART UNIT	PAPER NUMBER
2879	

MAIL DATE	DELIVERY MODE
11/09/2010	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

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

DLA PIPER LLP US
P. O. BOX 2758
RESTON VA 20195

In re Application of
TANAKA et al
Application No.: 12/738,081
Filed: 15 April 2010
Attorney Docket No.: 352005-000004
For: LIGHT EMITTING ELEMENT LAMP AND LIGHTING EQUIPMENT

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

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed 17 September 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:	12/738,130	Filing date:	July 26, 2010
First Named Inventor:	Andreas GRAICHEN		
Title of the Invention:	REPAIR OF A STATIONARY ROTOR SEAL		

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/EP2008/063955

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-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.:	12/738,130
First Named Inventor:	Andreas GRAICHEN

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 15, 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 15, 2010

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
18	1	US claim as per Preliminary Amendment filed 04/15/2010
19	2	US claim as per Preliminary Amendment filed 04/15/2010
20	3	US claim as per Preliminary Amendment filed 04/15/2010
21	4	US claim as per Preliminary Amendment filed 04/15/2010
22	5	US claim as per Preliminary Amendment filed 04/15/2010
23	-	US claim as per Preliminary Amendment filed 04/15/2010
24	6	US claim as per Preliminary Amendment filed 04/15/2010
25	7	US claim as per Preliminary Amendment filed 04/15/2010
26	8	US claim as per Preliminary Amendment filed 04/15/2010
27	9	US claim as per Preliminary Amendment filed 04/15/2010
28	10	US claim as per Preliminary Amendment filed 04/15/2010
29	11	US claim as per Preliminary Amendment filed 04/15/2010
30	12	US claim as per Preliminary Amendment filed 04/15/2010
31	13	US claim as per Preliminary Amendment filed 04/15/2010
32	14	US claim as per Preliminary Amendment filed 04/15/2010
33	15	US claim as per Preliminary Amendment filed 04/15/2010
34	-	US claim as per Preliminary Amendment filed 04/15/2010
35	16	US claim as per Preliminary Amendment filed 04/15/2010
36 / 37	17 / 11, 12	US claim as per Preliminary Amendment filed 04/15/2010

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

Signature /Tina Gonka/	Date February 25, 2011
Name (Print/Typed) Tina Gonka	Registration Number L0623

Privacy Act Statement

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/738,130	07/26/2010	Andreas Graichen	2007P14911WOUS	9655

22116 7590 03/02/2011

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

EXAMINER	
ART UNIT	PAPER NUMBER
3726	

MAIL DATE	DELIVERY MODE
03/02/2011	PAPER

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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

In re Application of	:
GRAICHEN, ANDREAS	: DECISION ON REQUEST TO
Application No. 12/738,130	: PARTICIPATE IN PATENT
Filed: July 26, 2010	: PROSECUTION HIGHWAY
Attorney Docket No. 2007P14911WOUS	: PILOT PROGRAM AND PETITION
For: REPAIR OF A STATIONARY ROTOR SEAL	: 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. 25, 2011 to make the above-identified application special.

The request and petition are granted.

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

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

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

All other inquiries concerning the examination or status of the application should be directed to David Bryant, the SPE of Art Unit 3726 and (571)272-4526 for Class 29/402 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

333

UNITED STATES PATENT and TRADEMARK OFFICE

17 AUG 2010

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

Alan F. Feeny, Esq.
Biomeasure, Incorporated
27 Maple Street
Milford MA 01757-3650

In re Application of	:	DECISION ON
PRADO et al	:	
Application No.: 12/738,131	:	
Int. Application: PCT/SE2007/000627	:	
Int. Filing Date: 17 October 2007	:	REQUEST UNDER
Priority Date: N/A	:	
Attorney's Docket No.: 202/PCT/US	:	
For: Isoforms of Human Somatostatin...	:	
And Oligonucieotides...	:	37 CFR 1.497(d)

This is a decision on applicants' "REQUEST TO CORRECT INVENTORSHIP PURSUANT TO 37 CFR 1.497(d) and 1.48," filed on 17 May 2010, adding co-inventor, Francisco Gracia-Navarro, in the executed declaration. The $130.00 processing fee has been charged to Deposit Account No. 50-0268.

BACKGROUND

On 17 October 2007, applicants filed international application No. PCT/SE2007/000627.

On 15 April 2010, applicants filed a Transmittal Letter for entry into the national stage in the United States of America. Filed with the Transmittal Letter was, inter alia, the requisite basic national fee. However, no executed declaration was filed at such time.

On 17 May 2010, applicants filed, inter alia, a request under 37 CFR 1.497(d) and an executed declaration that adds Francisco Gracia-Navarro as a co-inventor in the executed declaration.

DISCUSSION

A submission under 37 CFR 1.497(d) must include:

(1) a statement from each person being added as an inventor and from each person being deleted as an inventor that the error in inventorship occurred without deceptive intention on his or her part;

(2) the fee set forth in § 1.17(I); and

(3) If an assignment has been executed by any of the original named inventors, the written consent of the assignee (see 37 CFR §3.73(b) of this chapter).

A review of the application file reveals that applicants have satisfied items (1) - (2) under 37 CFR 1.497(d), but not item (3).

With respect to item (1), the statements submitted on 17 May 2010 by Francisco Garcia-Navarro is sufficient because the statement states that the error in inventorship occurred without deceptive intention.

With respect to item (2), the processing fee of $130.00 has been charged to the Deposit Account No.: 50-0268.

With respect to item (3), Universidad De Cordoba, the assignee, has not consented to the correction of inventorship to the above application. Also, to establish the right of the Assignee to take action, applicant must submit a copy of the executed assignment or specify the reel and frame number. Note MPEP 324 and 37 CFR 3.73(b).

Accordingly, the request does not meet the requirements under 37 CFR 1.497(d).

CONCLUSION

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

If reconsideration on the merits of this petition is desired, a proper reply must be filed within TWO (2) MONTHS from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Request Under 37 CFR 1.497(d)". No additional petition fee is required. Extensions of time may be obtained under 37 CFR 1.136(a).

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

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

UNITED STATES PATENT and TRADEMARK OFFICE

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

MAILED

SEP 15 2011

PCT LEGAL ADMINISTRATION

Alan F. Feeny, Esq.
Biomeasure, Incorporated
27 Maple Street
Milford MA 01757-3650

In re Application of	:	DECISION ON
PRADO et al	:	
Application No.: 12/738,131	:	
Int. Application: PCT/SE2007/000627	:	
Int. Filing Date: 17 October 2007	:	REQUEST UNDER
Priority Date: N/A	:	
Attorney's Docket No.: 202/PCT/US	:	
For: Isoforms of Human Somatostatin...	:	
And Oligonucieotides...	:	37 CFR 1.497(d)

This is a decision on applicants' "REQUEST TO CORRECT INVENTORSHIP PURSUANT TO 37 CFR 1.497(d) and 1.48," filed on 31 May 2011, which is being treated as a renewed request under 37 CFR 1.497(d) adding co-inventor, Francisco Gracia-Navarro, in the executed declaration.

BACKGROUND

In a decision from this Office mailed on 17 August 2010, the decision indicated that the request was dismissed because the request did not satisfy item (3) of 37 CFR 1.497(d).

On 31 May 2011, applicants filed the current renewed request.

DISCUSSION

A review of the renewed request reveals that applicants have satisfied item (3) of 37 CFR 1.497(d). In regard to item (3), the assignee, Universidad de Cordoba, consents to the addition of Francisco Gracia-Navarro as a joint-inventor to the above patent application. The assignee has also filed the requisite papers establishing its right to take action under 37 CFR §3.73(b).

Accordingly, applicants are deemed to satisfy requirements (1), (2), and (3) under 37 CFR 1.497(d).

CONCLUSION

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

22850
OBLON, SPIVAK, McCLELLAND, MAIER &
NEUSTADT, P.C.
1940 Duke Street
Alexandria, VA 22314

MAILED
02 NOV 2010
PCT LEGAL ADMINISTRATION

In re Application of :
SUGITA *et al* :
U.S. Application No.: 12/738,175 :
PCT No.: PCT/JP2008/064907 :
Int. Filing Date: 21 August 2008 :
Priority Date: 16 October 2007 :
Attorney Docket No.: 356103US0X PCT :
For: INDIRECT HEAT-DRYING :
APPARATUS, INDIRECT :
HEAT-DRYING METHOD OF DRYING :
SUBSTANCE TO BE DRIED, AND :
METHOD AND APPARATUS FOR :
PRODUCING SOLID FUEL :

DECISION

This decision is in response to the declaration submitted on 16 August 2010 which is treated as a petition under 37 CFR 1.42. No fee is required.

BACKGROUND

On 16 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) was required. A two-month time limit was set for response.

On 16 August 2010, applicants filed a declaration executed by four of the five named inventors, and by the legal representative of a deceased inventor.

On 19 October 2010, applicants resubmitted the declaration filed 16 August 2010.

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 signed by four of the five named joint inventors and by Yuko SUGITA as legal representative for the deceased joint inventor, Satoru SUGITA. 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 21 August 2008, under 35 U.S.C. 363 and a 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date of 16 August 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

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

FSB FisherBroyles, a Limited Liability Partnership
The Pinnacle Building
3455 Peachtree Road, NE Fifth Floor
Atlanta GA 30326

MAILED

SEP 07 2011

PCT LEGAL ADMINISTRATION

In re Application of	:	
ROBINSON	:	DECISION ON PETITION
Application No.: 12/738,217	:	
PCT No.: PCT/US2008/080213	:	UNDER 37 CFR 1.137(b)
Int. Filing Date: 16 October 2008	:	
Priority Date: 16 October 2007	:	
Atty. Docket No.: 48002.P001U10	:	
For: BONE SCREW RETAINING AND REMOVAL SYSTEM	:	

The petition to revive under 37 CFR 1.137(b) filed 25 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 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 finds that present counsel was the attorney of record for the entire period of abandonment, as such it is proper to accept the presently filed statement of unintentional delay.

A review of the application file reveals that applicant has now provided a compliant declaration executed by the inventors. 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. Further, a review of the application file reveals that all of the requirements of 35 U.S.C. 371 for entry into the national stage in the United States have been satisfied.

The application has an international filing date of 16 October 2008 under 35 U.S.C. 363 and will be given a date of **25 July 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

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

MAILED

JAN 07 2011

PCT LEGAL ADMINISTRATION

23718
SCHLUMBERGER OILFIELD SERVICES
200 Gillingham Lane
MD 200-9
Sugar Land, TX 77478

In re Application of
OMERAGIC *et al*
U.S. Application No.: 12/738,225
PCT No.: PCT/US2008/75568
Int. Filing Date: 08 September 2008
Priority Date: 22 October 2007
Docket No.: 24.1004
For: FORMATION MODELING WHILE DRILLING FOR ENHANCED HIGH ANGLE FOR HORIZONTAL WELL PLACEMENT

DECISION

This is a decision on the response filed 22 September 2010.

BACKGROUND

On 15 April 2010, applicants filed papers to enter the national stage of PCT/US2008/75568 which included an executed declaration. The fifth-named inventor was listed as Yong-Hua CHEN on the declaration. The international publication (WO 2009/055152) recorded the name of the inventor as Young-hua CHEN.

On 24 May 2010, the United States Designated/Elected Office (DO/EO/US) mailed a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that the fifth inventor's name is listed differently on the declaration than recorded on the international publication. Additional claim fees and a surcharge fee were also required. Applicants were given two months to respond with extensions of time available pursuant to 37 CFR 1.136(a).

On 22 September 2010, applicants filed the subject response which was accompanied by, *inter alia*, a two-month extension and fee, a $130.00 surcharge fee, additional claim fees, and authorization to charge any required fee to Deposit Account No. 19-0610.

DISCUSSION

In the subject response, applicants' state that "the name as listed in the PCT Publication WO 2009/055152 is misspelled. The name Yong-Hua CHEN, as spelled on the Declaration is correct."

Section 1893.01(e) of the Manual of Patent Examining Procedure (MPEP) states that where a typographical or transliteration error in the spelling of an inventor's name is discovered, a petition under 37 CFR 1.182 is not required. In such case, the Office should simply be notified of the error.

Applicants' explanation meets the requirements of the MPEP. A typographical error was made in the international application with regards to the first name of the inventor, Yong-Hua CHEN.

CONCLUSION

The inventor is recognized as Yong-Hua CHEN.

The declaration filed with the national stage papers on 15 April 2010 is in compliance with 37 CFR 1.497(a) and (b).

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

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

PTO/SB/420 (12-09)
Approved for use through 05/31/2010. OMB 0651-0062
U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Attorney Docket Number: KUD-036	Application Number (if known): 12/738,242	Filing date: April 15, 2010

First Named Inventor: Tomohiro NUMAJIRI

Title: REMOTE MONITORING APPARATUS, WIND TURBINE GENERATOR SYSTEM, AND METHOD OF CONTROLLING REMOTE MONITORING APPARATUS

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

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

1. By filing this petition:

   Applicant is requesting early publication: Applicant hereby requests early publication under 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d) accompanies this request. Applicant hereby rescinds under 37 CFR 1.213(b) any previous filed request that the above-identified application not be published under 35 U.S.C. 122(b).

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

2. By filing this petition: applicant is agreeing to make an election without traverse in a telephonic interview and elect an invention that meets the eligibility requirement and classification requirement set forth in the notice entitled "Pilot Program for Green Technologies Including Greenhouse Gas Reduction" that was published in the Federal Register if the Office determines that the claims are not obviously directed to a single invention.

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

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

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

6. Other attachments: _____

Signature /Benjamin J. Hauptman/	Date December 5, 2011
Name (Print/Typed) Benjamin J. Hauptman	Registration Number 29,310

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

☐ *Total of _____ forms are submitted.

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

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

PTO/SB/420 (12-09)
Approved for use through 05/31/2010. OMB 0651-0062
U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

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

(Not to be Submitted to the USPTO)

***The following is a summary of the requirements** (for more information see notice "Pilot Program for Green Technologies Including Greenhouse Gas Reduction" available on the USPTO web site at http://www.uspto.gov/web/offices/pac/dapp/ogsheet.html):*

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

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

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

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

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

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

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

Privacy Act Statement

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

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

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.

2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.

3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.

4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).

5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.

6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).

7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.

8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.

9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

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.
12/738,242	12/20/2010	Tomohiro Numajiri	KUD-036	1525

32628 7590 12/21/2011

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

EXAMINER	
ART UNIT	PAPER NUMBER
2834	

MAIL DATE	DELIVERY MODE
12/21/2011	PAPER

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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

DEC 21 2011

In re Application of :
NUMAJIRI, TOMOHIRO :
Application No. 12/738,242 :
Filed: April 15, 2010 :
Attorney Docket No. KUD-036 :

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

This is a decision on the petition under 37 CFR 1.102, filed on December 5, 2011, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **GRANTED**.

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

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

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

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

Telephone inquires concerning this decision should be directed to Colleen Dunn at 571-272-1170.

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

/Colleen Dunn/

Colleen Dunn
TQAS, TC 2800

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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

MAILED
NOV 07 2011
OFFICE OF PETITIONS

Applicant: Kenneth W. Busch, et al.
Appl. No.: 12/738,245
International Filing Date: October 17, 2008
Title: METHODS FOR DETERMINING ENANTIOMERIC PURITY WITH IMPROVED CHIRAL SELECTORS
Attorney Docket: BAYU-0019WO/US (208614.12
Pub. No.: US 20110045598 A1
Pub. Date: February 24, 2011

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on April 15, 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 (Article 91.1 sub. spec.) filed with the application on April 15, 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.

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 Karen Creasy at (571) 272-3208.

/Christopher Bottorff/

Christopher Bottorff
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

MAILED

JAN 04 2011

PCT LEGAL ADMINISTRATION

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

AMGEN INC.
1120 VETERANS BOULEVARD
SOUTH SAN FRANCISCO CA 94080

In re Application of	:	
COULTER et al.	:	
Application No.: 12/738,279	:	DECISION
PCT No.: PCT/US2008/011755	:	
Int. Filing Date: 15 October 2008	:	
Priority Date: 15 October 2007	:	
Attorney Docket No.: A-1348-US-PCT	:	
For: CALCIUM RECEPTOR MODULATING AGENTS	:	

This is a decision on applicants' "PETITION UNDER 37 CFR 1.47(a)" filed 10 December 2010. The petition is **DISMISSED** without prejudice.

BACKGROUND

On 15 October 2008, applicants filed international application PCT/US2008/011755, which designated the United States and claimed a priority date of 15 October 2007. A copy of the international application was communicated from the International Bureau to the USPTO on 23 April 2009. The thirty-month period for paying the basic national fee in the United States expired at midnight on 15 April 2010.

On 15 April 2010, applicants filed a submission for entry into the national stage in the United States which was accompanied by, *inter alia*, the U.S. Basic National Fee.

On 10 May 2010, the United States Designated/Elected Office (DO/EO/US) issued a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating, *inter alia*, that an oath or declaration of the inventors in compliance with 37 CFR 1.497(a)-(b) was required.

On 10 December 2010, applicants filed the instant petition under 37 CFR 1.47(a) which was accompanied by, *inter alia*, a petition/fee for a five-month extension of time, a declaration of inventors, and a statement of facts by Olga Mekhovich 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), (3), and (4) 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 Olga Mekhovich has been considered. However, it appears that she does not have firsthand knowledge of many of the facts recited therein. For example, the correspondence mailed to non-signing inventor Michael G. Kelly in August 2010 appears to have been mailed by Sushma Sanganeria-Brady. Also, the interviews referred to in paragraph 2 of the statement were conducted by Sushma Sanganeria-Brady. It is not clear from the statement who conducted the internet searches and phone calls referred to in paragraph 3 nor is it clear who sent the correspondence referred to in paragraph 4. Finally, it is not clear what happened to the correspondence sent to Mr. Kelly at his last known address in October 2010. A printout from the UPS website shows the day the package was shipped but is silent as to whether the package was delivered.

Accordingly, it is not appropriate to accord the national stage application status under 37 CFR 1.47(a) at this time.

CONCLUSION

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

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

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

/Daniel Stemmer/

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

UNITED STATES 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 29 2011

PCT LEGAL ADMINISTRATION

AMGEN INC.
1120 VETERANS BOULEVARD
SOUTH SAN FRANCISCO CA 94080

In re Application of :
COULTER et al. :
Application No.: 12/738,279 : DECISION
PCT No.: PCT/US2008/011755 :
Int. Filing Date: 15 October 2008 :
Priority Date: 15 October 2007 :
Attorney Docket No.: A-1348-US-PCT :
For: CALCIUM RECEPTOR MODULATING AGENTS :

This is a decision on applicants' renewed petition under 37 CFR 1.47(a) filed 02 March 2011. The petition is **GRANTED**.

BACKGROUND

On 15 October 2008, applicants filed international application PCT/US2008/011755, which designated the United States and claimed a priority date of 15 October 2007. A copy of the international application was communicated from the International Bureau to the USPTO on 23 April 2009. The thirty-month period for paying the basic national fee in the United States expired at midnight on 15 April 2010.

On 15 April 2010, applicants filed a submission for entry into the national stage in the United States which was accompanied by, *inter alia*, the U.S. Basic National Fee.

On 10 May 2010, the United States Designated/Elected Office (DO/EO/US) issued a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating, *inter alia*, that an oath or declaration of the inventors in compliance with 37 CFR 1.497(a)-(b) was required.

On 10 December 2010, applicants filed a petition under 37 CFR 1.47(a) which was accompanied by, *inter alia*, a petition/fee for a five-month extension of time, a declaration of inventors, and a statement of facts by Olga Mekhovich and documentation in support thereof.

On 04 January 2011, a decision was mailed dismissing without prejudice applicants' petition under 37 CFR 1.47(a).

On 02 March 2011, applicants filed the instant renewed petition under 37 CFR 1.47(a) which was accompanied by a statement of facts by Sushma Sanganeria-Brady 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 04 January 2011, items (1), (3), and (4) have been met.

Item (2) has now been met as well. It has been established that non-signing inventor Michael G. Kelly cannot be reached after diligent effort.

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 **10 December 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
www.uspto.gov

MAILED

MAR 29 2011

PCT LEGAL ADMINISTRATION

Mr. Michael G. Kelly
790 San Doval Place
Thousand Oaks, CA 91360

In re Application of
COULTER et al.
Application No.: 12/738,279
PCT No.: PCT/US2008/011755
Int. Filing Date: 15 October 2008
Priority Date: 15 October 2007
Attorney Docket No.: A-1348-US-PCT
For: CALCIUM RECEPTOR MODULATING AGENTS

Dear Mr. Kelly:

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
Legal Administration
Telephone: (571) 272-3301

AMGEN INC.
1120 VETERANS BOULEVARD
SOUTH SAN FRANCISCO CA 94080

UNITED STATES PATENT AND TRADEMARK OFFICE

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

RISSMAN HENDRICKS & OLIVERIO, LLP
100 CAMBRIDGE STREET
SUITE 2101
BOSTON MA 02114

MAILED
JUL 26 2011
OFFICE OF PETITIONS

In re Application of :
LANDY, Mark et al. :
Application No. 12/738,319 : DECISION ON PETITION
Filed: November 02, 2010 : TO WITHDRAW
Attorney Docket No. **M006-7020US1** : FROM RECORD

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

The request is **NOT APPROVED**.

The Office has revised its change in procedure for request to withdraw from representation applies to requests filed on or after May 12, 2008.

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

The request cannot be approved because no address was provided.

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

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

/Tredelle D. Jackson/
Paralegal Specialist
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

RISSMAN HENDRICKS & OLIVERIO, LLP
100 CAMBRIDGE STREET
SUITE 2101
BOSTON MA 02114

MAILED

AUG 15 2011

OFFICE OF PETITIONS

In re Application of :

LANDY, Mark et al. :
Application No. 12/738,319 : DECISION ON PETITION
Filed: November 02, 2010 : TO WITHDRAW
Attorney Docket No. **M006-7020US1** : FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed August 05, 2011.

The request is **NOT APPROVED.**

The Office has revised its change in procedure for request to withdraw from representation applies to requests filed on or after May 12, 2008.

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

The request cannot be approved because the request to withdrawal is unclear as to the change of correspondence address. Customer Number 21127 is currently listed in our records. (Please Clarify!)

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

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

/Tredelle D. Jackson/
Paralegal Specialist
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

RISSMAN HENDRICKS & OLIVERIO, LLP
100 CAMBRIDGE STREET
SUITE 2101
BOSTON MA 02114

MAILED

SEP 06 2011

OFFICE OF PETITIONS

In re Application of :
Landy et al. :
Application No. 12/738,319 : DECISION ON PETITION
Filed: November 2, 2010 TO WITHDRAW FROM RECORD
Attorney Docket No. M006-7020US1 :
:

This is a decision on the renewed Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed August 25, 2011.

The request is **APPROVED**.

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

The request was signed by John A. Rissman on behalf of all attorneys of record who are associated with Customer Number 21127.

All attorneys/agents associated with the Customer Number 21127 have been withdrawn. Applicants are reminded that there is no attorney of record at this time.

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

Currently, there is no outstanding Office action that requires a reply.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-7751. All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

/Joan Olszewski/
Joan Olszewski
Petitions Examiner
Office of Petitions

cc: Mark Landy
880 Glengate Place
Atlanta, GA 30328

UNITED STATES PATENT AND TRADEMARK OFFICE

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

23413
CANTOR COLBURN, LLP
20 Church Street
22nd Floor
Hartford, CT 06103

MAILED

FEB 04 2011

PCT LEGAL ADMINISTRATION

In re Application of :
PHILLIPS *et al* :
U.S. Application No.: 12/738,325 :
PCT No.: PCT/GB2008/003523 : **DECISION**
Int. Filing Date: 17 October 2008 :
Priority Date: 18 October 2007 :
Attorney Docket No.: CDS0206US :
For: COMESTIBLE PRODUCTS :

This decision is in response to applicants' petition under 37 CFR 1.47(a) filed 30 November 2010.

BACKGROUND

On 02 July 2010, a Notification of Missing Requirements (Form PCT/DO/EO/905) was mailed requesting an oath or declaration in compliance with 37 CFR 1.497(a) and (b) and a $130.00 surcharge fee. Applicants were give two months to respond with extensions of time available under 37 CFR 1.136(a).

On 30 November 2010, applicants filed the subject petition which was accompanied by, *inter alia*, a three-month extension and $1,110.00 extension fee; a $130.00 surcharge fee; a $200.00 petition fee; a declaration executed on behalf of the nonsigning inventor; a statement of facts by Ms. Rosamunde Hallamore; and documentary evidence in support of the petition.

DISCUSSION

Applicants claim that joint inventor, Ms. Stephanie MENANTEAU, refuses to cooperate and have filed the subject petition under 37 CFR 1.47(a).

A petition under 37 CFR 1.47(a) requires: (1) the petition fee; (2) factual proof that the missing joint inventor cannot be located or refuses to cooperate; (3) a statement of the last known address of the nonsigning joint inventor; (4) and an oath or declaration executed by the signing joint inventors on their behalf and on behalf of the nonsigning joint inventor.

Applicants submitted a $200.00 petition fee. The last known address of the nonsigning inventor is listed. A declaration signed by eight of the nine named inventors

on behalf of the nonsigning inventor was provided. This declaration complies with 37 CFR 1.497(a) and (b) and satisfies the requirements of section 409.03(a) of the MPEP.

For these reasons, items (1), (3) and (4) of 37 CFR 1.47(a) are satisfied.

Regarding item (2) of 37 CFR 1.47(a), applicants have shown that after receiving no response from documents sent to the last known address of the nonsigning inventor by courier (DHL), a complete copy of the published application, a declaration and assignment were sent to the nonsigning inventor by email[1] on 14 October 2010. Reminder emails were sent on 20 October 2010, 27 October 2010 and 03 November 2010. The statement of facts was signed by Ms. Hallamore on 23 November 2010 and the petition was filed on 30 November 2010. No response has yet been received from Ms. MENANTEAU. Sufficient documentary evidence to corroborate the statement of facts was provided in the petition.

The conduct of Ms. MENANTEAU constitutes a refusal to cooperate as contemplated by MPEP § 409.03(d)(II). Item (2) of 37 CFR 1.47(a) is also satisfied.

All items of 37 CFR 1.47(a) are complete.

CONCLUSION

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

Applicants have completed the requirements for acceptance under 35 U.S.C. 371(c). The application has an international filing date of 17 October 2008 under 35 U.S.C. 363, and a 35 U.S.C. 371 date of 30 November 2010.

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

This application is being forwarded to the National Stage Processing Division of the Office of PCT Operations for continued processing.

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

[1] The nonsigning inventor had previously responded from that email address on 13 October 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

Stephanie Menanteau
Perusse,
F-86260 St. Pierre de Maille
FRANCE

MAILED

FEB 04 2011

PCT LEGAL ADMINISTRATION

In re Application of
PHILLIPS *et al*
U.S. Application No.: 12/738,325
PCT No.: PCT/GB2008/003523
Int. Filing Date: 17 October 2008
Priority Date: 18 October 2007
Attorney Docket No.: CDS0206US
For: COMESTIBLE PRODUCTS

Dear Ms. MENANTEAU:

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

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

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

CANTOR COLBURN, LLP
20 Church Street
22nd Floor
Hartford, CT 06103

UNITED STATES PATENT AND TRADEMARK OFFICE

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

SMITH RISLEY TEMPEL SANTOS LLC
Two Ravinia Drive
Suite 700
ATLANTA, GA 30346

MAILED

NOV 10 2011

OFFICE OF PETITIONS

In re Application of Martin Buchberger :
Application No. 12/738,341 :
Int'l Filing Date: August 21, 2009 :
Attorney Docket No. 04017.0039U1 :
Pub. No.: US 2010/0320718 A1 :
Pub. Date: December 23, 2010 :

Decision on Request

This is a decision on the request for a corrected patent application publication under 37 C.F.R. § 1.221(b) filed February 23, 2011.

The request is **dismissed.**

Applicant requests the application be republished because of the mistakes in the patent application publication identified in the request.

37 C.F.R. § 1.221(b) states,

> [Relief under 37 C.F.R. § 1.221 is warranted] only when the Office makes a material mistake which is apparent from Office records.... Any request for corrected publication or revised patent application publication other than provided in paragraph (a) of this section must be filed within two months from the date of the patent application publication. This period is not extendable.

A mistake is only a "material" mistake if the mistake affects the public's ability to appreciate the technical disclosure of the patent application publication, determine the scope of the patent application publication, or determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent.[1]

The Office's failure to include changes made by a preliminary amendment filed January 21, 2010, and an amendment filed April 16, 2010, in the patent application publication was not an

[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).

Office mistake. Specifically, a copy of the application, as amended, was not submitted in compliance with 37 C.F.R. § 1.215(c) and, although 37 C.F.R. § 1.215(a) provides the Office with the discretion to include changes made by a preliminary amendment in a publication when certain criteria are satisfied, it does not require the Office to include such changes in the publication. Therefore, relief under 37 C.F.R. § 1.221(b) is unwarranted.

Applicant is advised that a "request for republication of an application previously published" may be filed under 37 C.F.R. § 1.221(a). The request must include a copy of the application, which complies with the Office's electronic filing system requirements set forth in 37 C.F.R. § 1.18(d), and 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

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

25215
DOBRUSIN & THENNISCH PC
29 W. Lawrence Street,
Suite 210
Pontiac, MI 48342

MAILED

NOV 0 8 2010

PCT LEGAL ADMINISTRATION

In re Application of :
SCHAEFFER *et al* :
U.S. Application No.: 12/738,345 :
PCT No.: PCT/DE2008/001422 :
Int. Filing Date: 29 August 2008 : **DECISION**
Priority Date: 18 October 2007 :
Docket No.: 1063-033 (T-HE-0082-US) :
For: ELECTRICAL CONTROL DEVICE :

This decision is in response to applicants' petition under 37 CFR 1.47(b) filed on 23 August 2010. A review of the petition shows that only one of the three inventors failed to sign the declaration. As such, the petition is treated under 37 CFR 1.47(a).

BACKGROUND

On 21 June 2010, a Notification of Missing Requirements (Form PCT/DO/EO/905) was mailed requesting an oath or declaration in compliance with 37 CFR 1.497(a) and (b) and a surcharge fee. Applicants were given two months to respond with extensions of time available under 37 CFR 1.136(a).

On 23 August 2010, applicants filed the subject petition which was accompanied by, *inter alia*, a declaration signed by two inventors on behalf of the nonsigning inventor; a $200.00 petition fee; and a $130.00 surcharge fee.

DISCUSSION

Applicants claim that co-inventor, Jürgen SCHAEFFER, cannot be found after a diligent effort.

A petition under 37 CFR 1.47(a) requires: (1) the petition fee; (2) factual proof that the missing joint inventor cannot be located or refuse to cooperate; (3) a statement of the last known address of the nonsigning joint inventor; (4) and an oath or declaration executed by the signing joint inventors on their behalf and on behalf of the nonsigning joint inventor.

Items (1), (3) and (4) of 37 CFR 1.47(a) are satisfied in the initial petition.[1]

Regarding item (2) of 37 CFR 1.47(a), petitioners state that "[a]ccording to the Legal Assistant (Monika Hermann) to the German Patent Counsel (Bernhard Eberl) of W.E.T. Automotive Systems AG, the co-inventor (Dr. Juergen Schaeffer) had left the employ of W.E.T. and they were not able to acquire his signature on this application." No other evidence was provided.

Applicants' burden in showing that an inventor cannot be located is explained in section 409.03(d)(I) of the MPEP which 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.

In this case, petitioners failed to provide a statement of facts by a person having firsthand knowledge of the facts set therein as required. Petitioners also did not list the steps taken to locate the whereabouts of the nonsigning inventor. This is also required. Moreover, petitioners failed to provide documentary evidence that support a finding that the nonsigning inventor could not be found or reached.

For these reasons, item (2) of 37 CFR 1.47(a) is not yet complete.

CONCLUSION

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

---

[1] The $200.00 petition fee was paid. The last known address of Mr. SCHAEFFER is listed in the petition. The declaration signed by two of the three named inventors is in compliance with 37 CFR 1.47(a) and (b), and meets the requirements of section 409.03(a)(A) of the MPEP.

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. No additional petition fee is required. Extensions of time under 37 CFR 1.136(a) are available.

Any further correspondence with respect to this matter deposited with the United States Postal Service should be addressed to the Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

James Thomson

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

UNITED STATES PATENT AND TRADEMARK OFFICE

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

25215
DOBRUSIN & THENNISCH PC
29 W. Lawrence Street,
Suite 210
Pontiac, MI 48342

MAILED

MAR 25 2011

PCT LEGAL ADMINISTRATION

In re Application of :
SCHAEFFER *et al* :
U.S. Application No.: 12/738,345 :
PCT No.: PCT/DE2008/001422 :
Int. Filing Date: 29 August 2008 : **DECISION**
Priority Date: 18 October 2007 :
Docket No.: 1063-033 (T-HE-0082-US) :
For: ELECTRICAL CONTROL DEVICE :

This decision is in response to applicants' renewed petition under 37 CFR 1.47(a) filed on 20 January 2011.

BACKGROUND

On 08 November 2010, a decision dismissing applicants' petition under 37 CFR 1.47(a) was mailed. Applicants were given two months to respond with extensions of time available.

On 20 January 2011, applicants filed the subject response which was accompanied by, *inter alia*, a $130.00 surcharge fee, a five-month extension and $2,350.00 extension fee, and an executed declaration.

DISCUSSION

In the original petition filed 23 August 2010, applicants claimed that co-inventor, Jürgen SCHAEFFER, could not be located.

In the papers filed 20 January 2011, applicants provided a declaration executed by the nonsigning inventor. However, this declaration is unacceptable for the following reason. The declaration is a composite declaration consisting of several pages of the declaration executed by co-inventors Michael Weiss and Denise Philipp (previously submitted), and the signature page of the declaration executed by the nonsigning inventor, Jürgen SCHAEFFER.

Where individual declarations are executed, they must be submitted as individual declarations rather than combined into one declaration (by combining the signature pages). *See* MPEP 605.04(a). Applicants must provide a complete copy of each declaration signed by each inventor.

In this case, a complete copy (all three pages) of the declaration signed by Jürgen SCHAEFFER must be provided.

CONCLUSION

For the reason discussed above, applicants' renewed 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. No additional petition fee is required. Extensions of time under 37 CFR 1.136(a) are available.

Failure to timely respond will result in the abandonment of the application.

The $130.00 surcharge fee was previously submitted and the five-month extension and $2,350.00 extension fee is not required.

The decision mailed 08 November 2010 provided applicants two months to reply with extensions of time available under 37 CFR 1.136(a). Therefore, a one-month extension fee of $130.00 is all that is required. The excess fees paid have been credited back to Deposit Account No. 50-1097.

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

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

UNITED STATES PATENT AND TRADEMARK OFFICE

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

25215
DOBRUSIN & THENNISCH PC
29 W. Lawrence Street,
Suite 210
Pontiac, MI 48342

MAILED

MAY 25 2011

PCT LEGAL ADMINISTRATION

In re Application of :
SCHAEFFER *et al* :
U.S. Application No.: 12/738,345 :
PCT No.: PCT/DE2008/001422 :
Int. Filing Date: 29 August 2008 : **DECISION**
Priority Date: 18 October 2007 :
Docket No.: 1063-033 (T-HE-0082-US) :
For: ELECTRICAL CONTROL DEVICE :

This decision is in response to applicants' second renewed petition under 37 CFR 1.47(a) filed on 31 March 2011.

BACKGROUND

On 25 March 2011, a decision dismissing applicants' renewed petition under 37 CFR 1.47(a) was mailed. Applicants were given two months to respond with extensions of time available.

On 20 January 2011, applicants filed the subject response which was accompanied by, *inter alia*, an executed declaration and a $130.00 surcharge fee.

DISCUSSION

In the prior petition filed 20 January 2011, applicants located the nonsigning inventor Jürgen SCHAEFFER, and submitted an executed declaration. However, the declaration could not be accepted as it was considered a composite declaration.

In the renewed response, applicants submitted a complete copy of each declaration executed by the inventors. This declaration is in compliance with 37 CFR 1.497(a) & (b). No further action on the petition under 37 CFR 1.47(a) is required.

CONCLUSION

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

The surcharge fee of $130.00 was previously submitted and is not required. This fee has been credited back to Deposit Account No. 50-1097.

Applicants have completed the requirements for acceptance under 35 U.S.C. 371(c). The application has an international filing date of 29 August 2008, under 35 U.S.C. 363 and a 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date of 31 March 2011.

This application is being forwarded to the National Stage Processing Division of the Office of PCT Operations for continued processing.

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MAILED

SEP 29 2011

PCT LEGAL ADMINISTRATION

MCAFEE & TAFT
TENTH FLOOR, TWO LEADERSHIP SQUARE
211 NORTH ROBINSON
OKLAHOMA CITY OK 73102

In re Application of :
VOLK, Jr., Michael :
Application No.: 12/738,359 : DECISION
PCT No.: PCT/US2009/030335 :
International Filing Date: 07 January 2009 :
Priority Date: None :
Attorney Docket No.: 29056.7 :
For: SILICONE FREE ANTI-FOAMING PROCESS :
AND CONTROLLED FOAMING PROCESS FOR :
PETROLEUM COKING :

This decision is in response to applicant's petition under 37 CFR 1.182 filed 15 February 2011.

BACKGROUND

On 07 January 2009, applicants filed international application PCT/US2009/030335, which designated the U.S. and did not claim a priority date. The thirty-month period for paying the basic national fee in the United States expire at midnight on 07 July 2011.

On 16 April 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, a preliminary amendment, and an express request to being national examination procedures.

On 24 August 2010, a Filing Receipt and a NOTIFICATION OF ACCEPTANCE OF APPLICATION (Form PCT/DO/EO/903) according the application a 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) date and a 35 U.S.C. 371 date of 16 April 2010 were issued.

On 15 February 2011, applicant filed the instant petition.

DECISION

The petition requests that the instant application be advanced out of turn in accordance with MPEP § 1893.03 and 37 CFR 1.496.

The instant national stage application has been amended only to the extent necessary to present only the claims satisfying the provisions of PCT Articles 33(2)-(4). Accordingly, the application will be advanced out of turn for examination.

CONCLUSION

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

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

The application is being forwarded to Art Unit 1772 for further processing 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
www.uspto.gov

75474
KANG INTELLECTUAL PROPERTY LAW, LLC
214 Elm Street, Suite 106
Washington, MO 63090

MAILED

NOV 08 2010

PCT LEGAL ADMINISTRATION

In re Application of :
KIM *et al* :
U.S. Application No.: 12/738,415 :
PCT No.: PCT/KR2008/006133 :
Int. Filing Date: 17 October 2008 :
Priority Date: 18 October 2007 : **DECISION**
Attorney Docket No.: 84561-011 :
For: APPARATUS, METHOD FOR CONNECTING PIPE AND METHOD FOR MANUFACTURING JAW OF HOLDER-JAW :

This decision is in response to the papers filed 15 September 2010 which are treated as a renewed petition under 37 CFR 1.42.

BACKGROUND

On 15 July 2010, a decision dismissing applicants' declaration submitted under 37 CFR 1.42 and/or 37 CFR 1.43 was mailed. Applicants were given two months to respond with extensions of time available.

On 15 September 2010, applicants filed a renewed petition which was accompanied by, *inter alia*, a Supplemental Sheet of the declaration.

DISCUSSION

In the prior Decision, it was noted that the Supplemental Sheet of the declaration did not identify the deceased or incapacitated inventor, or in what capacity the legal representative signed the declaration. Further, there was no indication why Hyoung Nyom KIM signed the declaration as a legal representative (was an inventor deceased, or incapacitated?).

In the renewed response, applicants state that joint inventor Seung-Hyeon KIM is deceased and that Hyoung Nyom KIM signed the declaration as his legal representative as he is the heir of the deceased inventor. This is an appropriate response.

Applicants also provided a "corrected Supplemental Sheet" of the declaration

listing the name of the deceased inventor at the top of the sheet.

A review of the "corrected Supplemental Sheet" of the declaration shows that the name of the deceased inventor has been added to the Supplemental Sheet previously submitted. In addition, applicants provided only the Supplemental Sheet of the declaration, not a complete copy of the declaration presented to the legal representative.

This is not acceptable.

It is improper for anyone, including counsel, to alter, rewrite, or partly fill in any part of the application, including the oath or declaration, after execution by the applicants. Moreover, applicants must provide a complete copy of the declaration presented to each inventor (and to the legal representative). The Supplemental Sheet does not contain a complete listing of all inventors. *See* MPEP § 605.04(a).

A new declaration executed by the legal representative of the deceased inventor is required.

CONCLUSION

For the reasons listed above, applicants' renewed petition under 37 CFR 1.42 is **DISMISSED** without prejudice.

Applicants are 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 deposited with the United States Postal Service should be addressed to the Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

UNITED STATES PATENT AND TRADEMARK OFFICE

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

75474
KANG INTELLECTUAL PROPERTY LAW, LLC
214 Elm Street, Suite 106
Washington, MO 63090

MAILED

MAY 13 2011

PCT LEGAL ADMINISTRATION

In re Application of :
KIM *et al* :
U.S. Application No.: 12/738,415 :
PCT No.: PCT/KR2008/006133 :
Int. Filing Date: 17 October 2008 :
Priority Date: 18 October 2007 :
Attorney Docket No.: 84561-011 :
For: APPARATUS, METHOD FOR CONNECTING PIPE AND METHOD FOR MANUFACTURING JAW OF HOLDER-JAW :

DECISION

This decision is in response to the papers filed 10 January 2011 which are treated as a renewed petition under 37 CFR 1.42.

BACKGROUND

On 08 November 2010, a decision dismissing applicants' declaration submitted under 37 CFR 1.42 was mailed. Applicants were given two months to respond with extensions of time available.

On 10 January 2011, applicants filed the instant response which was accompanied by, *inter alia*, a new declaration executed by the legal representative of a deceased inventor.

On 26 April 2011, the United States Designated/Elected Office (DO/EO/US) mailed a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that an oath/declaration in compliance with 37 CFR 1.497(a) and (b) must be provided as the declaration filed 10 January 2011 listed an inventor (Hyoung Nyon) not on the international application.

DISCUSSION

In the subject response, applicants provided a declaration executed by Hyoung Nyon KIM as legal representative of deceased joint inventor, Seung-Hyeon KIM. This declaration is in compliance with 37 CFR 1.497(a) and (b).

The Form PCT/DO/EO/905 mailed 26 April 2011 erroneously assumed that the legal representative was an inventor. This is not correct. Hyoung Nyon Kim is clearly listed as the legal representative of Seung-Hyeon KIM on the declaration.

Accordingly, the Form PCT/DO/EO/905 is hereby **VACATED**.

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 17 October 2008 under 35 U.S.C. 363, and a 35 U.S.C. 371 date of 10 January 2011.

This application is being forwarded to the National Stage Processing Division of the Office of PCT Operations for continued processing.

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

United States Patent and Trademark Office

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

MAILED

NOV 12 2010

PCT LEGAL ADMINISTRATION

MACMILLAN, SOBANSKI & TODD, LLC
ONE MARITIME PLAZA - FIFTH FLOOR
720 WATER STREET
TOLEDO OH 43604

In re Application of :
Schluter :
Application No. 12/738,446 :
PCT No.: PCT/EP2008/008448 :
Int. Filing Date: 07 October 2008 : DECISION
Priority Date: 18 October 2007 :
Atty. Docket No.: 1-51776 :
For: Vacuum-Assisted Brake Force Booster :
For A Motor Vehicle Braking System :

This is in response to the renewed submission under 37 CFR 1.42 filed on 14 September 2010.

DISCUSSION

In a Decision mailed on 19 July 2010, the declaration filed on 03 June 2010 was not accepted under 37 CFR 1.42, without prejudice, because

> Examination of the declaration filed on 03 June 2010 reveals that it has been signed by Irina Gerdt, Frank Schluter, Alexander Schluter and Stefan Schluter in the capacity of "Legal Representative of Peter Schluter." However, it is not clear whether the declaration is nominating these individuals as inventors themselves, or merely as legal representatives of the deceased inventor. Thus, it would not be appropriate to accept the declaration under 37 CFR 1.42 and 1.497(b)(2) at this time.

In response, counsel has filed a new declaration which clearly identifies the legal representatives as such. The declaration provides the required statements with respect to both the deceased inventor and each of his legal representatives. Hence, it would be appropriate to accept this declaration under 37 CFR 1.42 for purposes of compliance with 37 CFR 1.497(a) and (b).

DECISION

The declaration filed on 14 September 2010 is **ACCEPTED** under 37 CFR 1.42.

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 **14 September 2010**.

/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-US (09-10)
Approved for use through 01/31/2012. OMB 0651-0058
U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM IN A U.S. APPLICATION WHERE THE USPTO WAS THE ISA OR IPEA

Application No:	12/738,485	Filing date:	April 16, 2010
First Named Inventor:	Vernon W. Hamlin		
Title of the Invention:	Gaming System Having Cycling Eligibility For Supplemental Features		

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

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

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

The corresponding PCT application number(s) is/are: PCT/US2008/012315

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

October 29, 2008

I. List of Required Documents:

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

☒ Is attached

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

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

☒ Is attached.

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

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

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

PTO/SB/20PCT-US (09-10)
Approved for use through 01/31/2012. OMB 0651-0058
U.S.Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM IN A U.S. APPLICATION WHERE THE USPTO WAS THE ISA OR IPEA (continued)

Application No.:	12/738,485
First Named Inventor:	Vernon W. Hamlin

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 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 April 16, 2010

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1-25	1-25	Identical

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

Signature /Jason S. Kray, Reg. No. 66,926/	Date 07/11/2011
Name (Print/Typed) Jason S. Kray	Registration Number 66,926

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.

REQUIRED DOCUMENT I(A)

The following document(s) include(s) a copy of the latest international work product in the corresponding PCT application

RECEIVED
FEB 19 2010
CHI DOCKETING

PATENT COOPERATION TREATY

From the
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

To:
DANIEL J. BURNHAM
NIXON PEABODY LLP
300 S. RIVERSIDE PLAZA, 16TH FLOOR
CHICAGO, IL 60606

PCT

NOTIFICATION OF TRANSMITTAL OF INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY
(Chapter II of the Patent Cooperation Treaty)

(PCT Rule 71.1)

Date of mailing *(day/month/year)*	12 FEB 2010
Applicant's or agent's file reference 247079-746WO	**IMPORTANT NOTIFICATION**

International application No.	International filing date *(day/month/year)*	Priority date *(day/month/year)*
PCT/US08/12315	29 October 2008 (29.10.2008)	05 November 2007 (05.11.2007)

Applicant

WMS GAMING INC.

1. The applicant is hereby notified that this International Preliminary Examining Authority transmits herewith the international preliminary report on patentability and its annexes, if any, established on the international application.

2. A copy of the report and its annexes, if any, is being transmitted to the International Bureau for communication to all the elected Offices.

3. Where required by any of the elected Offices, the International Bureau will prepare an English translation of the report (but not of any annexes) and will transmit such translation to those Offices.

4. **REMINDER**

The applicant must enter the national phase before each elected Office by performing certain acts (filing translations and paying national fees) within 30 months from the priority date (or later in some Offices)(Article 39(1))(see also the reminder sent by the International Bureau with Form PCT/IB/301).

Where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary report on patentability. It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned.

For further details on the applicable time limits and requirements of the elected Offices, see Volume II of the *PCT Applicant's Guide.*

The applicant's attention is drawn to Article 33(5), which provides that the criteria of novelty, inventive step and industrial applicability described in Article 33(2) to (4) merely serve the purposes of international preliminary examination and that "any Contracting State may apply additional or different criteria for the purposes of deciding whether, in that State, the claimed invention is patentable or not" (see also Article 27(5)). Such additional criteria may relate, for example, to exemptions from patentability, requirements for enabling disclosure, clarity and support for the claims.

Name and mailing address of the IPEA/ US	Authorized officer
Mail Stop PCT, Attn: IPEA/US Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450 Facsimile No. (571) 273-3201	Scott Jones Telephone No. (571) 272-6788

Form PCT/IPEA/416 (January 2004)

REVIEWED BY DOCKET

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 247079-746WO	FOR FURTHER ACTION	See Form PCT/IPEA/416
International application No. PCT/US08/12315	International filing date *(day/month/year)* 29 October 2008 (29.10.2008)	Priority date *(day/month/year)* 05 November 2007 (05.11.2007)
International Patent Classification (IPC) or national classification and IPC IPC: **A63F 9/24**(2006.01) USPC: 463/25		
Applicant WMS GAMING INC.		

1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of 14 sheets, including this cover sheet.
3. This report is also accompanied by ANNEXES, comprising:
   a. ☐ *(sent to the applicant and to the International Bureau)* a total of ___ sheets, as follows:
      ☐ sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).
      ☐ sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.
   b. ☐ *(sent to the International Bureau only)* a total of (indicate type and number of electronic carrier(s)) _____ , containing a sequence listing and/or tables related thereto, in electronic form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).
4. This report contains indications relating to the following items:
   - ☒ Box No. I — Basis of the report
   - ☐ Box No. II — Priority
   - ☐ Box No. III — Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
   - ☐ Box No. IV — Lack of unity of invention
   - ☒ Box No. V — Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
   - ☐ Box No. VI — Certain documents cited
   - ☐ Box No. VII — Certain defects in the international application
   - ☐ Box No. VIII — Certain observations on the international application

Date of submission of the demand	Date of completion of this report
08 September 2009 (08.09.2009)	27 January 2010 (27.01.2010)
Name and mailing address of the IPEA/ US Mail Stop PCT, Attn: IPEA/US Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450 Facsimile No. (571) 273-3201	Authorized officer Scott Jones Telephone No. (571) 272-6788

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.
PCT/US08/12315

Box No. I Basis of the report

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

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

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

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

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

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

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

☒ the international application as originally filed/furnished

☒ the description:
pages 1-25 as originally filed/furnished
pages* NONE received by this Authority on _____
pages* NONE received by this Authority on _____

☒ the claims:
pages 26-29 as originally filed/furnished
pages* NONE as amended (together with any statement) under Article 19
pages* NONE received by this Authority on _____
pages* NONE received by this Authority on _____

☒ the drawings:
pages 1/10-10/10 as originally filed/furnished
pages* NONE received by this Authority on _____
pages* NONE received by this Authority on _____

☐ a sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing.

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

☐ the description, pages _____
☐ the claims, Nos. _____
☐ the drawings, sheets/figs _____
☐ the sequence listing (*specify*): _____
☐ any table(s) related to the sequence listing (*specify*): _____

4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

☐ the description, pages _____
☐ the claims, Nos. _____
☐ the drawings, sheets/figs _____
☐ the sequence listing (*specify*): _____
☐ any table(s) related to the sequence listing (*specify*): _____

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

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

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.
PCT/US08/12315

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

1. Statement

Novelty (N)	Claims 1-25	YES
	Claims NONE	NO
Inventive Step (IS)	Claims 1-25	YES
	Claims NONE	NO
Industrial Applicability (IA)	Claims 1-25	YES
	Claims NONE	NO

2. Citations and Explanations (Rule 70.7)

Claims 1-25 meet the criteria set out in PCT Article 33(2)-(3), because the prior art does not teach or fairly suggest "activating an auto-cycle feature, the auto-cycle feature associated with a plurality of supplemental features," as similarly recited in independent claims 1, 9, 18 and 23.

Claims 1-25 meet the criteria set out in PCT Article 33(4), and thus have industrial applicability because the subject matter claimed can be made or used in industry.

REQUIRED DOCUMENT I(B)

The following document(s) include(s) a copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the corresponding PCT application

CLAIMS:

What is claimed is:

1. A method of operating a wagering game comprising:

receiving a primary wager;

receiving an activation input from a player, and in response thereto, activating an auto-cycle feature, the auto-cycle feature associated with a plurality of supplemental features;

activating a first period of eligibility for a first one of the plurality of supplemental features during a display of a first outcome of a primary wagering game; and

activating a second period of eligibility for a second one of the plurality of supplemental features during a display of a second outcome of the primary wagering game.

2. The method of claim 1, wherein the auto-cycle feature comprises cycling eligibility for the plurality of available supplemental features in accordance with a predetermined cycling pattern.

3. The method of claim 1, further comprising in response to a first triggering event occurring during the first period of eligibility, displaying the first one of the plurality of supplemental features.

4. The method of claim 3, further comprising in response to a second triggering even occurring during the second period of eligibility, displaying the second one of the plurality of supplemental features.

5. The method of claim 1, further comprising displaying a plurality of icons associated with the plurality of supplemental features.

6. The method of claim 5, further comprising, during the first period of eligibility, highlighting a first icon associated with the first one of the plurality of supplemental features.

7. The method of claim 1, further comprising displaying an auto-cycle icon associated with the auto-cycle feature.

8. The method of claim 7, further comprising highlighting the auto-cycle icon contemporaneously with activating the auto-cycle feature.

9. A gaming system comprising:

a wager input device;

at least one display for displaying a primary wagering game and a plurality of available supplemental feature icons; and

at least one controller operative to:

(i) detect an input selection for activating an auto-cycle feature, and in response thereto, activate the auto-cycle feature;

(ii) during a first subsequent play of the primary wagering game, activate a first eligibility period for a first supplemental feature associated with the auto-cycle feature;

(iii) during a second subsequent play of the primary wagering game, activate a second eligibility period for a second supplemental feature associated with the auto-cycle feature;

(iv) in response to a first triggering event occurring during the first eligibility period, initiate the first supplemental feature; and

(v) in response to a second trigging event occurring during the second eligibility period, initiate the second supplemental feature.

10. The system of claim 9, wherein the at least one display further displays a first auto-cycle icon associated with the auto-cycle feature.

11. The system of claim 10, wherein the input selection is received via a touch screen overlying the at least one display.

12. The system of claim 9, wherein the at least one controller is further operative to cause the at least one display to highlight a first supplemental feature icon during

the first eligibility period, the first supplemental feature icon associated with the first supplemental feature.

13. The system of claim 12, wherein the at least one controller is further operative to cause the at least one display to highlight a second supplemental feature icon during the second eligibility period, the second supplemental feature icon associated with the second supplemental feature.

14. The system of claim 9, wherein the at least one display comprises a community display, wherein one or both of the first and second supplemental features is displayed at least in part on the community display.

15. The system of claim 9, wherein the at least one controller is further operative to deactivate the first eligibility period upon commencement of the second eligibility period.

16. The system of claim 9, wherein the primary wagering game is displayed in response to receipt of a primary wager via the wager input device.

17. The system of claim 16, wherein the at least one controller is further operative to debit from a player credit balance a first side wager associated with the first eligibility period and a second side wager associated with the second eligibility period.

18. A method of cycling eligibility for supplemental features comprising:

receiving a first input selection from a player to activate an auto-cycle feature;

in response to receiving the input selection, activating operation of the auto-cycle feature;

during operation of the auto-cycle feature, cycling periods of eligibility amongst a plurality of supplemental features associated with the auto-cycle feature.

19. The method of claim 18, wherein the cycling step is performed in accordance with a predetermined cycling pattern.

20. The method of claim 18, wherein cycling eligibility from a previous supplemental feature to a subsequent supplemental feature occurs in response to receiving a second input from the player.

21. The method of claim 20, wherein the second input initiates a subsequent play of a primary wagering game.

22. The method of claim 18, further comprising in response to a first triggering event associated with a first one of the plurality of supplemental features, displaying the first one of the plurality of supplemental features if a current eligibility period of the auto-cycle feature is associated with the first one of the plurality of supplemental features at a time that the first triggering event occurs.

23. A method of operating a wagering game comprising:

receiving a primary wager;

activating a first auto-cycle feature, the auto-cycle feature associated with a first set of supplemental features;

during operation of the first auto-cycle feature, cycling periods of eligibility amongst the first set of supplemental features;

activating a second auto-cycle feature, the second auto-cycle feature associated with a second set of supplemental features; and

during operation of the second auto-cycle feature, cycling period of eligibility amongst the second set of supplemental features.

24. The method of claim 23, further comprising deactivating the first auto-cycle feature upon activating the second auto-cycle feature.

25. The method of claim 23, wherein the step of cycling periods of eligibility amongst the first set of supplemental features occurs in response to receipt of one or more player inputs initiating one or more plays of a primary wagering game.

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.
12/738,485	04/16/2010	Vernon W. Hamlin	247079-000746USPX	2115

70243 7590 07/15/2011

NIXON PEABODY LLP
300 S. Riverside Plaza
16th Floor
CHICAGO, IL 60606

EXAMINER	
VO, PETER DUNG BA	

ART UNIT	PAPER NUMBER
3718	

MAIL DATE	DELIVERY MODE
07/15/2011	PAPER

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

NIXON PEABODY LLP
300 S. Riverside Plaza
16th Floor
CHICAGO IL 60606

In re Application of:
HAMLIN, VERNON W.
Serial No.: 12/738485
Filed: April 16, 2010
Attorney Docket No. : 247079-000746USPX
Title: GAMING SYSTEM HAVING CYCLING ELIGIBILITY FOR SUPPLEMENTAL FEATURES

DECISION ON A REQUEST TO PARTICIPATE IN PCT/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 11, 2011 to make the above-identified application special.

The request and petition are **granted.**

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

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

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

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

Response must be filed via EFS-Web. Telephone inquiries concerning this decision should be directed to Henry C. Yuen, at 571-272-4856.

Petition is **granted**.

/Henry C. Yuen/

Henry C. Yuen
Special Programs Examiner
Technology Center 3700
Tel: 571-272-4856

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/738,514	04/16/2010	Keizo Sato	5198-0105PUS1	2224

7590 05/18/2011

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

EXAMINER	
RAHMANI, NILOOFAR	

ART UNIT	PAPER NUMBER
1625	

NOTIFICATION DATE	DELIVERY MODE
05/18/2011	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

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	12738538
Filing Date	16-Apr-2010
First Named Inventor	Andreas Joannes Anthonius Klomp
Art Unit	1618
Examiner Name	ROBERT CABRAL
Attorney Docket Number	097298-0154
Title	SHAVING COMPOSITION WITH SKIN CARE PROPERTIES

◉ Please withdraw me as attorney or agent for the above identified patent application and the practitioners of record associated with Customer Number: 26371

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	SARA LEE/DE N.V.
Address	KEULSEKADE 143
City	UTRECHT
State	
Postal Code	3532 AA
Country	NL

I am authorized to sign on behalf of myself and all withdrawing practitioners.	
Signature	/Anderson, Scott/
Name	Anderson, Scott
Registration Number	46521

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Decision Date : July 22,2011

In re Application of :

Andreas Joannes Anthonius Klomp

Application No : 12738538

Filed : 16-Apr-2010

Attorney Docket No : 097298-0154

DECISION ON REQUEST TO WITHDRAW AS ATTORNEY/AGENTOF RECORD

This is an electronic decision on the Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed July 22,2011

The request is **APPROVED.**

The request was signed by Anderson, Scott (registration no. 46521) on behalf of all attorneys/agents associated with Customer Number 26371 . All attorneys/agents associated with Cusotmer Number 26371 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 SARA LEE/DE N.V.
Name2
Address 1 KEULSEKADE 143
Address 2
City UTRECHT
State
Postal Code 3532 AA
Country NL

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

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

Office of Petitions

UNITED STATES PATENT and TRADEMARK OFFICE

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

MAILED

APR 05 2011

PCT LEGAL ADMINISTRATION

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

In re Application of	:	DECISION ON
Box et al	:	
Application No: 12/738,631	:	
PCT No.: PCT/EP2008/008603	:	
Int. Filing Date: 11 October 2008	:	PETITION UNDER
Priority Date: 19 October 2007	:	
Attorney's Docket No.: 091330-0242	:	
For: PIVOTABLE KEY WITH REINFORCED...	:	37 CFR 1.47(a)
ACTUATING A LOCK	:	

This is in response to the "PETITION UNDER 37 CFR 1.47(a)" filed on 24 January 2011.

BACKGROUND

On 16 April 2010, applicants filed a Transmittal Letter for entry into the national stage in the United States of America. Filed with the Transmittal Letter was, inter alia, the requisite basic national fee. No executed oath or declaration from the inventors accompanied the Transmittal Letter.

On 24 June 2010, the United States Designated/Elected Office (DO/EO/US) mailed a "NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)" (Form PCT/DO/EO/905) which informed applicant, inter alia, that an "Oath or Declaration of the inventors, in compliance with 37 CFR 1.497(a), and (b), identifying the application by International application number and international filing." The Notice stated that the declaration must be submitted within two months from the date of this notice or 32 months from the priority date, whichever is later, in order to avoid abandonment of the national stage application.

On 24 January 2011, petitioners filed the instant petition, and an executed declaration without the signature of Fabrice Echasseriau.

DISCUSSION

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

Petitioner has satisfied requirements (1) and (3) - (4) of 37 CFR 1.47(a) but not requirement (2).

Regarding requirement (1), petitioner has been charged the petition fee of $200.00 under 37 CFR 1.17(g) to Deposit Account No.: 19-0741 as it was not charged to petitioner's credit card.

Regarding requirement (2), the averments of Mr. Andrew E. Rawlins are not sufficient to support a finding that the nonsigning inventor, Mr. Echasseriau refuses to sign because it is unclear if 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 co-inventor for signature, and that the inventor refused to accept delivery of the papers. Although, a letter was mailed on April 14, 2010 to Echasseriau he has not mailed back the declaration signed. However, it is unclear if a copy of the application papers were forwarded to Mr. Echasseriau because there is no specific statement referring to a copy of the application papers (specification, including claims, drawings, and oath or declaration) as required under MPEP. 409.03(d) being sent to him for his review since only the declaration is mentioned as being sent to him.

Although the letter was delivered, it is unclear if Mr. Echasseriau or someone else in his residence had to sign for the package in order to receive it. At such, it is unclear if the letter was actually received. Where the Office is being asked to accept the silence of the nonsigning inventor's as evidence of a refusal to sign, petitioner must provide some evidence that the application materials have been received by the nonsigning applicant. Absent further firsthand evidence that the application and request for signature were received by the nonsigning inventor, item (2) cannot be considered satisfied.

Moreover, it is not clear from the petition that it was Mr. Rawlins who performed the actions listed in the petition and the person who mailed the application papers, and has first hand knowledge of those facts as required by MPEP Section 409.03(d). If Mr. Rawlins was not the person who performed the actions listed as it appears it was Ms Tiedemann who did the mailing, petitioner will need to submit statements, with specific facts on the actions referred in the petition by the persons who have first-hand knowledge of such facts.

Regarding requirement (3), petitioner has provided a statement of the last known address of the missing inventor.

Fabrice Echasseriau
11 rue Salvador Allende
92700 Colombes France

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

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

CONCLUSION

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

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

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

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

UNITED STATES PATENT and TRADEMARK OFFICE

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

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

MAILED
NOV 29 2011
PCT LEGAL ADMINISTRATION

In re Application of	:	DECISION ON
Box et al	:	
Application No: 12/738,631	:	
PCT No.: PCT/EP2008/008603	:	
Int. Filing Date: 11 October 2008	:	PETITION UNDER
Priority Date: 19 October 2007	:	
Attorney's Docket No.: 091330-0242	:	
For: PIVOTABLE KEY WITH REINFORCED...	:	37 CFR 1.47(a)
ACTUATING A LOCK	:	

This decision is in response to applicants' "RENEWED PETITION UNDER 37 CFR 1.47(a) and the PETITION REQUESTING WITHDRAWAL OF THE HOLDING OF ADANDONMENT UNDER 37 CFR 1.181" filed on 05 October 2011.

BACKGROUND

The decision by this Office dated 05 April 2011 indicated that item (2) under 37 CFR 1.47(a) had not been satisfied.

On 08 September 2011, the United States Patent and Trademark Office mailed the Notice of Abandonment for failure to timely reply to the Decision on Petition mailed.

On 05 October 2011, petitioner filed this renewed petition accompanied, inter alia, an executed declaration by previous nonsigning co-inventor Fabrice Echasseriau, and a request to withdraw the holding of abandonment.

DISCUSSION

The renewed petition has includes a newly executed declaration and declaration is now signed Fabrice Echasseriau. As such, the set of declarations is now signed by all the joint inventors.

Petitioner's request to withdraw the "NOTIFICATION OF ABANDONMENT" is **GRANTED** as the renewed petition was filed timely. The NOTIFICATION OF ABANDONMENT, mailed 08 September 2011 has been **VACATED**.

Accordingly, the declaration submitted on 05 October 2011 complies with 37 CFR 1.497(a) and (b).

CONCLUSION

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

The Notification of Abandonment (PCT/DO/EO/909) mailed 08 September 2011 was in error and is hereby **VACATED** with the mailing of this decision.

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

Rafael Bacares
PCT Legal Examiner
PCT Legal Office
Tel: (571) 272-3276
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

20792
MYERS BIGEL SIBLEY & SAJOVEC
P.O. Box 37428
Raleigh, NC 27627

MAILED

JAN 04 2011

PCT LEGAL ADMINISTRATION

In re Application of
LU, Qun
U.S. Application No.: 12/738,665
PCT No.: PCT/US2008/012906
Int. Filing Date: 19 November 2008
Priority Date: 20 November 2007
Docket No.: 5218-170
For: METHOD OF SCREENING FOR CANCER BY DETECTING MUTATIONS IN THE DELTA-CATENIN GENE PROMOTER . . .

DECISION ON PETITION UNDER 37 CFR 1.497(d)

This is a decision on the request to add two inventors filed 03 November 2010.

BACKGROUND

On 10 May 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 requesting an oath or declaration in compliance with 37 CFR 1.497(a) and (b), a CRF sequence listing, and a surcharge fee. Applicant was given two months to respond with extensions of time available under 37 CFR 1.136(a).

On 07 September 2010, applicant submitted a surcharge fee, a two-month extension fee, and a declaration executed by three inventors. The international publication ("WO 2009/67204") lists only one inventor. Applicant also claimed that a CRF sequence listing was not required.

On 04 October 2010, the DO/EO/US mailed a Notification of Defective Response (Form PCT/DO/EO/916) indicating that the current declaration was not in compliance with 37 CFR 1.497(a) and (b) because it contained additional inventors than listed on the international application. The Form PCT/DO/EO/916 also stated that a CRF sequence listing was still required. Applicant was given one month to respond, or any time remaining on the Form PCT/DO/EO/905.

On 03 November 2010, applicant filed a response which was accompanied by, *inter alia*, a petition under 37 CFR 1.497(d); a statement by the two inventors being added; a consent of assignee; a copy of the declaration previously submitted; a statement regarding the CRF sequence listing; a copy of an assignment; and

authorization to charge any required fee to Deposit Account No. 50-0220.

DISCUSSION

It is first noted that applicant's statement that a CRF sequence listing is not required in the above-captioned application is accepted.

Applicant requests to add Tao WANG and Yan-Hua CHEN as inventors in the above-captioned application. 37 CFR 1.497(d) applies when the inventorship in a national stage application filed under 35 U.S.C. 371 differs from that set forth in the international application (see 37 CFR 1.48(f)(1)).

37 CFR 1.497(d) states, in part:

> (d) If the oath or declaration filed pursuant to 35 U.S.C. 371(c)(4) and this section names an inventive entity different from the inventive entity set forth in the international application, the oath or declaration must be accompanied by:
>
> > (1) A statement from each person being added as an inventor . . . that any error in inventorship in the international application occurred without deceptive intention on his or her part;
> >
> > (2) The processing fee set forth in § 1.17(l); and
> >
> > (3) If an assignment has been executed by any of the original named inventors, the written consent of the assignee.

Applicant filed the required statement by each person being added as inventors (Tao WANG and Yan-Hua CHEN). The processing fee of $130.00 has been paid.

Items (1) and (2) of 37 CFR 1.497(d) are satisfied.

Applicant also submitted a written consent of the assignee, East Carolina University. This document was signed by Ms. Martha J.S. Van Scott as the Director, Office of Technology Transfer. A copy of the assignment was provided. Counsel also listed the reel and frame number of the assignment in the petition. A review of the application shows that the assignment was recorded on 07 September 2010.

However, the Consent of Assignee is not accepted for the following reason.

The position of Director in a domestic organization is normally not an officer and is not presumed to have authority to sign the statement on behalf of the assignee. *See* MPEP §§ 324(V)(A), 1820. Further, the consent does not set forth that Ms. Van Scott

is authorized to act on behalf of the assignee. *See* MPEP § 324(V)(B).

CONCLUSION

Applicant's request under 37 CFR 1.497(d) to add Tao WANG and Yan-Hua CHEN as inventors in the subject application is **DISMISSED** without prejudice.

If reconsideration on the merits of this petition is desired, a proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time may be obtained under 37 CFR 1.136(a).

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

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

UNITED STATES PATENT AND TRADEMARK OFFICE

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

20792
MYERS BIGEL SIBLEY & SAJOVEC
P.O. Box 37428
Raleigh, NC 27627

MAILED

APR 29 2011

PCT LEGAL ADMINISTRATION

In re Application of
LU, Qun
U.S. Application No.: 12/738,665
PCT No.: PCT/US2008/012906
Int. Filing Date: 19 November 2008
Priority Date: 20 November 2007
Docket No.: 5218-170
For: METHOD OF SCREENING FOR CANCER BY DETECTING MUTATIONS IN THE DELTA-CATENIN GENE PROMOTER . . .

DECISION ON RENEWED PETITION UNDER 37 CFR 1.497(d)

This is a decision on the renewed request to add two inventors filed 04 March 2011.

BACKGROUND

On 04 January 2011, a decision dismissing applicants' petition pursuant to 37 CFR 1.497(d) was mailed. Applicants were given two months to respond with extensions of time available.

On 04 March 2011, applicants filed the subject response which was accompanied by, *inter* alia, a written consent of the assignee.

DISCUSSION

Applicants request to add Tao WANG and Yan-Hua CHEN as inventors in the above-captioned application.

Applicants failed to satisfy item (3) of 37 CFR 1.497(d) in the initial petition. The written consent of the assignee was not accepted as the position of the person signing the consent was not presumed to have authority to sign on behalf of the assignee. Moreover, the consent did not set forth that the individual signing was authorized to act on behalf of the assignee.

In the renewed petition, applicants provided a written consent of the assignee, East Carolina University, executed by Steve Ballard as Chancellor. Applicants state that the position of Chancellor is the highest officer of East Carolina University. The

statement is sufficient to meet the requirements of MPEP § 324(V)(A).

All items of 37 CFR 1.497(d) are satisfied.

CONCLUSION

Applicants' renewed request to add Tao WANG and Yan-Hua CHEN as inventors pursuant to 37 CFR 1.497(d) is **GRANTED**.

The declaration filed 07 September 2010 is now in compliance with 37 CFR 1.497(a) and (b). A CRF sequence listing is not required.

Applicants have completed the requirements for acceptance under 35 U.S.C. 371(c). The application has an international filing date of 19 November 2008 under 35 U.S.C. 363 and a 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date of 07 September 2010.

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

James Thomson

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

UNITED STATES PATENT AND TRADEMARK OFFICE

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

SEP 30 2010

JENKINS, WILSON, TAYLOR & HUNT, P. A.
3100 Tower Blvd.
Suite 1200
DURHAM NC 27707

In re application of
Sano et al.
Application No. 12/738,698
Filed: April 19, 2010
For: SPOKED WHEEL DISK MANUFACTURING METHOD AND SPOKED WHEEL

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 12, 2010, to make the above-identified application special.

The request and petition are **GRANTED**.

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

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

In light of the preliminary amendment filed August 12, 2010. The request to participate in the PPH pilot program complies with the above requirements. Therefore, the above-identified application has been accorded "special" status.

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

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

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

/ Mikado Buiz /

Mikado Buiz,
Quality Assurance Specialist
Technology Center 3600

BM/BM: 09/29/10

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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

MAILED
MAY 25 2011
PCT LEGAL ADMINISTRATION

In re Application of BARTOLE :
U.S. Application No.: 12/738,728 :
PCT Application No.: PCT/EP2008/006376 :
Int. Filing Date: 01 August 2008 :
Priority Date Claimed: 18 October 2007 :
Attorney Docket No.: LSN-707-24 : DECISION
For: METHOD OF, AND DEVICE FOR, CONTROLLING A VERTICALLY OR HORIZONTALLY MOVING DOOR, WITH THE DOOR-CLOSING PLANE BEING SAFEGUARDED IN RELATION TO OBSTRUCTIONS :

This is in response to applicant's petition to withdraw a holding of abandonment filed 03 March 2011, which is being treated under 37 CFR 1.181. No petition fee is due.

BACKGROUND

On 01 August 2008, applicant filed international application PCT/EP2008/006376, which claimed priority of an earlier Germany application filed 18 October 2007. A copy of the international application was communicated to the USPTO from the International Bureau on 30 April 2009. The thirty-month period for paying the basic national fee in the United States expired on 19 April 2010.

On 19 April 2010, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

On 17 May 2010, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905), which indicated that an oath or declaration in compliance with 37 CFR 1.497 and an English translation of the claims must be filed.

On 21 July 2010, applicant filed a response to the Notification of Missing Requirements.

On 24 February 2011, DO/EO/US mailed a Notification of Abandonment (Form PCT/DO/EO/909), which indicated that the application is abandoned for failure to timely respond to the Notification of Missing Requirements.

On 03 March 2011, applicant filed the present petition under 37 CFR 1.181.

DISCUSSION

A review of the application file reveals that the transmittal letter (Form PTO-1390) filed 21 July 2010 is present. However, the declaration and translation purportedly filed on 21 July 2010 are not present. Although the petition includes a copy of a stamped return postcard receipt which includes a declaration and translation in its itemized contents, a true copy of the declaration and translation have not been furnished.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.181 is DISMISSED without prejudice.

If reconsideration on the merits of the petition is desired, a proper response must be filed within TWO (2) MONTHS from the mail date of this decision. Extensions of time are available under 37 CFR 1.136(a). Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.181".

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

Bryan Lin

Bryan Lin
PCT Legal Examiner
PCT Legal 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
www.uspto.gov

MAILED

JUL 27 2011

PCT LEGAL ADMINISTRATION

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

In re Application of BARTOLE :
U.S. Application No.: 12/738,728 :
PCT Application No.: PCT/EP2008/006376 :
Int. Filing Date: 01 August 2008 :
Priority Date Claimed: 18 October 2007 :
Attorney Docket No.: LSN-707-24 : DECISION
For: METHOD OF, AND DEVICE FOR, CONTROLLING A VERTICALLY OR HORIZONTALLY MOVING DOOR, WITH THE DOOR-CLOSING PLANE BEING SAFEGUARDED IN RELATION TO OBSTRUCTIONS :

This is in response to applicant's renewed petition under 37 CFR 1.181 filed 31 May 2011.

BACKGROUND

On 01 August 2008, applicant filed international application PCT/EP2008/006376, which claimed priority of an earlier Germany application filed 18 October 2007. A copy of the international application was communicated to the USPTO from the International Bureau on 30 April 2009. The thirty-month period for paying the basic national fee in the United States expired on 19 April 2010.

On 19 April 2010, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

On 17 May 2010, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905), which indicated that an oath or declaration in compliance with 37 CFR 1.497 and an English translation of the claims must be filed.

On 21 July 2010, applicant filed a response to the Notification of Missing Requirements.

On 24 February 2011, DO/EO/US mailed a Notification of Abandonment (Form PCT/DO/EO/909), which indicated that the application is abandoned for failure to timely respond to the Notification of Missing Requirements.

On 03 March 2011, applicant filed a petition under 37 CFR 1.181.

On 25 May 2011, this Office mailed a decision dismissing the 03 March 2011 petition.

On 31 May 2011, applicant filed the instant renewed petition under 37 CFR 1.181.

DISCUSSION

The evidence of record is sufficient to establish that the declaration and translation were originally filed on 21 July 2010. Specifically, the copy of the return postcard, which includes the declaration and translation in its itemized contents and which bears a USPTO date stamp of 21 July 2010, serves as *prima facie* evidence that the declaration and translation were received by the USPTO on 21 July 2010. The renewed petition includes true copies of the declaration and translation.

CONCLUSION

For the reasons above, the renewed petition under 37 CFR 1.181 is GRANTED.

The Notification of Abandonment (Form PCT/DO/EO/909) mailed 24 February 2011 is hereby VACATED.

The application has an International Filing Date under 35 U.S.C. 363 of 01 August 2008, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 21 July 2010.

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

Bryan Lin

Bryan Lin
PCT Legal Examiner
PCT Legal Office

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

16 AUG 2010

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Hogan Lovells US LLP
IP Group, Columbia Square
555 Thirteenth Street, N.W.
Washington, D.C. 20004

In re Application of	:	
CARTLEDGE et al.	:	
U.S. Application No.: 12/738,742	:	DECISION ON PETITION
PCT No.: PCT/US2008/080522	:	UNDER 37 CFR 1.47(a)
Int. Filing Date: 20 October 2008	:	
Priority Date: 18 October 2007	:	
Attorney Docket No.: 28099-0026	:	
For: IMPLANTABLE PURSE STRING SUTURE TENSIONING DEVICE	:	

This decision is issued in response to applicants' "Petition under 37 CFR 1.47(a)" filed 05 August 2010 to accept the application without the signature of joint-inventor, Richard G. Cartledge.

BACKGROUND

On 20 October 2008, applicants filed international application PCT/US2008/080522 which claimed a priority date of 18 October 2007. Pursuant to 37 CFR 1.495, the thirty-month period for paying the basic national fee in the United States expired at midnight on 18 April 2010.

On 19 April 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 an application data sheet.

On 13 May 2010, the United Stated Designated/Elected Office mailed a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497(a) and (b) must be filed. The notification set a two-month time limit in which to respond.

On 05 August 2010, applicants filed the present petition under 37 CFR 1.47(a) and a declaration executed by one of the two joint-inventors.

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 (Richard G. Cartledge) 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 02 June 2010 via Federal Express. Further, the subject petition noted that the documents were delivered to Richard G. Cartledge's last known address 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 one of the two inventors and including an unsigned signature box identifying the nonsigning inventor (Richard G. Cartledge). 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 Richard G. Cartledge under 37 CFR 1.47(a) at this time.

CONCLUSION

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

The application will be given an international filing date of 20 October 2008 under 35 U.S.C. 363, and a date of **05 August 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 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
Tel: (571) 272-3298
Fax: (571) 273-0459

16 AUG 2010

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Richard Cartledge
604 Boca Marina Court
Boca Raton, FL 33487

In re Application of
CARTLEDGE et al.
U.S. Application No.: 12/738,742
PCT No.: PCT/US2008/080522
Int. Filing Date: 20 October 2008
Priority Date: 18 October 2007
Attorney Docket No.: 28099-0026
For: IMPLANTABLE PURSE STRING SUTURE TENSIONING DEVICE

Dear Richard Cartledge:

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:
Hogan Lovells US LLP
IP Group, Columbia Square
555 Thirteenth Street, N.W.
Washington, D.C. 20004

UNITED STATES PATENT and TRADEMARK OFFICE

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

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

MAILED

MAR 30 2011

PCT LEGAL ADMINISTRATION

In re Application of	:	DECISION ON
CHISHOLM	:	
Application No.: 12/738,751	:	
PCT No.: PCT/GB2008/050959	:	
Int. Filing Date: 17 October 2008	:	PETITION UNDER
Priority Date: 17 October 2007	:	
Attorney's Docket No.: MNL-4851-48	:	
For: COMPUTER-IMPLEMENTED...	:	37 CFR 1.47(b)
IN THE DOCUMENT	:	

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 19 April 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 16 June 2010, the United States Designated/Elected Office (DO/EO/US) mailed a "NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)" (Form PCT/DO/EO/905) which informed applicant, inter alia, that an "Oath or Declaration of the inventors, in compliance with 37 CFR 1.497(a), and (b), 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) and (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 Chisolm 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. 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 QVET Summariser) 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.

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

UNITED STATES PATENT and TRADEMARK OFFICE

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

MAILED

AUG 31 2011

PCT LEGAL ADMINISTRATION

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

In re Application of	:	DECISION ON
CHISHOLM	:	
Application No.: 12/738,751	:	
PCT No.: PCT/GB2008/050959	:	
Int. Filing Date: 17 October 2008	:	PETITION UNDER
Priority Date: 17 October 2007	:	
Attorney's Docket No.: MNL-4851-48	:	
For: COMPUTER-IMPLEMENTED...	:	37 CFR 1.47(b)
IN THE DOCUMENT	:	

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.

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

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

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

MAILED

FEB 27 2012

OFFICE OF PETITIONS

In re Application of :
Mark Nicholas Hempleman-Adams :
Application No. 12/738,766 : DECISION ON PETITION
Filed: June 16, 2010 : TO WITHDRAW
Attorney Docket No. 669042000200 : FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed February 9, 2012.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request was signed by Jonathan Bockman on behalf of all attorneys/agents associated with customer number 25227. All attorneys/agents associated with customer number 25227 have been withdrawn.

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

The correspondence address has been changed and is copied below.

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

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: Mark Nicholas Hempleman-Adams
Pixtons Green, Ashwicke
Marshfield, Gloucestershire
United Kingdom, SN14 8AL

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/738,766	06/16/2010	Mark Nicholas Hempleman-Adams	669042000200

CONFIRMATION NO. 4117

25227
MORRISON & FOERSTER LLP
1650 TYSONS BOULEVARD
SUITE 400
MCLEAN, VA 22102

POWER OF ATTORNEY NOTICE

OC000000052708236

Date Mailed: 02/22/2012

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 02/09/2012.

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

/kainabinet/

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

DARDI & HERBERT, PLLC
MOORE LAKE PLAZA, SUITE 205
1250 EAST MOORE LAKE DRIVE
FRIDLEY, MN 55432

MAILED

AUG 04 2011

OFFICE OF PETITIONS

Applicant: Harald Mischak
Appl. No.: 12/738,775
International Filing Date: October 20, 2008
Title: METHOD AND MARKER FOR DIAGNOSING DIABETES MELLITUS
Attorney Docket No.: 3581.28US01
Pub. No.: US 2010/0248378 A1
Pub. Date: September 30, 2010

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on October 22, 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

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

MAILED

OCT 03 2011

PCT LEGAL ADMINISTRATION

MATTINGLY & MALUR, PC
1800 DIAGONAL ROAD
SUITE 370
ALEXANDRIA VA 22314

In re Application of
MORI et al.
Application No.: 12/738,789
PCT No.: PCT/JP2010/002486
International Filing Date: 05 April 2010
Priority Date: None
Attorney Docket No.: WL-7502
For: STORAGE CONTROL APPARATUS AND CONTROL METHOD FOR VIRTUAL LOGICAL VOLUME

DECISION

This decision is in response to applicants' submission filed 17 August 2011 which has properly been treated as a petition under 37 CFR 1.181. No petition fee is due.

BACKGROUND

On 05 April 2010, applicants filed international application PCT/JP2010/002486, which designated the U.S. and did not claim a priority date. The thirty-month period for paying the basic national fee in the United States expires at midnight on 05 October 2012.

On 19 April 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, an express request to begin national examination procedures, a copy of a description, claims, drawings, and abstract, and a declaration of inventors.

On 04 August 2011, the United States Designated/Elected Office (DO/EO/US) mailed a NOTICE OF INSUFFICIENT BASIC NATIONAL FEE REQUIRED AND/OR MISSING COPY OF INTERNATIONAL APPLICATION UNDER 35 U.S.C. 371 AND 37 CFR 1.495 (Form PCT/DO/EO/912).

On 17 August 2011, applicant filed the instant petition under 37 CFR 1.181.

DECISION

The petition requests that the Form PCT/DO/EO/912 mailed on 04 August 2011 be vacated. The basis for this request is that the U.S. Basic National Fee was submitted with the

application papers on 19 April 2010. Form PCT/DO/EO/912 indicated that the following were required: (1) a copy of the international application, which includes a copy of the Request Form, submitted to the International Bureau and (2) the U.S. Basic National Fee. While item (1) was required, item (2) was not. As to item (2), the U.S. Basic National Fee had been submitted with the application papers on 19 April 2010. Accordingly, the portions of Form PCT/DO/EO/912 requiring the U.S. Basic National Fee are hereby VACATED. As to item (1), applicants provided a copy of the Request Form on 17 August 2011.

CONCLUSION

For the reasons set forth above, the petition under 37 CFR 1.181 is **GRANTED-IN-PART**; the portions of Form PCT/DO/EO/912 requiring the U.S. Basic National Fee are VACATED.

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.

The application is being forwarded 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

MAILED

OCT 2 0 2010

UNITED STATES PATENT AND TRADEMARK OFFICE

PCT LEGAL ADMINISTRATION

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

FULBRIGHT & JAWORSKI, LLP
1301 MCKINNEY
SUITE 5100
HOUSTON TX 77010-3095

In re Application of	:	
KIRST, Rudolf F., et al.	:	
Application No.: 12/738,790	:	DECISION
PCT No.: PCT/DE2008/001713	:	
Int. Filing Date: 20 October 2008	:	ON PETITION UNDER
Priority Date: 19 October 2007	:	
Docket No.: BOBO.P0002US	:	37 CFR 1.47(a)
For: CABLE WITH ELECTRICAL CONDUCTOR INCLUDED THEREIN	:	

This is a decision on applicants' Petition Under 37 CFR 1.47(a), filed in the United States Patent and Trademark Office (USPTO) on 06 August 2010.

BACKGROUND

On 15 June 2010, the Office mailed Notification of Missing Requirements (Form PCT/DO/EO/905) indicating that an oath or declaration and the surcharge for late filing of the search fee, examination fee or oath or declaration were required.

On 06 August 2010, applicants filed a petition under 37 CFR 1.47(a) and a declaration.

DISCUSSION

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

Items (1) and (3) have been met. The petition fee has been paid. Applicant states the last known address of Rudolf F. Krist as Heidlerchenstrasse 11, 27877 Bremen, Germany.

Item (2) has not been satisfied. Applicants have provided a foreign language materials in support of the statement of facts, but have not furnished a translation. Non-translated, non-English materials cannot be considered. Translations of the documentary evidence are appropriate. Additionally, evidence of receipt of the documents by the inventor is beneficial.

Item (4) has not been satisfied. What does the indication "ppa" on the signature line of both the declaration and added sheet of the declaration mean?

CONCLUSION

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

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

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

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Telephone: 571-272-3292

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MAILED

FEB 18 2011

PCT LEGAL ADMINISTRATION

FULBRIGHT & JAWORSKI, LLP
1301 MCKINNEY
SUITE 5100
HOUSTON TX 77010-3095

In re Application of :
KIRST, Rudolf F., et al. :
Application No.: 12/738,790 : DECISION
PCT No.: PCT/DE2008/001713 :
Int. Filing Date: 20 October 2008 : ON PETITION UNDER
Priority Date: 19 October 2007 :
Docket No.: BOBO.P0002US : 37 CFR 1.47(a)
For: CABLE WITH ELECTRICAL :
CONDUCTOR INCLUDED THEREIN :

This is a decision on applicants' Petition Under 37 CFR 1.47(a), filed in the United States Patent and Trademark Office (USPTO) on 16 December 2010.

BACKGROUND

On 20 October 2010, the Office mailed Decision On Petition Under 37 CFR 1.47(a), dismissing applicants' petition without prejudice.

On 16 December 2010, applicants filed a renewed petition under 37 CFR 1.47(a).

DISCUSSION

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

Items (1) and (3) were previously satisfied. The petition fee has been paid. Applicant states the last known address of Rudolf F. Krist as Heidlerchenstrasse 11, 27877 Bremen, Germany.

Item (2) has been satisfied. Applicants have provided translations of the foreign language materials in the petition.

Item (4) has been satisfied.

CONCLUSION

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

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

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

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application, including accordation of a 35 U.S.C. §371(c)(1), (c)(2) and (c)(4) date of **06 August 2010**.

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Telephone: 571-272-3292

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MAILED

FEB 18 2011

PCT LEGAL ADMINISTRATION

Rudolf F. Krist
Heidlerchenstrasse 11
27877 Bremen
Germany

In re Application of
KIRST, Rudolf F., et al.
Application No.: 12/738,790
PCT No.: PCT/DE2008/001713
Int. Filing Date: 20 October 2008
Priority Date: 19 October 2007
Docket No.: BOBO.P0002US
For: CABLE WITH ELECTRICAL CONDUCTOR INCLUDED THEREIN

Dear Mr. Krist:

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

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

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Telephone: 571-272-3292

FULBRIGHT & JAWORSKI, LLP
1301 MCKINNEY
SUITE 5100
HOUSTON TX 77010-3095

MAILED
MAR 23 2011
PCT LEGAL ADMINISTRATION

UNITED STATES PATENT AND TRADEMARK OFFICE

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

HARNESS, DICKEY & PIERCE, P.L.C.
P.O. BOX 828
BLOOMFIELD HILLS MI 48303

In re Application of:
LACROIX, Sebastien, et al.
U.S. Application No.: 12/738,804
PCT No.: PCT/FR2008/001468
International Filing Date: 17 October 2008
Priority Date: 17 October 2008
Attorney's Docket No.: 4384-000152/US/NP
For: SECURED FUSIBLE

DECISION
(37 CFR 1.47(a))

This decision is issued in response to applicants' "PETITION UNDER 37 CFR 1.47(a) IN RESPONSE TO NOTICE OF MISSING PARTS AND PETITION FOR EXTENSION OF TIME" filed 14 January 2011. Applicants have paid the required petition fee.

BACKGROUND

On 17 October 2008, applicants filed international application PCT/FR2008/001468. The application did not claim an earlier priority date, and it designated the United States. On 23 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 requesting entry into the national stage in the United States was thirty months from the priority date, i.e., 19 April 2010 (17 April 2010 was a Saturday).

On 19 April 2010, applicants filed materials requesting entry into the national stage including, among other items, payment of the basic national fee and an English translation of the international application.

On 23 June 2010, the United States Designated/Elected Office (DO/EO/US) mailed a "Notification Of Missing Requirements" (Form PCT/DO/EO/905) requiring submission of an oath or declaration in compliance with 37 CFR 1.497 and the surcharge for filing the oath or declaration later than thirty months after the priority date.

On 14 January 2011, applicants filed a response to the Notification Of Missing Requirements (with the necessary five 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 declaration without the signature of co-inventor Sylvain CHEVLAIER, whom applicants assert has refused to execute the declaration.

DISCUSSION

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 inventor; (3) an oath or declaration executed by the other inventors on their own behalf and on behalf of the non-signing inventor; and (4) factual proof that the non-signing 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.

With respect to item (2), the petition sets forth the last known address of non-signing inventor Sylvain CHEVALIER. Item (2) is therefore satisfied.

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

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

Here, applicants have filed a French language declaration that includes what appears to be an English translation of the French text. The declaration is executed by the two co-operating inventors and contains an unsigned signature block for the non-signing inventor. However, the French/English declaration document filed by applicants is not a form provided by the USPTO, and applicants have not submitted a statement confirming that the English translation contained in the declaration form is accurate, as required under such circumstances (see 37 CFR 1.69(b)). Until applicants provide the statement required by 37 CFR 1.69(b) confirming the accuracy of the English translation contained on the declaration form, the declaration filed herein may not be accepted. In view of the above, on the present record, 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 inventor has refused to sign the declaration. The petition includes a firsthand statement from Sandrine Stolberg confirming that two separate signature requests, each accompanied by a copy of the complete application, were delivered to the non-signing inventor at his last known address and that the inventor failed to provide the signed declaration in response to such requests. The statement also indicates that, in a telephone conversation after delivery of the signature requests, the inventor refused to discuss signing the requested declaration. This submission satisfies the requirements for an acceptable showing that the non-signing inventor has refused to execute the application. See MPEP section 409.03(d)(II). Item (4) of a grantable petition is therefore satisfied.

Based on the above, all the requirements for a grantable petition under 37 CFR 1.47(a) are not satisfied on the present record. The petition is therefore appropriately dismissed.

CONCLUSION

The petition under 37 CFR 1.47(a) for acceptance of the declaration without the signature of the non-signing co-inventor Sylvain CHEVALIER 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 item (3) of a grantable petition, as discussed above and in the MPEP, that is, a statement in compliance with 37 CFR 1.69(b) confirming that the English translation contained in the declaration form filed herein is an accurate translation of the French language declaration. 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

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

MAILED

JUN 02 2011

PCT LEGAL ADMINISTRATION

HARNESS, DICKEY & PIERCE, P.L.C.
P.O. BOX 828
BLOOMFIELD HILLS MI 48303

In re Application of:
LACROIX, Sebastien, et al.
U.S. Application No.: 12/738,804
PCT No.: PCT/FR2008/001468
International Filing Date: 17 October 2008
Priority Date: 17 October 2008
Attorney's Docket No.: 4384-000152/US/NP
For: SECURED FUSIBLE

DECISION ON RENEWED PETITION UNDER 37 CFR 1.47(a)

This decision is issued in response to applicants' "RENEWED PETITION UNDER 37 CFR 1.47(a)" filed 03 May 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 23 March 2011. The decision dismissed without prejudice applicants' petition under 37 CFR 1.47(a), finding that the declaration filed with the petition could not be accepted without a statement under 37 CFR 1.69(b) confirming the accuracy of the English translation contained therein.

On 03 May 2011, applicants filed the renewed petition considered herein.

DISCUSSION

The renewed petition was accompanied by a statement confirming that the English translation contained in the French/English declaration filed herein is accurate. In view of this submission, the declaration filed on 14 January 2011, which was executed by the two of the three inventors of record and includes an unsigned signature block for the non-signing inventor, Sylvain CHEVALIER, can now be accepted as a declaration executed by the signing inventors on their own behalf and on behalf of the non-signing inventor. The declaration therefore satisfies the declaration requirement of a grantable petition under 37 CFR 1.47(a).

Based on the above and the previous decision, applicants have now satisfied all the requirements for a grantable petition under 37 CFR 1.47(a). The petition is therefore appropriately granted.

CONCLUSION

Applicants' renewed petition under 37 CFR 1.47(a) for acceptance of the application without the signature of co-inventor Sylvain CHEVALIER is **GRANTED**.

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

The application is being referred to the National Stage Processing Branch of the Office of PCT Operations for further processing. The date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) is 14 January 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
www.uspto.gov

Sylvain CHEVALIER
32 rue Notre Dame de Nazareth
75003 Paris
FRANCE

MAILED
JUN 02 2011
PCT LEGAL ADMINISTRATION

In re Application of: LACROIX, Sebastien, et al.
U.S. Application No.: 12/738,804
PCT No.: PCT/FR2008/001468
International Filing Date: 17 October 2008
Priority Date: 17 October 2008
Attorney's Docket No.: 4384-000152/US/NP
For: SECURED FUSIBLE

Dear Sylvain CHEVALIER:

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

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

/RichardMRoss/

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

Counsel Of Record:
Michael E. Hilton
HARNESS, DICKEY & PIERCE, P.L.C.
P.O. BOX 828
BLOOMFIELD HILLS MI 48303

UNITED STATES PATENT AND TRADEMARK OFFICE

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

KILPATRICK TOWNSEND & STOCKTON LLP
TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO CA 94111-3834

MAILED

APR 11 2011

PCT LEGAL ADMINISTRATION

In re Application of :
MILES, Marisa, et al. :
Application No.: 12/738,830 :
PCT No.: PCT/GB2008/003540 :
Int. Filing Date: 17 October 2008 :
Priority Date: 19 October 2007 :
Docket No.: 010112-001600US :
For: TELEVISION DISPLAY :

DECISION

ON PETITION UNDER

37 CFR 1.137(b)

Applicant's Petition For Revival Under 37 CFR 1.137(b), filed in the above-captioned application on 03 February 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 proper reply, the declaration of the inventors and surcharge, have been furnished. The petition fee has 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

10 SEP 2010

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

Michael Best & Friedrich LLP
100 E. Wisconsin Avenue
Suite 3300
Milwaukee WI 53202

In re Application of:
MERCKLEIN et al.
Application No.: 12/738,862
PCT No.: PCT/US2008/012434
Int. Filing Date: 03 November 2008
Priority Date: 01 November 2007
Attorney Docket No.: 022233-9107-01
For: HEAT EXCHANGER

DECISION ON REQUEST

This decision is issued in response to applicant's "Request to Correct Inventorship under 37 CFR 1.48(a)(1)" filed 13 July 2010. Applicant's request is being treated as a petition under 37 CFR 1.497(d), as explained below. The $130 petition fee has been charged to applicant's deposit account no. 13-3080.

BACKGROUND

On 03 November 2008, applicant filed international application PCT/US2008/012434 which claimed a priority date of 01 November 2007. The international application named: Brian Merklein, Gregg D. Olson, Mark Kazikowski, Jochen Orso, and Jorg Wille as applicants/inventors. The deadline for submission of the basic national fee was thirty months from the priority date, i.e., 01 May 2010.

On 19 May 2010, the United Stated Designated/Elected Office mailed a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497(a) and (b) must be filed. The notification set a two-month time limit in which to respond.

On 13 July 2010, applicant filed the present request under 37 CFR 1.497(d).

On 30 July 2010, the United States Designated/Elected Office (DO/EO/US) mailed a "Notification of Acceptance of Application under 35 U.S.C. 371 AND 37 CFR 1.494 OR 1.495" (Form PCT/DO/EO/903) which set forth a 35 U.S.C. 371 completion date of 13 July 2010.

DISCUSSION

As defined in 37 CFR 1.9(a)(3), a U.S. national stage application must first comply with the requirements of 35 U.S.C. 371(c) to constitute a "nonprovisional" application, therefore, applicant's request will be treated under 37 CFR 1.497(d).

The published international application identified Brian Merklein, Gregg D. Olson, Mark Kazikowski, Jochen Orso, and Jorg Wille as applicants/inventors for the United States. The present submission seeks to correct the inventorship so as to add inventors Roy J. Ingold and Joachim Wollmershauser to the application. Where, as here, the inventorship in the national stage declaration is not consistent with the inventorship in the international application, applicants must correct the inventorship pursuant to 37 CFR 1.497(d), which states the following:

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

Applicant has satisfied items (1), (2) and (4). However, in order to satisfy item (3), applicant is required to submit a written consent of assignee to the correction in inventorship in compliance with 37 CFR 3.73(b) (See Form PTO/SB/96), or written confirmation that no assignee exists.

CONCLUSION

For the reasons discussed above, applicant's request under 37 CFR 1.497(d) is **DISMISSED** without prejudice.

The "Notification of Acceptance of Application under 35 U.S.C. 371 AND 37 CFR 1.494 OR 1.495" (Form PCT/DO/EO/903) and Official Filing Receipt mailed 30 July 2010, are hereby **VACATED**.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

SEP 20 2010

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

In re application of
Katsuhiko Yamaguchi
Application No. 12/738897
Filed: April 20, 2010
For: 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 July 26, ~~2009~~ 2010, to make the above-identified application special.

The request and petition are **DISMISSED**.

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

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

The request to participate in the PPH pilot program and petition fail to include:
(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; there is no copy of the allowable/patentable claims in the file, and there is no English translation thereof and a statement that the English translation is accurate in the file. Copies of the above mentioned are missing.

(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 # 2 above.

(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.

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: 09/16/10

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.
12/738,897	04/20/2010	Katsuhiko Yamaguchi	145320	5418

25944 7590 09/22/2010

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

EXAMINER	
TRAN, KHOI H	

ART UNIT	PAPER NUMBER
3664	

NOTIFICATION DATE	DELIVERY MODE
09/22/2010	ELECTRONIC

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

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

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

OfficeAction25944@oliff.com
jarmstrong@oliff.com

UNITED STATES PATENT AND TRADEMARK OFFICE

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

SEP 21 2010

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

In re application of
Katsuhiko Yamaguchi
Application No. 12/738897
Filed: April 20, 2010
For: 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 July 26, 2010, to make the above-identified application special.

The request and petition are **DISMISSED**.

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

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

The request to participate in the PPH pilot program and petition fail to include:
(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; there is no copy of the allowable/patentable claims in the file, and there is no English translation thereof and a statement that the English translation is accurate in the file. Copies of the above mentioned are missing.

(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 # 2 above.

(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.

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: 09/16/10

UNITED STATES PATENT AND TRADEMARK OFFICE

SEP 30 2010

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

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

In re application of
Katsuhiko Yamaguchi
Application No. 12/738897
Filed: April 20, 2010
For: 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 July 26, 2010, to make the above-identified application special.

The request and petition are **GRANTED**.

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

(1) The U.S. application must 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 July 26, 2010, and the JP language claims from the PCT application in the document Pamphlet dated 4/20/10 was found. The WO is in the document 371P date 6/17/10. The accuracy statement is on page 4 of the PCT-PPH request filed 7/26/10), 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: 09/28/10

UNITED STATES PATENT AND TRADEMARK OFFICE

31 AUG 2010

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

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

In re Application of:	:	
Martin SCHOCH	:	
U.S. Application No.: 12/738,944	:	DECISION
Filing Date: April 20, 2010	:	
Attorney Docket No.: 304-894 (237620)	:	
For: METHOD AND DEVICE FOR COATING A CARRIER FOR THIN-FILM SOLAR CELLS	:	

This decision is issued in response to the "Petition Under 37 CFR § 1.55(c) Requesting Entry Of Unintentionally Delayed Claim Of Foreign Priority And/OR Petition Under 37 CFR § 1.182" filed July 12, 2010, treated herein under 37 CFR 1.182. Deposit Account No. 50-0951 will be charged the applicable $400 petition fee.

BACKGROUND

On April 2, 2010, applicants initiated the present application using the EFS-Web electronic filing system. Among the materials filed by applicants were a description, claims, drawings, abstract, fee payment, and application data sheet (ADS).

The first line of the description filed by applicant identifies the present application as "a §371 national stage of PCT/EP2008/008877." In addition, as evidenced by the "Electronic Acknowledgment Receipt" generated at the time of filing, applicant identified the application as a "U.S. National Stage under 35 USC 371" during the electronic filing process. However, the ADS filed by applicant identified the application as "a continuation of PCT Application No. PCT/EP2008/008877.

Based on the information entered by applicant during the electronic filing process, the application was processed by the USPTO as a national stage filing under 35 U.S.C. 371.

On June 24, 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) requiring submission of an English translation of the international application as filed and the processing fee for filing the oath or declaration later then thirty months after the priority date. The notification indicated that the English language application filed by applicant did not include the same number of claims as the published international application.

On June 12, 2010, applicant filed the "Petition Under 37 CFR § 1.55(c) Requesting Entry Of Unintentionally Delayed Claim Of Foreign Priority And/OR Petition Under 37 CFR § 1.182" considered herein. The petition requests acceptance of the unintentionally delayed priority claim directed to PCT/EP2008/008877 and for the present application to be treated as a non-provisional application filed under 35 U.S.C. 111 rather than as a national stage filed under 35 U.S.C. 371.

DISCUSSION

1. The Present Application Is Properly Treated As An Application Filed Under 35 U.S.C. 111(a)

Any intended filing of an international application as a national stage application must clearly and unambiguously be identified as such and must satisfy all of the conditions set forth in 35 U.S.C. 371(c). See 37 CFR 1.495(g):

> The documents and fees submitted ... must be clearly identified as a submission to enter the national stage under 35 U.S.C. 371. Otherwise the submission will be considered as being made under 35 U.S.C. 111(a).

Section 1893.03(a) of the MPEP states:

> If there are any conflicting instructions as to whether the filing is under 35 U.S.C. 111(a) or 35 U.S.C. 371, the application will be accepted as filed under 35 U.S.C. 111(a).

The MPEP goes on to state that "conflicting instruction will be present, for example, where applicant includes in the initial submission under 35 U.S.C. 371 ... a benefit claim under 35 U.S.C. 120 to the international application."

Here, the first line of the description and the information provided by applicant during the electronic filing process identified the application as a national stage under 35 U.S.C. 371; however, the ADS included with the original application materials includes a domestic benefit claim identifying the present application as a continuation of the international application. The inclusion of the domestic benefit claim to the international application under 35 U.S.C. 120 is inconsistent with the intent to enter the National State under 35 U.S.C. 371 and, as set forth in the MPEP, constitutes a conflicting instruction. Accordingly, the original papers filed on April 20, 2010 are properly treated as a filing under 35 U.S.C. 111(a), not a national stage application under 35 U.S.C. 371. USPTO records will be updated accordingly.

The "Notification Of Missing Requirements Under 35 U.S.C. 371" (Form PCT/DO/EO/905) mailed June 24, 2010 requiring submission of an English translation of the international application, a requirement applicable only to a national stage application filed under 35 U.S.C. 371, is appropriately vacated.

2. Benefit Claim Directed To International Application PCT/EP2008/008877

The present petition requests acceptance of the domestic priority claim identifying the present application as a continuation of international application PCT/EP2008/008877.[1]

Pursuant to 37 CFR 1.78(a)(2)(ii), in order to be considered timely, a domestic benefit claim directed to a prior-filed international application must be submitted within four-months of the filing date of the later-filed application. Pursuant to 37 CFR 1.78(a)(2)(iii), an acceptable reference to the prior-filed international application must be present in the first sentence of the description or in an ADS. Pursuant to 37 CFR 1.78(a)(2)(i), the benefit claim must identify the international application by "international application number and international filing date and indicat[e] the relationship of the applications."

In the present application, the ADS filed with the original application materials contains the following domestic priority claim: "This application is a continuation of PCT Application No. PCT/EP2008/008877, filed October 21, 2008." This reference complies with 37 CFR 1.78(a)(2)(i)-(iii), above, in that it was submitted prior to the expiration of four months from the filing date of the present application, is properly located in an ADS, and sets forth the international application number, international filing date, and the relationship of the applications ("continuation"). However, the benefit claim is in conflict with the benefit claim set forth in the first sentence of the description, which identifies the present application as "a §371 national stage of PCT/EP2008/008877, filed October 21, 2008."

In view of the above, the present petition is being treated herein under 37 CFR 1.182 as a petition to resolve the conflict between the benefit claim contained in the ADS and that set forth in the first sentence of the specification. Applicants will be charged the $400 petition fee applicable to such a petition.

Based on applicant's payment of the petition fee and the statements in the present petition, applicants's petition is granted to the extent that, despite the conflicting language in the first sentence of the description, the benefit claim set forth in the ADS will be accepted as a timely filed benefit claim identifying the present application as a continuation of international application PCT/EP2008/008877. A petition under 37 CFR 1.78(a)(3) to add an unintentionally delayed benefit claim directed to the international application is therefore not required in the present application.

Applicant may consider submitting an amendment to the first sentence of the description to correct the benefit claim set forth therein to properly identify the application as a continuation of the international application, consistent with the ADS.

---

[1] The title of the petition refers to this claim as a "Delayed Claim Of Foreign Priority" and cites 37 CFR 1.55(c), the regulation applicable to a delayed claim for foreign priority. It is noted, however, that the claim desired by applicant herein (that the application is a "continuation" of the international application) is a domestic benefit claim under 35 U.S.C. 120 and 37 CFR 1.78, not a foreign priority claim.

CONCLUSION

For the reasons discussed above, the present petition has been treated under 37 CFR 1.182 and is **GRANTED** to the following extent: (1) the present application will be treated as a non-provisional application filed under 35 U.S.C. 111(a), not a national stage application; and (2) the benefit claim contained in the ADS identifying the present application as a continuation of PCT /EP2008/008877, filed October 21, 2008, is accepted as having been timely submitted.

The "Notification Of Missing Requirements Under 35 U.S.C. 371" (Form PCT/DO/EO/905) mailed June 24, 2010 is hereby **VACATED**.

The application is being referred to the Office of Patent Application Processing for further processing in accordance with this decision, including updating USPTO records to identify the present application as a continuation of PCT/EP2008/008877 filed under 35 U.S.C. 111(a).

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

David A. Farah, M.D.
Sheldon Mak & Anderson PC
A Professional Corporation
100 Corson Street
Third Floor
Pasadena, CA 91103-3842

MAILED
OCT 06 2011
OFFICE OF PETITIONS

In re Elliott P. Dawson et al. :
Application No.: 12/738,978 : **DECISION**
Filed: October 31, 2008 : **GRANTING**
Patent No.: 7,858,320 : **PETITION**
Issued: December 28, 2010 :

This is a decision on (i) the January 24, 2011 Petition for Duplicate Letters Patent Under 37 CFR 1.182, (ii) the January 25, 2011 Request for Corrected Patent Under 37 CFR 1.322(b), and (iii) the May 31, 2011 Request for Replacement Patent Grant Under 37 CFR 1.322(b) (collectively, "patent owner's 2011 corrected patent petitions"), which request the issuance of a corrected patent under 37 CFR 1.322(b) for U.S. Patent No. 7,858,320.

Patent owner's 2011 corrected patent petitions are before the Office of Patent Legal Administration (OPLA) for consideration.

Patent owner's 2011 corrected patent petitions are **granted**.

The Image for U.S. Patent No. 7,858,320 in the USPTO Patent Full-Text and Image Database maintained by the Office will be updated to include the corrected patent in the form of a Certificate of Correction, including the specification, claims, and abstract as amended under Article 34 of the PCT, in addition to the original, incorrectly printed patent. The Office will also provide a courtesy corrected reprint of U.S. Patent No. 7,858,320 for patent owner's records

Any inquiry concerning this decision should be directed to Raul Tamayo, Legal Advisor, at (571) 272-7728.

Brian E. Hanlon
Director
Office of Patent Legal Administration
Office of the Associate Commissioner
for Patent Examination Policy

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

PTO/SB/420 (12-09)
Approved for use through 05/31/2010. OMB 0651-0062
U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Attorney Docket Number: KUD-035	Application Number (if known): 12/739,008	Filing date: April 21, 2010

First Named Inventor: Tomohiro NUMAJIRI

Title: WIND TURBINE GENERATOR

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

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

1. By filing this petition:

   <u>Applicant is requesting early publication</u>: Applicant hereby requests early publication under 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d) accompanies this request. Applicant hereby rescinds under 37 CFR 1.213(b) any previous filed request that the above-identified application not be published under 35 U.S.C. 122(b).

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

2. By filing this petition: applicant is agreeing to make an election without traverse in a telephonic interview and elect an invention that meets the eligibility requirement and classification requirement set forth in the notice entitled "Pilot Program for Green Technologies Including Greenhouse Gas Reduction" that was published in the Federal Register if the Office determines that the claims are not obviously directed to a single invention.

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

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

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

6. Other attachments: _____

Signature /Kenneth M. Berner/	Date March 11, 2011
Name (Print/Typed) Kenneth M. Berner	Registration Number 37,093

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

☐ *Total of _____ forms are submitted.

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

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

PTO/SB/420 (12-09)
Approved for use through 05/31/2010. OMB 0651-0062
U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

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

(Not to be Submitted to the USPTO)

***The following is a summary of the requirements** (for more information see notice "Pilot Program for Green Technologies Including Greenhouse Gas Reduction" available on the USPTO web site at http://www.uspto.gov/web/offices/pac/dapp/ogsheet.html):*

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

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

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

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

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

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

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

Privacy Act Statement

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

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

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.

2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.

3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.

4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).

5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.

6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).

7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.

8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.

9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

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.
12/739,008	08/26/2010	Tomohiro Numajiri	KUD-035	7002

32628 7590 10/05/2011

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

EXAMINER	
LE, DANG D	

ART UNIT	PAPER NUMBER
2834	

MAIL DATE	DELIVERY MODE
10/05/2011	PAPER

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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

OCT 5 2011

In re Application of :
Tomohiro NUMAJIRI :
Application No. 12/739008 :
Filed: August 26, 2010 :
Attorney Docket No. KUD-035 :

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

This is a decision on the petition under 37 CFR 1.102, filed on March 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

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.
12/739,013		Tomohiro NUMAJIRI	OLI-127	7064

32628 7590 08/25/2010

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

EXAMINER	
ART UNIT	PAPER NUMBER
3654	

MAIL DATE	DELIVERY MODE
08/25/2010	PAPER

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

AUG 25 2010

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

In re application of
Numajiri et al
Application No. 12/739,013
Filed: April 04, 2010
For: METHOD FOR HOISTING AND LOWERING DEVICE IN ROTOR HEAD OF WIND TURBINE GENERATOR

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

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

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(s) along with an English translation thereof and a statement that the English translation is accurate.
A copy of the allowable/patentable claims from the PCT/JP2010/051998 is missing.

(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.

(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.
English translation statement is missing.

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

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

/ Mikado Buiz /

Mikado Buiz,
Quality Assurance Specialist
Technology Center 3600

MB/MB: 08/24/10

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:	12/739,033	Filing date:	04/21/2010
First Named Inventor:	Marcia Snyder		
Title of the Invention:	Hydroalcoholic Gel Compositions for use with Dispensers		

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

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

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

The corresponding PCT application number(s) is/are: PCT/US2008/081502

The international filing date of the corresponding PCT application(s) is/are: 10/29/2008

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.:	
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 12/22/2010 and 01/10/2011

(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 12/22/2010 and 01/10/2011

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1-40	1-40	Claims in U.S. Application 12/739,033 are identical to claims published
		and examined in PCT Application No. US2008/081502

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

Signature /Tama L. Drenski/	Date 1/17/2011
Name (Print/Typed) Tama L. Drenski	Registration Number 50,323

Privacy Act Statement

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

WENDEROTH, LIND & PONACK, L.L.P.
1030 15th Street, N.W.,
Suite 400 East
Washington DC 20005-1503

MAILED

JAN 27 2011

PCT LEGAL ADMINISTRATION

In re Application of	:	
CASTERS	:	
Application No.: 12/739,053	:	DECISION on
PCT No.: PCT/EP08/08576	:	
Int. Filing Date: 10 October 2008	:	PETITION
Priority Date: 12 October 2007	:	
Attorney Docket No.: 2010_0457A	:	UNDER 37 CFR 1.137(b)
For: MACHINE FOR LAYING CONCRETE PATHS	:	

The petition to revive under 37 CFR 1.137(b) filed 21 April 2010 in the above-captioned application is hereby **GRANTED** as follows:

Applicant's statement that "the entire delay in filing the U.S. national stage application from the due date to the filing of this Petition was unintentional" has been interpreted as meaning 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" as required by 37 CFR 1.137(b)(3) at the time of filing this petition. If this is an incorrect interpretation in view of the rules, petitioner is required to promptly notify this office.

A review of the application file reveals that the basic national fee has now 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.

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 07 June 2010.

/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
www.uspto.gov

Decision Date : May 18,2011

In re Application of :

Hiroyuki Fujinuma

DECISION ON PETITION

UNDER CFR 1.313(c)(2)

Application No : 12739091

Filed : 21-Apr-2010

Attorney Docket No : 358462US0PCT

This is an electronic decision on the petition under 37 CFR 1.313(c)(2), filed May 18,2011 , to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED.**

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

Petitioner is advised that the issue fee paid 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	12739091
Filing Date	21-Apr-2010
First Named Inventor	Hiroyuki Fujinuma
Art Unit	1761
Examiner Name	EISA ELHILO
Attorney Docket Number	358462US0PCT
Title	TWO-PART HAIRDYE COMPOSITION

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	/Vincent K. Shier/
Name	Vincent K. Shier, Ph.D.
Registration Number	50552

Attorney Docket # 33900-341PUS - 301556.000

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of Francois-Regis PIONETTI et al. Serial No.: 12/739,094 Filed: April 21, 2010 For: Floating Support Comprising a Device for the Retention and Securing of a Subsea Pipe	Examiner: Group Art:

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

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

This is a request for participation in the PPH under the PCT Pilot Program between the EPO and the USPTO. The subject US Patent Application is a national phase application from PCT Application No. PCT/FR2008/051805. A corresponding European Patent Application National Phase was filed from PCT Application No. PCT/FR2008/051805 on October 6, 2008. The EP National Phase Application has now issued as European Patent No. EP 2 201 280 B1.

In accordance with PTO Press Release 11-43 issued on July 1, 2011, it is respectfully submitted that this PPH Request be granted on the basis of results available from the EP family member, namely EP 2 201 280 B1.

The showing for a PPH Request is set forth below:

1. A copy of issued EP Patent No. 2 201 280 B1 is attached and contains an English language translation of the claims.

2. An Information Disclosure Statement has been filed on April 9, 2009 citing the International Search Report from PCT/FR2008/051805 along with the copies of the references cited therein.

3. All the claims in the subject U.S. patent application sufficiently correspond to the patentable claims in the corresponding EP Patent No. 2 201 280 B1 which, in turn is a National Phase application from PCT/FR2008/051805.

Respectfully submitted,
COZEN O'CONNOR

By /Edward M. Weisz/
Edward M. Weisz
Reg. No. 37,257
277 Park Avenue
New York, New York 10172
(212) 883-4900

Dated: January 30, 2012

NYC_MIDTOWN\1927814\1 301566.000

UNITED STATES 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
FEB 21 2012
OFFICE OF PETITIONS

COZEN O'CONNOR
277 PARK AVENUE, 20TH FLOOR
NEW YORK NY 10172

In re Application of
PIONETTI
Application No.: 12/739,094
Filed: April 21, 2010
Attorney Docket No.: 33900-341PUS
For: FLOATING SUPPORT COMPRISING A DEVICE FOR THE RETENTION AND SECURING OF A SUBSEA PIPE

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

This is a decision on the request to participate in the PCT Patent Prosecution Highway (PCT-PPH) pilot program and the petition under 37 CFR 1.102(a), filed on January 30, 2012, to make the above-identified application special.

The request and petition are **DISMISSED**.

Discussion

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

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

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

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

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

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

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

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

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

Requirements (1) and (5-7) above are considered to have been met. However, the request to participate in the PPH pilot program and petition fail to meet requirements (2-4) and (8).

Regarding the requirement of condition (2), applicant has failed to identify and explain why the claims are not subject to the observation in Box VIII of the Written Opinion (PCT/ISA/237).

Regarding the requirement of condition (3), applicant has failed to submit an English translation copy of the claims having novelty, inventive step and industrial applicability and a statement of accuracy.

Regarding the requirement of condition (4), it cannot be determined if requirement (4) has been met since requirement (3) has not been met. Applicant is responsible for ensuring that the claims in the U.S. application sufficiently correspond to the claims that have novelty, inventive step, and industrial applicability in the PCT application.

Regarding the requirement of condition (8), applicant has not submitted a claims correspondence table in English.

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

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

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

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

/Diane Goodwyn/
Diane Goodwyn
Petitions Examiner
Office of Petitions

Attorney Docket # 33900-341PUS - 301556.000

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of Francois-Regis PIONETTI et al. Serial No.: 12/739,094 Filed: April 21, 2010 For: Floating Support Comprising a Device for the Retention and Securing of a Subsea Pipe	Examiner: Group Art:

Mail Stop **Amendment**
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO DECISION ON REQUEST TO PARTICIPATE IN THE PPH

SIR:

This is a response to the May 21, 2012 Decision dismissing Applicant's Request to Participate in the PPH.

In the Decision, it was reported that Conditions 1 and 5-7 for a PPH Request have been met, but that Conditions 2-4 and 8 have not been met.

With regards to Condition 2, Applicants submit that Box VIII of the Parent Application PCT Written Opinion is not relevant because Applicant's PPH Request is not based on a PCT application but is based on corresponding European Patent No. EP 2 201 280 B1 in accordance with the PPH Guidelines set forth in Press Release 11-43 dated July 1, 2011. Accordingly, it is believed that Condition (2) has been met.

With regards to Conditions 3 and 4, it is pointed out that the previously-submitted aforementioned EP Patent contains English language claims. Because the English language

claims are part of the issued EP Patent, it is believed that a statement of accuracy is not required. Accordingly, Conditions 3 and 4 are believed to have been met.

With regards to Condition 8, Applicant advises that Claims 1-17 of the pending U.S. Patent Application substantially correspond to Claims 1-17 of the aforementioned issued European Patent.

In view of the foregoing, it is respectfully requested that Applicant's PPH Request be approved.

It is believed that no fees or charges are required at this time in connection with the present application. However, if any fees or charges are required at this time, they may be charged to our Patent and Trademark Office Deposit Account No. 503111.

Respectfully submitted,
COZEN O'CONNOR

By /Edward M. Weisz/
Edward M. Weisz
Reg. No. 37,257
277 Park Avenue
New York, New York 10172
(212) 883-4900

Dated: March 13, 2012

UNITED STATES PATENT AND TRADEMARK OFFICE

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

COZEN O'CONNOR
277 PARK AVENUE, 20TH FLOOR
NEW YORK NY 10172

MAILED
MAR 15 2012
OFFICE OF PETITIONS

In re Application of
PIONETTI
Application No.: 12/739,094
Filed: April 21, 2010
Attorney Docket No.: 33900-341PUS
For: FLOATING SUPPORT COMPRISING A DEVICE FOR THE RETENTION AND SECURING OF A SUBSEA PIPE

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

This is a decision on the request to participate in the PCT Patent Prosecution Highway (PCT-PPH) pilot program and the petition under 37 CFR 1.102(a), filed on January 30, 2012, and renewed on March 13, 2012, to make the above-identified application special.

The request and petition are **GRANTED**.

Discussion

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

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

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

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

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

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

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

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

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

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

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

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

This application is being referred to Technology Center Art Unit 3672 for action on the merits commensurate with this decision.

/Diane Goodwyn/
Diane Goodwyn
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/739,113	04/21/2010	Se-Won Baek	29137.603.00	7890

30827 7590 10/27/2011
MCKENNA LONG & ALDRIDGE LLP
1900 K STREET, NW
WASHINGTON, DC 20006

EXAMINER	
MCCARTY, PATRICK M	
ART UNIT	PAPER NUMBER
1771	
MAIL DATE	DELIVERY MODE
10/27/2011	PAPER

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

OCT 27 2011

CST

In re application of Se-Won Baek et al Serial No. 12/739,113 Filed: April 21, 2010 For: METHOD FOR COLLECTING (METH)ACRYLIC ACID AND APPARATUS FOR COLLECTING (METH)ACRYLIC ACID	:	DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program, filed August 19, 2011.

The request and petition are **GRANTED**.

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

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

(2) Applicant must submit a copy of:
   a. The allowable/patentable claim(s) from the KIPO application(s) 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 KIPO application(s); and
   b. Submit a claims correspondence table in English;

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

(5) Applicant must submit:
a. 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 KIPO 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 KIPO application is a first action allowance then no office action from the KIPO is necessary should be indicated on the request/petition form:
Further, if a copy of the documents from (i) or (ii) is available via the Dossier Access System (DAS), applicant may request the USPO obtain a copy from the DAS; however, if the USPTO is unable to obtain a copy of the DAS, the applicant will be required to submit a copy;
b. An English language translation of the KIPO 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 KIPO examiner in the KIPO office action (unless already submitted in this application)
b. Copies of documents except U.S. patents or U.S. patent application publications (unless already submitted in this application).

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

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

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

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

/Christine Tierney/

Christine Tierney
Quality Assurance Specialist
Technology Center 1700

UNITED STATES PATENT AND TRADEMARK OFFICE

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

DRINKER BIDDLE & REATH
ATTN: INTELLECTUAL PROPERTY GROUP
ONE LOGAN SQUARE, SUITE 2000
PHILADELPHIA, PA 19103-6996

MAILED
OCT 20 2010
PCT LEGAL ADMINISTRATION

In re Application of LIN et al
U.S. Application No.: 12/739,168
PCT Application No.: PCT/CN2007/071043
Int. Filing Date: 09 November 2007
Priority Date Claimed: 22 October 2007
Attorney Docket No.: 205333-0001-00-US (451156)
For: GENES FOR IMPROVING SALT TOLERANCE AND DROUGHT TOLERANCE OF PLANT AND THE USES THEREOF

DECISION

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 26 August 2010.

BACKGROUND

On 09 November 2007, applicant filed international application PCT/CN2007/071043, which claimed priority of an earlier China application filed 22 October 2007. A copy of the international application was communicated to the USPTO from the International Bureau on 30 April 2009. The thirty-month period for paying the basic national fee in the United States expired on 22 April 2010.

On 22 April 2010, applicant filed purported national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was not accompanied by the basic national fee required by 35 U.S.C. 371(c)(1).

On 23 April 2010, international application PCT/CN2007/071043 became abandoned as to the United States for failure to timely pay the basic national fee.

On 26 August 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 09 November 2007, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 13 July 2010.

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

Bryan Lin

Bryan Lin
PCT Legal Examiner
PCT Legal Office

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

UNITED STATES PATENT AND TRADEMARK OFFICE

MAILED

FEB 04 2011

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

PCT LEGAL ADMINISTRATION

LERNER GREENBERG STEMER LLP
P O BOX 2480
HOLLYWOOD FL 33022-2480

In re Application of :
GROOS, Gerd, et al. :
Application No.: 12/739,200 :
PCT No.: PCT/EP2008/064192 :
Int. Filing Date: 21 October 2008 :
Priority Date: 22 October 2007 :
Docket No.: 2007P03443NSN :
For: METHOD, APPARATUS AND :
COMPUTER PROGRAM PRODUCT :
FOR SERVICE DECOMPOSITION IN :
IP-BROADCAST NETWORKS :

DECISION

ON PETITION UNDER

37 CFR 1.47(a)

This is a decision on applicants' Petition Under 37 CFR 1.47(a), filed in the United States Patent and Trademark Office (USPTO) on 07 December 2010.

BACKGROUND

On 07 September 2010, the Office mailed Notification of Missing Requirements (Form PCT/DO/EO/905) indicating that an oath or declaration and the surcharge for late filing of the search fee, examination fee or oath or declaration were required.

On 07 December 2010, applicants filed a petition under 37 CFR 1.47(a) and a declaration.

DISCUSSION

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

Items (1), (3) and (4) have been met. The petition fee has been paid. Applicant states the last known addresses of the three non-signing inventors.

Item (2) has not been satisfied. Applicants have provided a foreign language materials in support of the statement of facts, but have not furnished a translation. Non-translated, non-English materials cannot be considered. Translations of the documentary evidence are appropriate. It appears from the untranslated receipt that inventor Groos signed for a complete

copy of the application and according to applicants he has not returned an executed copy of the declaration, after the passage of sufficient. If this is the case, translation of the receipt is the only outstanding proof element for inventor Groos.

Applicants have not demonstrated receipt of a complete copy of the application papers by the other non-signing inventors. Further, applicants have not documented a diligent effort to locate current addresses for the inventors and to serve those addresses, if such addresses can be located. Again, copies of documentary evidence are appropriate.

CONCLUSION

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

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

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

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Telephone: 571-272-3292

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MAILED

JUN 30 2011

PCT LEGAL ADMINISTRATION

LERNER GREENBERG STEMER LLP
P O BOX 2480
HOLLYWOOD FL 33022-2480

In re Application of :
GROOS, Gerd, et al. :
Application No.: 12/739,200 :
PCT No.: PCT/EP2008/064192 : DECISION
Int. Filing Date: 21 October 2008 :
Priority Date: 22 October 2007 : ON PETITION UNDER
Docket No.: 2007P03443NSN :
For: METHOD, APPARATUS AND : 37 CFR 1.47(a)
COMPUTER PROGRAM PRODUCT :
FOR SERVICE DECOMPOSITION IN :
IP-BROADCAST NETWORKS :

This is a decision on applicants' renewed Petition Under 37 CFR 1.47(a), filed in the United States Patent and Trademark Office (USPTO) on 04 May 2011.

BACKGROUND

On 04 February 2011, the Office mailed Notification of Missing Requirements (Form PCT/DO/EO/905) indicating that an oath or declaration and the surcharge for late filing of the search fee, examination fee or oath or declaration were required.

On 04 May 2011, applicants filed a renewed petition under 37 CFR 1.47(a) and a declaration.

DISCUSSION

This petition was originally filed as inventors Groos, Kopilovic and Wagner had not signed an oath or declaration for the application. Inventor Ivan Kopilovic has now signed a declaration and the petition is moot as to him.

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

Items (1), (3) and (4) have been met. The petition fee has been paid. Applicant states the last known addresses of the three non-signing inventors.

Item (2) has been satisfied as to inventor Groos, but not as to inventor Wagner. Applicants have not documented an effort to verify that the "last known address" for inventor Wagner is still his current address. Copies of documentary evidence are appropriate.

CONCLUSION

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

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

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

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Telephone: 571-272-3292

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MAILED

OCT 28 2011

PCT LEGAL ADMINISTRATION

LERNER GREENBERG STEMER LLP
P O BOX 2480
HOLLYWOOD FL 33022-2480

In re Application of :
GROOS, Gerd, et al. :
Application No.: 12/739,200 :
PCT No.: PCT/EP2008/064192 :
Int. Filing Date: 21 October 2008 :
Priority Date: 22 October 2007 :
Docket No.: 2007P03443NSN :
For: METHOD, APPARATUS AND COMPUTER PROGRAM PRODUCT FOR SERVICE DECOMPOSITION IN IP-BROADCAST NETWORKS :

DECISION

ON PETITION UNDER

37 CFR 1.47(a)

This is a decision on applicants' renewed Petition Under 37 CFR 1.47(a), filed in the United States Patent and Trademark Office (USPTO) on 30 August 2011.

BACKGROUND

On 30 June 2011, the Office mailed Decision On Petition Under 37 CFR 1.47(a), dismissing applicants' petition without prejudice.

On 30 August 2011, applicants filed a renewed petition under 37 CFR 1.47(a).

DISCUSSION

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

Items (1), (3) and (4) have been met. The petition fee has been paid. Applicant states the last known addresses of the three non-signing inventors.

Item (2) was previously satisfied as to inventor Groos, and now has been satisfied as to inventor Wagner.

CONCLUSION

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

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

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

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application, including accordation of a 35 U.S.C. §371(c)(1), (c)(2) and (c)(4) date of **04 May 2011**.

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Telephone: 571-272-3292

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MAILED

OCT 28 2011

PCT LEGAL ADMINISTRATION

Marcel Wagner
Metzstraße 1,
81667 München
Germany

In re Application of
GROOS, Gerd, et al.
Application No.: 12/739,200
PCT No.: PCT/EP2008/064192
Int. Filing Date: 21 October 2008
Priority Date: 22 October 2007
Docket No.: 2007P03443NSN
For: METHOD, APPARATUS AND COMPUTER PROGRAM PRODUCT FOR SERVICE DECOMPOSITION IN IP-BROADCAST NETWORKS

Dear Mr. Wagner:

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

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

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Telephone: 571-272-3292

LERNER GREENBERG STEMER LLP
P O BOX 2480
HOLLYWOOD FL 33022-2480

UNITED STATES 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 2011

PCT LEGAL ADMINISTRATION

Gerd Groos
Hochwannerstraße 3,
81377 München
Germany

In re Application of
GROOS, Gerd, et al.
Application No.: 12/739,200
PCT No.: PCT/EP2008/064192
Int. Filing Date: 21 October 2008
Priority Date: 22 October 2007
Docket No.: 2007P03443NSN
For: METHOD, APPARATUS AND COMPUTER PROGRAM PRODUCT FOR SERVICE DECOMPOSITION IN IP-BROADCAST NETWORKS

Dear Mr. Groos:

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

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

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Telephone: 571-272-3292

LERNER GREENBERG STEMER LLP
P O BOX 2480
HOLLYWOOD FL 33022-2480

UNITED STATES PATENT AND TRADEMARK OFFICE

MAILED

JAN 10 2011

PCT LEGAL ADMINISTRATION

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

DAVIS & BUJOLD, P.L.L.C.
112 PLEASANT STREET
CONCORD NH 03301

In re Application of	:	
FAKLER et al.	:	DECISION ON PETITION
Application No.: 12/739,233	:	
PCT No.: PCT/EP08/**63936**	:	UNDER 37 CFR 1.182
Int'l Filing Date: 16 October 2008	:	
Priority Date: 24 October 2007	:	
Attorney Docket No.: ZF-P406US	:	
For: MOTOR VEHICLE CONTROL SYSTEM	:	

This is a decision on a petition under 37 CFR 1.182 filed in the United States Patent and Trademark Office on 15 October and refiled on 29 October 2010 to correct the international application.

On 22 April 2010, applicant filed a request for entry into the national stage in the United States which was accompanied by, *inter alia*, the U.S. Basic National Fee. The papers were assigned serial number 12/739,233. However, the international application **PCT/EP08/63963** was indicated on the Electronic Acknowledgement Receipt; while the PCT application number **PCT/EP08/63936** was identified on the declaration.

On 30 August 2010, a Notification of Missing Requirements was mailed to applicant indicating the discrepancy in the English translation of the international application.

On 15 October 2010, the instant petition to correct the international application number was filed, which is treated under 37 CFR 1.182.

Applicant's petition under 37 CFR 1.182 to correct the international application no. to PCT/EP08/63936 on the national stage papers filed on 22 April 2010 is **GRANTED**. The $400 petition fee was charged to applicant's deposit account per his authorization.

The USPTO records will identify the present application **12/739,233** as the national stage of **PCT/EP08/63936.** The application will be forwarded to the United States Designated/Elected Office for further processing.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MAILED

MAY 18 2011

OFFICE OF PETITIONS

WINSTON & STRAWN LLP
PATENT DEPARTMENT
1700 K STREET, N.W.
WASHINGTON DC 20006

In re Application of :
Niel Peder Ledgard Steffensen :
Application No. 12/739,259 :
Filed: April 22, 2010 :
Attorney Docket No. **81421-7100** :

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the request to withdraw as attorney of record under 37 CFR § 1.36(b), filed April 19, 2011.

The request is **APPROVED**.

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

The request was signed by Allan A. Fanucci on behalf of all attorneys of record who are associated with Customer Number 28765.

All attorneys/agents associated with Customer Number 28765 have been withdrawn.

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

The correspondence address of record has been changed and all future correspondence will be directed to the assignee of the entire interest at the address indicated below.

There is outstanding Office action mailed that requires a reply from the applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-4584.

JoAnne Burke
Petitions Examiner
Office of Petitions

cc: Mr. Jesper Vilsbol
Picca Automation V/S
Gladsaxevej 382
Soborg Denmark 2860

UNITED STATES PATENT AND TRADEMARK OFFICE

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

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER LLP
901 NEW YORK AVENUE, NW
WASHINGTON, DC 20001-4413

MAILED

NOV 04 2011

OFFICE OF PETITIONS

In re Application of Jean-Louis Gueret :
Application No. 12/739,338 :
Int'l Filing Date: October 23, 2008 : Decision on Request
Attorney Docket No. 08048.0101 :
Pub. No.: US 2010/0303533 A1 :
Pub. Date: December 2, 2010 :

This is a decision on the request for a corrected patent application publication under 37 C.F.R. § 1.221(b) filed January 26, 2011.

The request is **granted**.

The corrected patent application publication will be published in due course, unless the patent issues before the application is republished.

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

Christopher Bottorff
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

SCHWEGMAN, LUNDBERG & WOESSNER, PA
P.O. BOX 2938
MINNEAPOLIS, MN 55402

MAILED

JAN 14 2011

OFFICE OF PETITIONS

In re Application of
Martyn K. Darby, et al.
Application No. 12/739,353
Filed: April 22, 2010
Attorney Docket No. 2579.142US1

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the renewed Request to Withdraw as attorney or agent under 37 C.F.R. § 1.36(b), filed November 29, 2010 and resubmitted December 13, 2010.

The request is **NOT APPROVED**.

The Office strongly encourages practitioner(s) requesting withdrawal from representation as practitioner of record in an application to review the record to determine whether he or she is, in fact, of record and how he or she was made of record. The practitioner(s) should determine whether he or she was appointed by naming each practitioner individually or through the use of a Customer Number. If the practitioner(s) were appointed by a specific designation, then the request should ask that each specified practitioner be withdrawn and should list each practitioner(s) in the Request. Similarly, if practitioner(s) was appointed by a Customer Number, the practitioner(s) should ensure that the correct number is provided in the Request Additionally, as set forth in MPEP 403(I), the addition or deletion of a practitioner from the list of persons associated with a Customer Number should be done by way of a *Request for Customer umber Data Change* (PTO/SB/124) and not a *Request for Withdrawal As Attorney or Agent and Change of Correspondence Address* (PTO/SB/83).

Accordingly, the request cannot be approved because practitioners were not appointed by customer number 21186. Practitioners must withdraw using the same customer number by which they were appointed.

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

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

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

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

cc: AFFINERGY, INC.
PO BOX 14650
RESEARCH TRIANGLE PARK, NC 27709-4650

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.
12/739,362	04/22/2010	Lev Dayan	1600.0045	9815

75485 7590 03/30/2011

The Law Office of Michael E. Kondoudis
888 16th Street, N.W.
Suite 800
Washington, DC 20006

EXAMINER	
DVORAK, LINDA C	

ART UNIT	PAPER NUMBER
3739	

NOTIFICATION DATE	DELIVERY MODE
03/30/2011	ELECTRONIC

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

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

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

rlynn@mekiplaw.com
elee@mekiplaw.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

The Law Office of Michael E. Kondoudis
888 16th Street, N.W.
Suite 800
Washington DC 20006

Applicant: Dayan et al.
Appl. No.: 12/739,362
Filing Date: April 22, 2010
Title: SYSTEM AND METHOD FOR DETECTION OF FOREIGN SUBSTANCES
Attorney Docket No.: 1600.0045
Pub. No.: US 2010/0305556 A1
Pub. Date: December 2, 2010

This is a decision on the request for republication of patent application publication under 37 CFR 1.221(a), filed on March 21, 2011, for the above-identified application.

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

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

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

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

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

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

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

By facsimile: 571-273-8300

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

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

Adjustment date: 03/30/2011 KKING1
03/21/2011 INTEFSW 00009896 12739362
01 FC:1504 -300.00 DP

Refund Ref:
03/30/2011 0030095912

Credit Card Refund Total: $300.00

Am Exp..: XXXXXXXXXX2005

UNITED STATES PATENT AND TRADEMARK OFFICE

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

The Law Office of Michael E. Kondoudis
888 16th Street, N.W.
Suite 800
Washington, DC 20006

MAILED

NOV 14 2011

OFFICE OF PETITIONS

In re Application of Dayan et al. :
Application No. 12/739,362 :
Int'l Filing Date: October 25, 2007 : Decision on Request
Attorney Docket No. 1600.0045 :
Pub. No.: US 2010/0305556 A1 :
Pub. Date: December 2, 2010 :

This is a decision on the request for a corrected patent application publication under 37 C.F.R. § 1.221(b) filed February 17, 2011.

The request is **dismissed as moot**.

A review of the record indicates the Office issued a corrected patented application publication on July 28, 2011, correcting the errors identified in the instant request.

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

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

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

MAILED
JAN 11 2012
OFFICE OF PETITIONS

In re Application of
Georg Dewald
Application No. 12/739,404
Filed: July 16, 2010
Attorney Docket No. 0147-0290PUS1

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed December 9, 2011.

The request is **APPROVED**.

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

The request was signed by Mark J, Nuell on behalf of all attorneys of record who are associated with customer No. 02292. All attorneys/agents associated with the Customer Number 02292 have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

The correspondence address of record has been changed and the new correspondence address is the address indicated below.

There is an outstanding Office action mailed August 3, 2011 that requires a reply from the applicant.

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

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

cc: GEORG DEWALD
TRIERER STRASSE 55
BONN NORTH RHINE-WESTPHALIA 53115
GERMANY

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/739,404	07/16/2010	Georg Dewald	0147-0290PUS1

CONFIRMATION NO. 1230

POWER OF ATTORNEY NOTICE

2292
BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH, VA 22040-0747

OC000000051912741

Date Mailed: 01/10/2012

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 12/09/2011.

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

/amwise/

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

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: 65504-006US1	Application Number (if known): 12/739,424	Filing date: August 10, 2010
First Named Inventor: Sean Dennis Simpson		
Title: IMPROVED CARBON CAPTURE IN FERMENTATION		

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

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

1. By filing this petition:

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

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

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

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

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

6. Other attachments: Statement Regarding Publication

Signature	Date December 22, 2010
Name (Print/Typed) Faustino A. Lichauco	Registration Number 41,942

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

× *Total of 1 forms are submitted.

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

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

Attorney Docket No.: 65504-006US1
Client Ref. No.: CHW 507601USPR

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant	: Sean Dennis Simpson et al.	Art Unit	: 1632
Serial No.	: 12/739,424	Examiner	: Not yet Assigned
Filed	: August 10, 2010	Conf. No.	: 1428
Title	: IMPROVED CARBON CAPTURE IN FERMENTATION		

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

STATEMENT OF SPECIAL STATUS FOR ELIGIBILITY REQUIREMENT

Applicant requests that this application be made special pursuant to the Pilot Program for Green Technologies as set forth in the Federal Register.[1]

The invention is believed to be eligible for the Pilot Program because of its material contribution to the development of renewable energy resources and the reduction of greenhouse gas emissions, specifically the generation of fuel alcohols from carbon monoxide (CO) via a fermentation process and the reduction of greenhouse gases produced during the fermentation processes.

In broad terms, the invention relates to a method and system of capturing carbon through use of a gas fermentation process to produce useful products such as fuel alcohols. More specifically, a carbon monoxide-containing gas that is obtained as a waste product of an industrial process, preferably a steel making process is used as a substrate that undergoes microbial fermentation to produce one or more products. The invention also provides methods and systems of capturing carbon by microbial fermentation in conjunction with the use of a CO_2 remover.

The methods and systems claimed are intended to reduce the total atmospheric carbon emissions from an industrial process and is achieved by the various claimed methods by capturing carbon from waste gas streams, such as those emitted from steel mills. The waste gas streams from steel mills are often flared off (burnt) to produce

[1] 74 Fed. Reg. 234 (December 8, 2009), page 64666 et seq., 75 Fed. Reg. 98 (May 21, 2010), and 75 Fed. Reg. 217, page 69049 (Nov. 10, 2010).

significant quantities of carbon dioxide – a greenhouse gas. It will be appreciated that such industrial plants contribute significantly to greenhouse gas emissions and the methods described herein enable the carbon to be captured to generate useful products. This reduces the emission of the greenhouse gases and limits the damaging effects that they have on the environment.

Also provided by the invention are methods and systems to separate and buffer gas streams, preferably in conjunction with a CO_2 remover, in order to maximize the efficiency of the reaction (and henceforth the carbon captured) by better tailoring the gas stream constituency before passing it to a bioreactor.

Accordingly, the subject matter of this application plays a material role in the development of renewable energy resources and the reduction of greenhouse gas emissions. Applicant therefore requests that the examination be accelerated under the Pilot Program.

Pursuant to the requirements of the Pilot Program, please apply the $300 publication fee to Deposit Account no. 50-4189, referencing attorney docket no. 65504-009US1.

Respectfully submitted,

Date: December 22, 2010

Faustino A. Lichauco
Reg. No. 41,942

Customer No. 69713
Occhiuti Rohlicek & Tsao LLP
10 Fawcett Street
Cambridge, MA 02138
Telephone: (617) 500-2533
Facsimile: (617) 500-2499

Attorney Docket No.: 65504-006US1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant	: Sean Dennis Simpson et al.	Art Unit	: 1632
Serial No.	: 12/739,424	Examiner	: Not yet Assigned
Filed	: August 10, 2010	Conf. No.	: 1428
Title	: IMPROVED CARBON CAPTURE IN FERMENTATION		

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

STATEMENT REGARDING PUBLICATION

This application was published on December 16, 2010 as U.S. Publication no. US-2010-0317074-A1. Pursuant to the requirements of the Pilot Program for Green Technologies, please apply the $300 publication fee and any other charges to Deposit Account No. 50-4189, referencing Attorney Docket Number 65504-006US1.

Respectfully submitted,

Date: December 22, 2010

Faustino A. Lichauco
Reg. No. 41,942

Customer No. 69713
Occhiuti Rohlicek & Tsao LLP
10 Fawcett Street
Cambridge, MA 02138
Telephone: (617) 500-2533
Facsimile: (617) 500-2499

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.
12/739,424	08/10/2010	Sean Dennis Simpson	65504-006US1	1428

69713 7590 01/14/2011
OCCHIUTI ROHLICEK & TSAO, LLP
10 FAWCETT STREET
CAMBRIDGE, MA 02138

EXAMINER	
ART UNIT	PAPER NUMBER
1632	

NOTIFICATION DATE	DELIVERY MODE
01/14/2011	ELECTRONIC

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

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

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

INFO@ORTPATENT.COM

UNITED STATES PATENT AND TRADEMARK OFFICE

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

JAN 14 2011

OCCHIUTI ROHLICEK & TSAO, LLP
10 FAWCETT STREET
CAMBRIDGE MA 02138

In re Application of :
SIMPSON, Sean *et al.* :
Application No. 12/739424 :
Filed: August 10, 2010 :
Attorney Docket No. 65504-006US1 :

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

This is a decision on the petition under 37 CFR 1.102, filed December 22, 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 Manjunath Rao at 571-272-0939.

The application is being forwarded to the Technology Center Art Unit 1651 for action on the merits commensurate with this decision.

/Manjunath Rao/

Manjunath Rao
Supervisory Patent Examiner &
POC for TC 1600 Green Tech Petitions
Technology Center 1600

UNITED STATES PATENT AND TRADEMARK OFFICE

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

27769
AKC PATENTS
215 Grove Street
Newton, MA 02466

MAILED

OCT 13 2010

PCT LEGAL ADMINISTRATION

In re Application of :
KARAVAS *et al* :
U.S. Application No.: 12/739,475 :
PCT No.: PCT/EP2007/008952 :
Int. Filing Date: 16 October 2007 :
Priority Date: None :
Attorney Docket No.: PHARTMA-108 :
For: IMPROVED PHARMACEUTICAL COMPOSITION CONTAINING A PYRROLIDONE ANTICONVULSANT AGENT AND METHOD FOR THE PREPARATION THEREOF :

DECISION ON PETITION UNDER 37 CFR 1.137(b)

Applicants' petition to revive under 37 CFR 1.137(b) filed on 23 April 2010 is hereby **GRANTED** as follows:

The proper fees and the petition fee for a small entity have been paid. Applicants made the required statement pursuant to 37 CFR 1.137(b)(3). A terminal disclaimer is not required. Accordingly, all requirements under 37 CFR 1.137(b) have been satisfied.

A declaration pursuant to PCT Rule 4.17(iv) was submitted in the international application. This declaration meets the requirements of 37 CFR 1.497(a) and (b).

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

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

UNITED STATES PATENT AND TRADEMARK OFFICE

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

WOLF GREENFIELD & SACKS, P.C.
600 ATLANTIC AVENUE
BOSTON, MA 02210-2206

MAILED

NOV 10 2011

OFFICE OF PETITIONS

In re Application of Tsuji et al. :
Application No. 12/739,480 :
Int'l Filing Date: October 23, 2008 : Decision on Request
Attorney Docket No. K0448.70032US00 :
Pub. No.: US 2010/0306864 A1 :
Pub. Date: December 2, 2010 :

This is a decision on the request for a corrected patent application publication under 37 C.F.R. § 1.221(b) filed January 28, 2011.

The request is **granted**.

The corrected patent application publication will be published in due course, unless the patent issues before the application is republished.

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

Christopher Bottorff
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

MAILED

FEB 16 2011

PCT LEGAL ADMINISTRATION

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

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

In re Application of: TANAKA, Toshihiro, et al.
U.S. Application No.: 12/739,494
PCT No.: PCT/JP2008/069654
International Filing Date: 29 October 2008
Priority Date: 29 October 2007
Attorney's Docket No.: P38342
For: METHOD FOR DETERMINATION OF INFLAMMATORY DISEASE BY USING SINGLE NUCLEOTIDE POLYMORPHISM IN BRCA1-RELATED PROTEIN (BRAP) GENE

DECISION ON REQUEST UNDER 37 CFR 1.497(d)

This decision is issued in response to the "Submission Under 37 C.F.R. 1.497(D)" filed by applicants on 02 November 2010. Applicants have paid the required $130 processing fee.

BACKGROUND

On 29 October 2008, applicants filed international application PCT/JP2008/069654. The application claimed a priority date of 29 October 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., 29 April 2010. The published international application identified three applicant/inventors for the United States.

On 23 April 2010, applicants filed a Transmittal Letter for entry into the national stage in the United States accompanied by, among other materials, payment of the basic national fee.

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

On 02 November 2010, applicants filed a response to the Notification Of Missing Requirements (with required two-month extension fee). The response included, among other materials, a declaration that named and was executed by two of the three inventors of record and the "Submission Under 37 C.F.R. 1.497(D)" considered herein. The submission under 37 CFR 1.497(d) requests that Yusuke NAKAMURA, the inventor of record who is not named on the declaration, be removed as an inventor of record from the present application.

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, Yusuke NAKAMURA has been removed). Applicants must therefore satisfy 37 CFR 1.497(d) before such declaration can be accepted.

The present submission includes the required statement of non-deceptive intent from the person to be removed as an inventor, 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 all the requirements for a grantable request under 37 CFR 1.497(d).

CONCLUSION

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

The inventorship of record herein is corrected to remove Yusuke NAKAMURA as an inventor of record. In view of the correction of inventorship, the declaration filed on 02 November 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, including the review of the additional materials filed by applicants in response to the Notification Of Missing Requirements. The date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) is 02 November 2010.

/RichardMRoss/

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/739,505		Birger Jan Olsen	HOI-28002/16	1882

25006 7590 08/16/2010

GIFFORD, KRASS, SPRINKLE,ANDERSON & CITKOWSKI, P.C
PO BOX 7021
TROY, MI 48007-7021

EXAMINER	
ART UNIT	PAPER NUMBER
3736	

MAIL DATE	DELIVERY MODE
08/16/2010	PAPER

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

GIFFORD, KRASS, SPRINKLE,ANDERSON & CITKOWSKI, P.C
PO BOX 7021
TROY MI 48007-7021

In re Application of	:	
OLSEN, BIRGER JAN	:	DECISION ON REQUEST TO
Application No. 12/739,505	:	PARTICIPATE IN PATENT
Filed: April 23, 2010	:	PCT/PROSECUTION HIGHWAY
Attorney Docket No. HOI-28002/16	:	PROGRAM AND PETITION
For: METHOD, SYSTEM AND COMPUTER PROGRAM FOR AUTOMATED INTERPRETATION OF MEASUREMENTS IN RESPONSE TO STIMULI	:	37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed June 24, 2010 to make the above-identified application special.

The request and petition are GRANTED.

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

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

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

All other inquiries concerning the examination or status of the application should be directed to Max Hindenburg, the SPE of Art Unit 3736, and (571)272-4726 for Class 600 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 is currently undergoing the pre-examination processing. When completed, the application will be forwarded and docketed to an examiner for action on the merits commensurate with this decision.

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

The petition is **granted.**

/Henry C. Yuen/

_____

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

25006
GIFFORD, KRASS, SPRINKLE, ANDERSON & CITKOWSKI, P.C.
P.O. Box 7021
Troy, MI 48007-7021

MAILED

AUG 23 2011

PCT LEGAL ADMINISTRATION

In re Application of :
OLSEN *et al* :
U.S. Application No.: 12/739,505 :
PCT No.: PCT/DK2008/050259 :
Int. Filing Date: 23 October 2008 :
Priority Date: 23 October 2007 :
Docket No.: HOI-28002/16 :
For: METHOD, SYSTEM AND COMPUTER PROGRAM FOR AUTOMATED INTERPRETATION OF MEASUREMENTS IN RESPONSE TO STIMULI :

DECISION

This is a decision on applicants' petition under 37 CFR 1.181 filed 23 June 2011 which is also treated as a request for a refund.

BACKGROUND

On 23 October 2008, applicants filed PCT/DK2008/050259 claiming priority to three Danish patent applications. A declaration executed by all three named inventors was submitted in the international application pursuant to PCT Rule 4.17(iv).

On 23 April 2010, applicants filed papers to enter the national stage of PCT/DK2008/050259 which was accompanied by, *inter alia*, the Basic national fee. Applicants did not authorize in the transmittal letter (PTO-1390), or when filing using the USPTO EFS-Web system that any additional fees which may be required be charged to a Deposit Account.

On 16 June 2010, the United States Designated/Elected Office (DO/EO/US) mailed a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that additional claim fees, a search fee, an examination fee, an oath or declaration in compliance with 37 CFR 1.497(a) and (b), and a surcharge fee must be provided. Applicants were given two months to respond with extensions of time available under 37 CFR 1.136(a).

On 18 January 2011, applicants filed a five-month extension request and a $1,175.00 extension fee. Applicants filed U.S. Application No. 13/008,230 as a continuation application under 35 U.S.C. 111(a) of the above-captioned national stage application on the same day.

On 23 June 2011, applicants filed the subject petition which was accompanied by, *inter alia*, Exhibits A - G.

DISCUSSION

Applicants assert that the Form PCT/DO/EO/905 mailed 16 June 2010 was sent, in error, and that it be vacated. Applicants claim that a declaration pursuant to PCT Rule 4.17(iv) was provided in the international application. Applicants argue that the $1,175.00 in extension fees paid in the subject application, and the $644.00 in fees paid in a separate continuation application (U.S. Application No. 13/008,230) would not have been paid but for the request for an oath or declaration on the Form PCT/DO/EO/905. Applicants request a refund of these fees totaling $1,819.00.

A review of the subject application verifies that a valid declaration was filed in the international application under PCT Rule 4.17(iv). This declaration is acceptable in the national stage of the United States. Accordingly, the Form PCT/DO/EO/905 mailed 16 June 2010 should not have listed that a declaration was required.

Nonetheless, the Form PCT/DO/EO/905 was appropriate as applicants still owed the search fee, examination fee, surcharge fee, and additional claim fees. *See* 37 CFR 1.495(c). Applicants did not authorize that any required fees be charged to counsel's Deposit Account upon initial filing. Therefore, applicants' request that this notice be vacated is dismissed.

Applicants should have responded to the Form PCT/DO/EO/905 by stating that a declaration was filed in the international application pursuant to PCT Rule 4.17(iv) and paid the required fees. If applicants did not know that a declaration was filed in the international application (and could not locate all the inventors, or an inventor refused to sign a new declaration), a petition under 37 CFR 1.47(a) would have been the appropriate response to the request for an oath or declaration in compliance with 37 CFR 1.497(a) and (b). *See* 35 U.S.C. 118.

Further, the filing of the continuation application under 35 U.S.C. 111(a) is considered a change of purpose and no refund of any of these fees is warranted.

CONCLUSION

Applicants' request to vacate the Form PCT/DO/EO/905 and request for a refund of the continuation and extension fees is **DISMISSED** without prejudice.

If reconsideration on the merits of this petition is desired, a proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. Extensions

of time under 37 CFR 1.136(a) are available.

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

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MAILED

FEB 08 2011

PCT LEGAL ADMINISTRATION

STITES & HARBISON PLLC
1199 NORTH FAIRFAX STREET
SUITE 900
ALEXANDRIA VA 22314

In re Application of KHOLINE et al. Application No.: 12/739,513 PCT No.: PCT/GB08/01117 Int'l Filing Date: 31 March 2008 Priority Date: 24 October 2007 Attorney Docket No.: P09993US00/DEJ For: CHARGED PARTICLE ENERGY ANALYSERS	:	DECISION ON PETITION UNDER 37 CFR 1.182

This is a decision on a petition under 37 CFR 1.182 filed in the United States Patent and Trademark Office on 01 December 2010 to correct the international application.

On 23 April 2010, applicant filed a request for entry into the national stage in the United States which was accompanied by, *inter alia*, the U.S. Basic National Fee. The papers were assigned serial number 12/739,513. However, the international application **PCT/GB08/01117** was indicated on the transmittal letter; while the PCT application number **PCT/GB08/01171** was identified on the Electronic Acknowledgement Receipt.

On 01 December 2010, the instant petition under 37 CFR 1.182 was filed.

Applicant's petition under 37 CFR 1.182 to correct the international application no. to PCT/GB08/01117 on the national stage papers filed on 01 December 2010 is **GRANTED**. The $400 petition fee was paid.

The USPTO records will identify the present application **12/739,513** as the national stage of **PCT/GB08/01117.**

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MAILED

OCT 15 2010

PCT LEGAL ADMINISTRATION

MACMILLAN, SOBANSKI & TODD, LLC
ONE MARITIME PLAZA - FIFTH FLOOR
720 WATER STREET
TOLEDO, OH 43604

In re Application of SCHÜLTER :
U.S. Application No.: 12/739,528 :
PCT Application No.: PCT/EP2008/008534 :
Int. Filing Date: 09 October 2008 : DECISION
Priority Date Claimed: 25 October 2007 :
Attorney Docket No.: 1-51753 :
For: VACUUM BRAKE FORCE BOOSTER AND :
METHOD FOR THE ADJUSTMENT THEREOF :

This is in response to applicant's correspondence filed 03 June 2010, which is being treated as a request for status under 37 CFR 1.42.

BACKGROUND

On 09 October 2008, applicant filed international application papers with the United States Receiving Office (RO/US). The submission was assigned the above-identified International Application Number and International Filing Date.

On 09 October 2008, applicant filed international application PCT/EP2008/008534, which claimed priority of an earlier Germany application filed 25 October 2007. A copy of the international application was communicated to the USPTO from the International Bureau on 30 April 2009. The thirty-month period for paying the basic national fee in the United States expired on 26 April 2010.

On 23 April 2010, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

On 03 June 2010, applicant filed the instant request for status under 37 CFR 1.42 along with an executed declaration.

DISCUSSION

The published international application states that inventor Peter Schülter 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 fails to state the citizenship of the inventor as required by 37 CFR 1.497(a)(3).

CONCLUSION

For the reasons above, the request for status under 37 CFR 1.42 is DISMISSED without prejudice.

If reconsideration on the merits of the request is desired, a proper response must be filed within TWO (2) MONTHS from the mail date of this decision. Failure to timely file a proper response will result in ABANDONMENT of the application. Extensions of time are available under 37 CFR 1.136(a). Any reconsideration request should include a cover letter entitled "Renewed Request for Status Under 37 CFR 1.42".

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

Bryan Lin
PCT Legal Examiner
PCT Legal Office

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MACMILLAN, SOBANSKI & TODD, LLC
ONE MARITIME PLAZA - FIFTH FLOOR
720 WATER STREET
TOLEDO, OH 43604

MAILED

FEB 02 2011

PCT LEGAL ADMINISTRATION

In re Application of SCHÜLTER :
U.S. Application No.: 12/739,528 :
PCT Application No.: PCT/EP2008/008534 :
Int. Filing Date: 09 October 2008 : DECISION
Priority Date Claimed: 25 October 2007 :
Attorney Docket No.: 1-51753 :
For: VACUUM BRAKE FORCE BOOSTER AND :
METHOD FOR THE ADJUSTMENT THEREOF :

This is in response to applicant's correspondence filed 11 January 2011, which is being treated as a renewed request for status under 37 CFR 1.42.

BACKGROUND

On 09 October 2008, applicant filed international application papers with the United States Receiving Office (RO/US). The submission was assigned the above-identified International Application Number and International Filing Date.

On 09 October 2008, applicant filed international application PCT/EP2008/008534, which claimed priority of an earlier Germany application filed 25 October 2007. A copy of the international application was communicated to the USPTO from the International Bureau on 30 April 2009. The thirty-month period for paying the basic national fee in the United States expired on 26 April 2010.

On 23 April 2010, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

On 03 June 2010, applicant filed a request for status under 37 CFR 1.42 along with an executed declaration.

On 15 October 2010, this Office mailed a decision dismissing the 03 June 2010 request.

On 11 January 2011, applicant filed the instant renewed request for status under 37 CFR 1.42 along with a newly executed declaration.

DISCUSSION

The published international application states that inventor Peter Schülter 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 11 January 2011 is in compliance with 37 CFR 1.42 and 1.497.

CONCLUSION

For the reasons above, the renewed request for status under 37 CFR 1.42 is GRANTED.

The application has an International Filing Date under 35 U.S.C. 363 of 09 October 2008, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 11 January 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

UNITED STATES PATENT and TRADEMARK OFFICE

11 AUG 2010

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

MERCK
PATENT DEPARTMENT (K-6-1, 1990)
2000 GALLOPING HILL ROAD
KENILWORTH NJ 07033-0530

In re Application of	DECISION ON
Yan Xia et al	
Application No.: 12/739,531	
PCT No.: PCT/US2008/080462	
Int. Filing Date: 20 October 2008	PETITION UNDER
Priority Date: 22 October 2007	
Attorney's Docket No.: CV06702US01	
For: BICYCLIC HETEROCYCLE... OF GPR119	37 CFR 1.137(b)

This decision is in response to applicant's "Petition Under 37 CFR 1.137(b) for Revival of an Unintentionally Abandoned Patent Application," filed on 23 April 2010.

BACKGROUND

On 20 October 2008, this international application was filed, claiming an earliest priority date of 22 October 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 22 April 2010. This international application became abandoned with respect to the United States at midnight on 22 April 2010 for failure to pay the required basic national fee.

On 23 April 2010, applicants filed in the United States Patent and Trademark Office (PTO) a transmittal letter for entry into the national stage in the U.S. under 35 U.S.C. 371, which was accompanied by, *inter alia*, the national basic fee, petition fee, and a petition under 37 CFR 1.137(b).

DISCUSSION

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

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

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

DECISION

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

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

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

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

Oliff & Berridge, PLC
P.O. Box 320850
Alexandria, VA 22320-4850

MAILED

APR 21 2011

PCT LEGAL ADMINISTRATION

In re Application of :
GUERET, Jean-Louis :
Application No.: 12/739,542 :
PCT No.: PCT/IB2008/055415 :
Int. Filing Date: 18 December 2008 :
Priority Date: 19 December 2007 :
Atty. Docket No.: 145364 :
For: PACKAGING DEVICE

DECISION

This decision is issued in response to applicants' "Corrected Notice of Acceptance Status Request" filed 08 December 2010.

BACKGROUND

On 18 December 2008, applicant filed international application PCT/IB2008/055415 which claimed a priority date of 19 December 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, 19 June 2010.

On 23 April 2010, applicant filed a Transmittal Letter (PTO-1390) requesting entry into the national stage in the United States of America under 35 U.S.C. 371. Filed with the Transmittal Letter were, *among others*, the requisite basic national fee; a copy of the international application; and a preliminary amendment. Applicant did not mark Box 3 on the transmittal letter (PTO-1390) which states "[t]his is an express request to begin national examination procedures (35 U.S.C. 371(f)) at any time rather than delay examination until the expiration of the applicable time limit set in 35 U.S.C. 371(b) and PCT Article 22 and 39(1)."

On 02 June 2010, applicant submittted an executed declaration of inventorship.

On 01 September 2010, the United States Designated/Elected Office (DO/EO/US) mailed a "Notification of Acceptance of Application under 35 U.S.C. 371 AND 37 CFR 1.495" (Form PCT/DO/EO/903) which set forth the date of receipt 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) requirements as 02 June 2010 and a 35 U.S.C. 371 completion date of 19 June 2010.

On 08 December 2010, applicant filed "Corrected Notice of Acceptance Status Request" considered herein.

DISCUSSION

The present petition requests a corrected Notification Of Acceptance identifying the "Date Of Completion Of All 35 U.S.C. 371 Requirements" as 02 June 2010.

As set forth on the Notification Of Acceptance mailed herein on 01 September 2010, the date of receipt of the requirements of 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) is 02 June 2010; however, as discussed in MPEP 1893.03(b), the "Date Of Completion Of All 35 U.S.C. 371 Requirements" listed on the Notification Of Acceptance is not necessarily the same date as the date of receipt of the requirements of 35 U.S.C. 371(c)(1), (c)(2), and (c)(4). Rather, the MPEP sets forth the following criteria for determining the correct "Date Of Completion Of All 35 U.S.C. 371 Requirements:"

> The "Date of Completion of all 35 U.S.C. 371 Requirements" included on the NOTIFICATION OF ACCEPTANCE OF APPLICATION UNDER 35 U.S.C. 371 AND 37 CFR 1.495 (Form PCT/DO/EO/903) is ... the latest of:
>
> (A) the date of submission of the basic national fee;
>
> (B) the date of submission or communication of the copy of the international application;
>
> (C) the date of submission of the translation of the international application if the international application is not in the English language;
>
> (D) the date of submission of an oath or declaration of the inventor in compliance with 35 U.S.C. 371 (c)(4) (see 37 CFR 1.497(c) for an explanation of when an oath or declaration will be accepted as complying with 35 U.S.C. 371(c)(4));
>
> (E) the earlier of 30 months from the priority date or the date of request for early processing under 35 U.S.C. 371(f) if requested prior to 30 months from the priority date (Form PCT/DO/EO/903 will indicate the date early processing was requested);
>
> (F) if a request for early processing has not been requested prior to 30 months from the priority date, the date of submission of any translation of the annexes to the international preliminary examination report if the translation of the annexes are filed within the time period set in a Notification of Missing Requirements (Form PCT/DO/EO/905) requiring either an English translation of the international application or an oath or declaration; and

(G) the date of submission of any surcharge for submitting the oath or declaration later than 30 months from the priority date.

A review of the application file reveals that applicant did not request early processing of the application under 35 U.S.C. 371(f).[1] Accordingly, based on the MPEP criteria (specifically, element "E"), the correct "Date Of Completion Of All 35 U.S.C. 371 Requirements" is 19 June 2010, that is, 30 months from the priority date.

Based on the above, the listing of 19 June 2010 as the "Date Of Completion Of All 35 U.S.C. 371 Requirements" on the Notification Of Acceptance was correct; therefore, applicants' request that this date be corrected to 02 June 2010, a date prior to "the earlier of 30 months from the priority date or the date of request for early processing under 35 U.S.C. 371(f)," is appropriately dismissed.

CONCLUSION

Applicant's request for the issuance of a corrected Notification of Acceptance of Application under 35 U.S.C. 371 and 37 CFR 1.495 is **REFUSED**.

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

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

[1]As stated above, applicant did not mark Box 3 on the transmittal letter (PTO-1390) which states, "[t]his is an express request to begin national examination procedures (35 U.S.C. 371(f)) at any time rather than delay examination until the expiration of the applicable time limit set in 35 U.S.C. 371(b) and PCT Article 22 and 39(1)."

UNITED STATES PATENT AND TRADEMARK OFFICE

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

27769
AKC PATENTS
215 Grove Street
Newton, MA 02466

MAILED

NOV 04 2010

PCT LEGAL ADMINISTRATION

In re Application of
KARAVAS *et al*
U.S. Application No.: 12/739,545
PCT No.: PCT/EP2007/08955
Int. Filing Date: 16 October 2007
Priority Date: None
Docket No.: PHARMA-109
For: IMPROVED PHARMACEUTICAL COMPOSITION CONTAINING A SELECTIVE ESTROGEN RECEPTOR MODULATOR AND METHOD FOR THE PREPARATION THEREOF

DECISION ON PETITION UNDER 37 CFR 1.137(b)

Applicants' petition to revive under 37 CFR 1.137(b) filed on 23 April 2010 with the national stage papers is hereby **GRANTED** as follows:

The proper fees and the petition fee for a small entity have been paid. Applicants made the required statement pursuant to 37 CFR 1.137(b)(3). A terminal disclaimer is not required. Accordingly, all requirements under 37 CFR 1.137(b) have been satisfied.

The declaration of inventorship under Rule 4.17(iv) submitted in the above-captioned national stage application is not accepted for the following reason. The declaration has been altered. An incorrect PCT number (PCT/EP2007/**0088955**) has been placed on the first page of the declaration. The Office does not accept such alterations on a declaration. A new declaration is required. *See* § 605.04(a) MPEP; 37 CFR 1.52(c)(1).

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing including mailing 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) is required.

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-US (09-10)
Approved for use through 01/31/2012. OMB 0651-0058
U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM IN A U.S. APPLICATION WHERE THE USPTO WAS THE ISA OR IPEA

Application No:	12/739,547	Filing date:	April 23, 2010
First Named Inventor:	Benjamin T. Gomez		
Title of the Invention:	Wagering Game With Enhanced Player-Selection Bonus Feature		

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

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

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

The corresponding PCT application number(s) is/are: PCT/US2008/082743

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

November 7, 2008

I. List of Required Documents:

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

☒ Is attached

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

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

☒ Is attached.

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

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

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

PTO/SB/20PCT-US (09-10)
Approved for use through 01/31/2012. OMB 0651-0058
U.S.Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM IN A U.S. APPLICATION WHERE THE USPTO WAS THE ISA OR IPEA (continued)

Application No.:	12/739,547
First Named Inventor:	Benjamin T. Gomez

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 26, 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 26, 2010

II. Claims Correspondence Table:

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

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

Signature /Jason S. Kray, Reg. No. 66,926/	Date 07/07/2011
Name (Print/Typed) Jason S. Kray	Registration Number 66,926

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.

REQUIRED DOCUMENT I(A)

The following document(s) include(s) a copy of the latest international work product in the corresponding PCT application

PATENT COOPERATION TREATY

RECEIVED
MAR 02 2010
CHI DOCKETING

From the
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

To:
DANIEL J. BURNHAM
NIXON PEABODY LLP
300 S. RIVERSIDE PLAZA, 16TH FLOOR
CHICAGO, IL 60606

REVIEWED BY DOCKET

PCT

NOTIFICATION OF TRANSMITTAL OF
INTERNATIONAL PRELIMINARY
REPORT ON PATENTABILITY
(Chapter II of the Patent Cooperation Treaty)

(PCT Rule 71.1)

Date of mailing *(day/month/year)*	24 FEB 2010

Applicant's or agent's file reference	**IMPORTANT NOTIFICATION**
247079-572WO	

International application No.	International filing date *(day/month/year)*	Priority date *(day/month/year)*
PCT/US08/82743	07 November 2008 (07.11.2008)	09 November 2007 (09.11.2007)

Applicant

WMS GAMING INC.

1. The applicant is hereby notified that this International Preliminary Examining Authority transmits herewith the international preliminary report on patentability and its annexes, if any, established on the international application.

2. A copy of the report and its annexes, if any, is being transmitted to the International Bureau for communication to all the elected Offices.

3. Where required by any of the elected Offices, the International Bureau will prepare an English translation of the report (but not of any annexes) and will transmit such translation to those Offices.

4. **REMINDER**

The applicant must enter the national phase before each elected Office by performing certain acts (filing translations and paying national fees) within 30 months from the priority date (or later in some Offices)(Article 39(1))(see also the reminder sent by the International Bureau with Form PCT/IB/301).

Where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary report on patentability. It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned.

For further details on the applicable time limits and requirements of the elected Offices, see Volume II of the *PCT Applicant's Guide.*

The applicant's attention is drawn to Article 33(5), which provides that the criteria of novelty, inventive step and industrial applicability described in Article 33(2) to (4) merely serve the purposes of international preliminary examination and that "any Contracting State may apply additional or different criteria for the purposes of deciding whether, in that State, the claimed invention is patentable or not" (see also Article 27(5)). Such additional criteria may relate, for example, to exemptions from patentability, requirements for enabling disclosure, clarity and support for the claims.

Name and mailing address of the IPEA/ US	Authorized officer
Mail Stop PCT, Attn: IPEA/US Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450 Facsimile No. (571) 273-3201	Scott Jones Telephone No. (571) 272-6788

Form PCT/IPEA/416 (January 2004)

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 247079-572WO	**FOR FURTHER ACTION**	See Form PCT/IPEA/416
International application No. PCT/US08/82743	International filing date *(day/month/year)* 07 November 2008 (07.11.2008)	Priority date *(day/month/year)* 09 November 2007 (09.11.2007)
International Patent Classification (IPC) or national classification and IPC IPC: **A63F 9/24**(2006.01) USPC: 463/16,20,31		
Applicant WMS GAMING INC.		

1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of 3 sheets, including this cover sheet.
3. This report is also accompanied by ANNEXES, comprising:
   a. ☒ *(sent to the applicant and to the International Bureau)* a total of 4 sheets, as follows:
      ☐ sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).
      ☐ sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.
   b. ☐ *(sent to the International Bureau only)* a total of (indicate type and number of electronic carrier(s)) _____ , containing a sequence listing and/or tables related thereto, in electronic form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).
4. This report contains indications relating to the following items:
   - ☒ Box No. I Basis of the report
   - ☐ Box No. II Priority
   - ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
   - ☐ Box No. IV Lack of unity of invention
   - ☒ Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
   - ☐ Box No. VI Certain documents cited
   - ☐ Box No. VII Certain defects in the international application
   - ☐ Box No. VIII Certain observations on the international application

Date of submission of the demand	Date of completion of this report
09 September 2009 (09.09.2009)	05 February 2010 (05.02.2010)
Name and mailing address of the IPEA/ US Mail Stop PCT, Attn: IPEA/US Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450 Facsimile No. (571) 273-3201	Authorized officer Scott Jones Telephone No. (571) 272-6788

Form PCT/IPEA/409 (cover sheet)(April 2007)

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.
PCT/US08/82743

Box No. I Basis of the report

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

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

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

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

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

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

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

☐ the international application as originally filed/furnished

☒ the description:
pages 1-17 as originally filed/furnished
pages* NONE received by this Authority on _____
pages* NONE received by this Authority on _____

☒ the claims:
pages NONE as originally filed/furnished
pages* NONE as amended (together with any statement) under Article 19
pages* 18-21 received by this Authority on 09 September 2009 (09.09.2009)
pages* NONE received by this Authority on _____

☒ the drawings:
pages 1/7-7/7 as originally filed/furnished
pages* NONE received by this Authority on _____
pages* NONE received by this Authority on _____

☐ a sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing.

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

☐ the description, pages _____
☐ the claims, Nos. _____
☐ the drawings, sheets/figs _____
☐ the sequence listing (*specify*): _____
☐ any table(s) related to the sequence listing (*specify*): _____

4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

☐ the description, pages _____
☐ the claims, Nos. _____
☐ the drawings, sheets/figs _____
☐ the sequence listing (*specify*): _____
☐ any table(s) related to the sequence listing (*specify*): _____

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

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

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.
PCT/US08/82743

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

1. Statement

Novelty (N)	Claims 1-21	YES
	Claims NONE	NO
Inventive Step (IS)	Claims 1-21	YES
	Claims NONE	NO
Industrial Applicability (IA)	Claims 1-21	YES
	Claims NONE	NO

2. Citations and Explanations (Rule 70.7)

Claims 1-21 meet the criteria set out in PCT Article 33(2)-(3), because the prior art does not teach or fairly suggest "allow[ing] the player to blindly select from a secondary play field having at least one continue element and at least one collect-awards element that are separate and different from the array of selectable elements, the at least one collect-awards element allowing the player to collect the awards associated with the selected elements and end the wagering game and the at least one continue element allowing the player to re-enter the primary play field and continue making additional selections from the remaining unselected elements within the array of selectable elements," as similarly recited in independent claims 1, 11, 20 and 21.

Claims 1-21 meet the criteria set out in PCT Article 33(4), and thus have industrial applicability because the subject matter claimed can be made or used in industry.

REQUIRED DOCUMENT I(B)

The following document(s) include(s) a copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the corresponding PCT application

Claims 1-2, 11, and 20-21 have been amended.

CLAIMS:

What is claimed is:

1. A gaming system comprising:

a wager input device for receiving a wager from a player to play a wagering game;

a display for displaying the wagering game, the wagering game including a primary play field having an array of selectable elements, each of the selectable elements being associated with an award;

a player input device for receiving player selections;

a collect/return input device that, in response to a predetermined number of selections being made from the array of selectable elements, allows the player to blindly select from a secondary play field having at least one continue element and at least one collect-awards element that are separate and different from the array of selectable elements, the at least one collect-awards element allowing the player to collect the awards associated with the selected elements and end the wagering game and the at least one continue element allowing the player to re-enter the primary play field and continue making additional selections from the remaining unselected elements within the array of selectable elements; and

wherein upon re-entering the primary play field, a multiplier for modifying the awards associated with the additional selections is awarded each time the player returns to the primary play field.

2. The gaming system of claim 1, wherein the collect/return input device is displayed to the player after the predetermined number of selections have been made by the player.

3. The gaming system of claim 1, wherein the multiplier changes in a random manner each time the player returns to the primary play field.

4. The gaming system of claim 1, wherein the multiplier increases each time the player returns to the primary play field.

5. The gaming system of claim 1, wherein the collect/return input device includes at least one game-terminating outcome for ending the wagering game.

6. The gaming system of claim 1, wherein the collect/return input device allows the player to re-enter the primary play field up to a predetermined number of times.

Claims 1-2, 11, and 20-21 have been amended.

7. The gaming machine of claim 1, wherein the collect/return input device allows the player to re-enter the primary play field until the player has selected all of the selectable elements in the primary play field.

8. The gaming machine of claim 1, wherein the collect/return input device allows the player to re-enter the primary play field until the player selects a game-terminating outcome associated with the collect/return input device.

9. The gaming machine of claim 1, wherein the collect/return input device allows the player to re-enter the primary play field until a specific multiplier value is achieved.

10. The gaming system of claim 1, wherein at least one award is selected from the group consisting of zero, a monetary value, a multi-pick feature that allows additional selections to be made, and a guaranteed pick feature.

11. A method of conducting a wagering game on a gaming system, the method comprising:

receiving a wager input, via a wager in put device, for playing the wagering game, the wagering game having a primary play field;

displaying, on a display, the primary play field having an array of selectable elements, each of the selectable elements being associated with an award;

receiving a first number of selections from the array of selectable elements;

using a processor to provide a player with a collect/return feature to collect the award associated with the first number of selections or to re-enter the primary play field, the collect/return feature being associated with at least one collect item and at least one re-enter item, the collect item and the re-enter item being indistinguishable to the player and separate from the array of selectable elements;

in response to the player selecting a collect item, distinguishing the collect item from the re-enter item and providing the award associated with the first number of selections to the player; and

in response to the player selecting a re-enter item, (i) distinguishing the re-enter item from the collect item; (ii) redisplaying the primary play field with the array of remaining unselected selectable elements, (iii) receiving a second number of selections from the array of remaining unselected selectable elements and (iv) multiplying the awards associated with the second number of selections by a multiplier value.

Claims 1-2, 11, and 20-21 have been amended.

12. The method of claim 11, further comprising awarding a payout based on the awards associated with the first number of selections and the awards associated with the second number of selections, wherein the awards associated with the second number of selections are modified by the multiplier value.

13. The method of claim 11, further comprising terminating the wagering game in response to the player selecting all of the array of selectable elements in the primary play field.

14. The method of claim 11, further comprising re-displaying the collect/return feature and receiving player input associated with a game-terminating outcome.

15. The method of claim11, further comprising changing the multiplier value each time the collect/return feature is re-displayed.

16. The method of claim 15, wherein the changing includes increasing the multiplier value or changing the multiplier value in a random manner.

17. The method of claim 11, further comprising re-displaying the collect/return feature a predetermined number of times.

18. The method of claim 11, further comprising re-displaying the collect/return feature until a predetermined multiplier value is achieved by the player.

19. A computer readable storage medium encoded with instructions for directing a gaming system to perform the method of claim 11.

20. A gaming system comprising:

a wager input device for receiving a wager from a player to play a wagering game;

a display for displaying an array of selectable elements, each of the selectable elements being associated with an award;

a player input device for receiving selections from the array of selectable elements;

a feature for returning to the array of selectable elements, the feature including additional elements associated with at least one game-return outcome and at least one game-terminating outcome awarding a first award for the selections, the additional elements being separate and distinguishable from the array of selectable elements; and

a multiplier that changes each time a game-return outcome is achieved.

Claims 1-2, 11, and 20-21 have been amended.

21. A method of conducting a wagering game on a gaming system, the method comprising:

receiving a wager input, via a wager input device, from a player to play the wagering game;

displaying, on a display, an array of selectable elements, each of the selectable elements being associated with an award;

receiving player selections from the array of selectable elements;

upon receiving a predetermined number of player selections and exiting the array of selectable elements, using a processor for displaying a feature for re-entering the array of selectable elements to make additional selections;

receiving player input associated with the feature, the feature including at least one game-return outcome and at least one game-terminating outcome, the outcomes being achieved only upon exiting the array of selectable elements;

re-entering the array of selectable elements and receiving an additional number of selections from the array of selectable elements; and

multiplying the awards associated with the additional number of selections by a multiplier value that increases with each game-return outcome that is achieved.

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.
12/739,547	04/23/2010	Benjamin T. Gomez	247079-000572USPX	1159

70243 7590 07/13/2011

NIXON PEABODY LLP
300 S. Riverside Plaza
16th Floor
CHICAGO, IL 60606

EXAMINER	
VO, PETER DUNG BA	

ART UNIT	PAPER NUMBER
3718	

MAIL DATE	DELIVERY MODE
07/13/2011	PAPER

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

NIXON PEABODY LLP
300 S. Riverside Plaza
16th Floor
CHICAGO IL 60606

In re Application of:
GOMEZ, BENJAMIN T.
Serial No.: 12/739547
Filed: April 23, 2010
Attorney Docket No. : 247079-000572USPX
Title: WAGERING GAME WITH ENHANCED PLAYER-SELECTION BONUS FEATURE

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

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

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

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

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

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

MAILED

JUN 15 2011

OFFICE OF PETITIONS

In re Application of :
Yung-Chi Cheng, et. al. :
Application No. 12/739,591 : DECISION ON PETITION
Filed: January 10, 2011 : TO WITHDRAW FROM
Attorney Docket No. YALE-112/01US 306577-2232 : RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 CFR §§ 1.36(b) or 10.40 filed May 23, 2011.

The request is **NOT APPROVED**.

The request cannot be approved because no reasons for withdrawal have been provided. The Office cannot, at this time, determine whether practitioner's request is one of the mandatory or permissive reasons enumerated in 37 CFR 10.40. Any subsequent requests must include reasons for withdrawal. Please note that there are boxes that practitioner can check, as described in 37 CFR 10.40, provided on form PTO/SB/83 (Request to Withdraw as Attorney or Agent) to supply practitioner's reasons.

Additionally, the request cannot be approved because the requested change in the correspondence address is improper.

The Office will no longer change the correspondence address to that of a new practitioner unless the Request is accompanied by a power of attorney to a new practitioner (e.g., Form PTO/SB/82). However, the Office will only accept correspondence address changes to the most current address information provided for the assignee of the entire interest *that properly became of record under 37 CFR 3.71,* or, if no assignee of the entire interest has properly been made of record, the most current address information provided for the first named inventor. 37 CFR 3.71(c) states:

> *An assignee becomes of record either in a national patent application or a reexamination proceeding by filing a statement in compliance with § 3.73(b) that is signed by a party who is authorized to act on behalf of the assignee.*

Therefore, as there is currently no Statement under 37 CFR 3.73(b)[1] with the current assignee information of record in the instant application, the Office cannot change the correspondence address to the address on the Request to Withdraw at this present time.

In view of the above, all future communications from the Office will continue to be directed to the above-listed address unless otherwise notified by the applicant.

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

Andrea Smith
Petitions Examiner
Office of Petitions

cc: Yale University/Phytoceutica, Inc.
In care of Kenyon & Kenyon LLP
One Broadway
New York, NY 10004-1007

[1] See USPTO Form No. PTO/SB/96.

UNITED STATES 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 22 2011

PCT LEGAL ADMINISTRATION

MORGAN LEWIS & BOCKIUS LLP (WA)
1111 PENNSYLVANIA AVENUE NW
WASHINGTON DC 20004

In re Application of :
REYRAT, et al. :
Application No.: 12/739,607 :
PCT No.: PCT/IB2008/003396 :
Int. Filing Date: 24 October 2008 :
Priority Date: 26 October 2007 :
Atty. Docket No.: 045636-5133 :
For: SYNTHETIC ANTIGENIC PEPTIDES AND LIPOPEPTIDES DERIVED FROM MYCOBACTERIUM AVIUM SUBSP. PARATUBUERCULOSIS :

DECISION ON PETITIONS

UNDER 37 CFR 1.47(a)

AND 37 CFR 1.42

This decision is in response to the applicant's "PETITION UNDER 37 C.F.R. § 1.47" filed 24 March 2011 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 24 October 2008, applicant filed international application PCT/IB2008/003396 which claimed priority to an earlier application filed 26 October 2007. A copy of the international application was transmitted to the United States by the International Bureau on 30 April 2009. Pursuant to 37 CFR 1.495, the thirty-month period for paying the basic national fee in the United States expired at midnight on 26 April 2010.

On 23 April 2010, applicant filed a transmittal letter for entry into the national stage in the United States which was accompanied by the requisite basic national fee as required by 35 U.S.C. 371(c)(1); an Information Disclosure Statement and a preliminary amendment.

On 27 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 24 March 2011, applicant filed the present petition under 37 CFR 1.47(a) to accept the filed declaration without the signature of deceased inventor Jean-Marc Reyrat petition for a five-month extension of time and payment of the extension of time fee. The response is 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 item 1.

As to items 2 and 3, applicant's petition is filed under the assumption that Mrs. Francoise Lejeune is the heir or legal representative to the estate of deceased inventor Jean-Marc Reyrat. However, no paperwork has been submitted providing evidence of this assertion. It is not proper for the office to grant a petition under 37 CFR 1.47 where an inventor is deceased absent a showing that a known heir or legal representative refuses to sign the oath or declaration. In cases where no heir or legal representative exists or cannot be located a court of the jurisdiction in question can appoint a representative for purposes of executing the oath or declaration.

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 24 March 2011 does not identify a legal representative nor heir(s) to the estate of Mr. Reyrat. 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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MAILED

AUG 26 2011

PCT LEGAL ADMINISTRATION

MORGAN LEWIS & BOCKIUS LLP (WA)
1111 PENNSYLVANIA AVENUE NW
WASHINGTON DC 20004

In re Application of :
REYRAT, et al. : DECISION ON PETITIONS
Application No.: 12/739,607 :
PCT No.: PCT/IB2008/003396 : UNDER 37 CFR 1.47(a)
Int. Filing Date: 24 October 2008 :
Priority Date: 26 October 2007 : AND 37 CFR 1.42
Atty. Docket No.: 045636-5133 :
For: SYNTHETIC ANTIGENIC PEPTIDES AND :
LIPOPEPTIDES DERIVED FROM :
MYCOBACTERIUM AVIUM SUBSP. :
PARATUBUERCULOSIS :

This decision is in response to the applicant's "PETITION UNDER 37 C.F.R. § 1.47" filed 19 July 2011 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 22 April 2011, applicant was mailed a decision dismissing applicant's petitions under 37 CFR 1.47(a) and 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 19 July 2011, applicant filed the present renewed petition under 37 CFR 1.47(a) accompanied by a petition for a one-month extension of time and payment of the extension of time fee. The response is timely filed.

DISCUSSION

I. Petition Under 37 CFR 1.47(a)

As detailed in the decision mailed 22 April 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 item 1.

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

CONCLUSION

For the reasons stated above, applicant's renewed petition under 37 CFR 1.47(a) and request for status under 37 CFR 1.42 is **GRANTED**.

The application has an international filing date of 24 October 2008 under 35 U.S.C. 363, and will be given a date of **19 July 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.

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. Francoise Lejeune
45, rue Jemmapes
Tours 37100
FRANCE

MAILED
AUG 26 2011
PCT LEGAL ADMINISTRATION

In re Application of
REYRAT, et al.
Application No.: 12/739,607
PCT No.: PCT/IB2008/003396
Int. Filing Date: 24 October 2008
Priority Date: 26 October 2007
Atty. Docket No.: 045636-5133
For: SYNTHETIC ANTIGENIC PEPTIDES AND LIPOPEPTIDES DERIVED FROM MYCOBACTERIUM AVIUM SUBSP. PARATUBUERCULOSIS

Dear Mr. Lejeune:

Mr. Jean-Marc Reyrat (decease) has been 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, he will be designated as an inventor. As heir to 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. 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 as heir or legal representative.

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

Counsel of record:
MORGAN LEWIS & BOCKIUS LLP (WA)
1111 PENNSYLVANIA AVENUE NW
WASHINGTON DC 20004
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

FINNEGAN, HENDERSON,
FARABOW,
GARRETT & DUNNER, LLP
901 NEW YORK AVENUE, NW
WASHINGTON, DC 20001-4413

MAILED
JAN 24 2012
OFFICE OF PETITIONS

In re Application of
Ken Suzuki, et al.
Application No.: 12/739,682
Filed: 23 April 2010
Attorney Docket No.: 10997.0014
For: SUPPORTED COMPOSITE PARTICLE MATERIAL, PRODUCTION PROCESS OF SAME AND PROCESS FOR PRODUCING COMPOUNDS USING SUPPORTED COMPOSITE PARTICLE MATERIAL AS CATALYST FOR CHEMICAL SYNTHESIS

: 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 06 January 2012, to make the above-identified application special.

The request and petition are **GRANTED**.

DISCUSSION

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

1. The U.S. application is

    a. a Paris Convention application which either
        i. validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the JPO, or

ii. validly claims priority to a PCT application that contains no priority claims, or

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

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

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

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

Telephone inquiries concerning this decision should be directed to April M. Wise at (571) 272-1642.

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

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

/dab/
David Bucci
Petitions Examiner
Office of Petitions

UNITED STATES PATENT and TRADEMARK OFFICE

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

MORRISON & FOERSTER LLP
12531 HIGH BLUFF DRIVE
SUITE 100
SAN DIEGO CA 92130-2040

MAILED

APR 13 2011

PCT LEGAL ADMINISTRATION

In re Application of	:	DECISION ON
Harry VAN LUNE	:	
Application No.: 12/739,691	:	
PCT No.: PCT/NL2008/050676	:	
Int. Filing Date: 29 October 2008	:	PETITION UNDER
Priority Date: 29 October 2007	:	
Attorney's Docket No.: 313632008700	:	
For: METHOD, REAGENTS, AND KITS FOR LUCIFERASE ASSAY	:	37 CFR 1.137(a)

This decision is in response to applicant's "Petition For Revival Of An Application For Patent Abandoned Unavoidably Under 37 CFR 1.137(a)," filed on 09 February 2011.

BACKGROUND

On 23 April 2010, applicants filed a Transmittal Letter via EFS-WEB 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 23 June 2010, the United States Designated/Elected Office (DO/EO/US) mailed a "NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)" (Form PCT/DO/EO/905) which informed applicant, inter alia, that an "Oath or Declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the international application and international filing date." The Notice indicated that the reply must be submitted within two months from its mailing date or by 32 months from the priority date, whichever is later, in order to avoid abandonment of the national stage application.

On 9 February 2011, petitioner filed the instant petition accompanied, inter alia, with an executed declaration.

DISCUSSION

A grantable petition to revive an abandoned application under 37 CFR 1.137(a) must be accompanied by: (1) The reply required to the outstanding Office action or notice, unless previously filed; (2) The petition fee as set forth in § **1.17(l)**; (3) A showing to the satisfaction of the Director that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unavoidable; and (4) Any terminal disclaimer (and fee as set forth in § **1.20(d)**) required pursuant to paragraph (d) of this section.

The petition is not deemed to satisfy the requirements under 37 CFR 1.137(a). Petitioner has not satisfied item (3) but has satisfied items (1) and (2) under 37 CFR 1.137(a). In this application, no terminal disclaimer is required.

Petitioner has provided: (1) the proper reply by providing an executed declaration.

With respect to item (2), petitioner has provided by check the proper amount of the petition fee set forth in §1.17(I).

With respect to item (3), the showing of record by petitioner is inadequate to establish an unavoidable delay within the meaning of 37 CFR 1.137(a). A petition under 37 CFR 1.137cannot be granted unless it meets the minimal unintentional delay threshold. That is, an intentional delay precludes revival under either 37 CFR 1.137(a) (i.e., unavoidable delay), or 37 CFR 1.137(b)(i.e., "unintentional delay"). See In re Maldague,10 USPQ2d 1477, 1478 (Comm'r Pat 1988). The analysis will be based on the standard of Withdrawing Holding of Abandonment.

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 the petition reveals that petitioner has not compiled with the requirements set forth in section 711.03(c), as there is no explanation of the petition and a copy of the docket record where the nonreceived Office communication would have been entered had it been received and docketed for reply. Petitioner's copy of the office's "Mail Log" is insufficient to establish failure to receive the Office communication because as submitted it is unclear and petitioner has not provided a log showing the mailed received during the time period the office communication would have been received (time period between 6/23/2010 through 6/30/2010), and petitioner has to provide a tickler sheet for 23 August 2010. In other words, to establish a showing nonreceipt of the Notification of Missing Requirements would require, a copy of the docket report showing all replies docketed for a date of two months from the mail date of the nonreceived Office action, which was 23 August 2010 and a log showing the mailed received during the time period the office communication would have been received (time period between 6/23/2010 through 6/30/2010).

Accordingly, petitioner has not met the requirements under MPEP section 711.03(c) to establish nonreceipt of an Office action, and the application remains abandonment.

As such, the petition is deemed not to satisfy item (3) under 37 CFR 1.137(a).

CONCLUSION

For the reasons above, the petition to revive under 37 CFR 1.137(a) is **DISMISSED** without prejudice.

If reconsideration on the merits of this petition is desired, a proper reply must be filed within TWO (2) MONTHS from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.137(a)."

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

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

UNITED STATES PATENT and TRADEMARK OFFICE

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

MAILED

JUN 28 2011

PCT LEGAL ADMINISTRATION

MORRISON & FOERSTER LLP
12531 HIGH BLUFF DRIVE
SUITE 100
SAN DIEGO CA 92130-2040

In re Application of
Harry VAN LUNE
Application No.: 12/739,691
PCT No.: PCT/NL2008/050676
Int. Filing Date: 29 October 2008
Priority Date: 29 October 2007
Attorney's Docket No.: 313632008700
For: METHOD, REAGENTS, AND KITS FOR LUCIFERASE ASSAY

: DECISION ON RENEWED
:
:
:
: PETITION UNDER
:
:
:
: 37 CFR 1.137(a)

This decision is in response to applicant's "REQUEST FOR RECONSIDERATION" filed on 27 April 2011.

BACKGROUND

In a decision from this Office on 13 April 2009, the petition filed on 09 February 2011 was dismissed because item (3) of 37 CFR 1.137(a) was not met.

On 27 April 2011, petitioner filed a renewed petition under 37 CF 1.137(a), which includes a copy of all the replies docketed for a date of two months (around August 23, 2010) from the mail date of the non-received Office communication, which was mailed from the USPTO on June 23, 2010.

DISCUSSION

A grantable petition to revive an abandoned application under 37 CFR 1.137(a) must be accompanied by: (1) The reply required to the outstanding Office action or notice, unless previously filed; (2) The petition fee as set forth in § **1.17(l)**; (3) A showing to the satisfaction of the Director that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unavoidable; and (4) Any terminal disclaimer (and fee as set forth in § **1.20(d)**) required pursuant to paragraph (d) of this section.

The renewed petition is deemed to satisfy the items under 37 CFR 1.137(a).

Petitioner has satisfied item (3) under 37 CFR 1.137(a). In this application, no terminal disclaimer is required.

With respect to item (3), the showing of record by petitioner is adequate to establish an unavoidable delay within the meaning of 37 CFR 1.137(a). The analysis is based on the standard of Withdrawing Holding of Abandonment.

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 the renewed petition reveals that petitioner has compiled with the requirements set forth in section 711.03(c), which requires a copy of the docket record where the nonreceived Office communication would have been entered had it been received and docketed for reply dated of two (2) months (around August 23, 2010) from the date of mailing of the Notice of Missing Requirements.

Petitioner has submitted a tickler showing all the replies docketed for a date of two months (around August 23, 2008) from the mail date of the non-received Office communication.

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 1.137(a) is **GRANTED.**

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

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

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.
12/739,718	04/23/2010	Masaya Tanaka	0020-5844PUS1	2251

2292 7590 11/18/2010
BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH, VA 22040-0747

EXAMINER	
ART UNIT	PAPER NUMBER
1616	

NOTIFICATION DATE	DELIVERY MODE
11/18/2010	ELECTRONIC

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

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

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

mailroom@bskb.com

UNITED STATES PATENT AND TRADEMARK OFFICE

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

NOV 1 8 2010

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

In re Application of	:	
TANAKA, MASAYA et. al.	:	DECISION ON REQUEST TO
Application No. 12/739,718	:	PARTICIPATE IN PATENT
Filed: April 23, 2010	:	PROSECUTION HIGHWAY
Attorney Docket No. 0020-5844PUS1	:	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 25, 2010, to make the above-identified application special.

The request and petition are **GRANTED**.

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

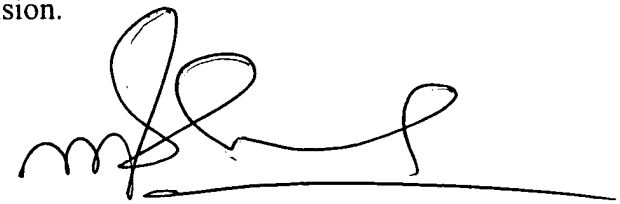
(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation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

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

Telephone inquiries concerning this decision should be directed to 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

6 AUG 2010

UNITED STATES PATENT AND TRADEMARK OFFICE

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

WENDEROTH, LIND & PONACK, L.L.P.
1030 15 STREET N. W.
SUITE 400 East
WASHINGTON DC 20005-1503

In re Application of
KUSUDA et al.
Application No.: 12/739,813
PCT No.: PCT/JP08/69628
Int. Filing Date: 29 October 2008
Priority Date: 31 October 2007
Attorney Docket No.: 2010_0573A
For: PROTECTIVE PANEL WITH TOUCH INPUT FUNCTION OF ELECTRONIC DEVICE DISPLAY WINDOW AND ELECTRONIC DEVICE

: DECISION ON
: DECLARATION

This is a decision on applicants' "COMMENTS RE INVENTORSHIP", filed on 26 April 2010 in the United States Patent and Trademark Office (USPTO), requesting correction of the second inventor's first name in the above reference application.

BACKGROUND

On 26 April 2010, applicant filed a transmittal letter for entry into the national stage in the United States accompanied by, *inter alia*, the basic national fee. Applicant also filed an executed declaration along with applicant's instant request to correct inventor's first name from "Tsuyoshi" Asakura to "Takeshi" Asakura.

DISCUSSION

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 is not required. In such case, the Office should simply be notified of the error. A new declaration is not required. *See* MPEP 1893.01(e).

Applicant notified the Office that the correct inventor's name is "Takeshi" Asakura as indicated in the declaration filed, rather than "Tsuyoshi" Asakura, as incorrectly indicated in the international application as the result of a transliteration error. Applicant's explanation of the correction of inventor's name to "Takeshi" Asakura is accepted and noted for the record.

The declaration as executed by the inventors, satisfies the requirements of 37 CFR 1.497(a) and (b) and is acceptable.

CONCLUSION

For the reasons above, the Request to correct inventor's first name to "Takeshi" Asakura is **GRANTED**. No petition fee is required.

The declaration was executed by all inventors and satisfies the requirements of 37 CFR 1.497 (a) and (b).

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 26 April 2010.

/Cynthia M. Kratz/
Cynthia M. Kratz
Attorney Advisor
PCT Legal Office
Office of PCT Legal Administration

Telephone: (571) 272-3286
Facsimile: (571) 273-0459

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 JAPAN PATENT OFFICE (JPO) AND THE USPTO

Application No:	12/739,830	Filing date:	April 26, 2010
First Named Inventor:	Kyosuke MIYATA		
Title of the Invention:	SEALED SECONDARY BATTERY, AND METHOD FOR MANUFACTURING THE BATTERY		

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

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

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

The corresponding PCT application number(s) is/are: PCT/JP2009/002854

The international date of the corresponding PCT application(s) is/are: June 23, 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.**

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 26, 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 26, 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/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 PCT-PPH PILOT PROGRAM BETWEEN THE JPO AND THE USPTO

(continued)

Application No.:	12/739,830
First Named Inventor:	Kyosuke MIYATA

II. Claims Correspondence Table:

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

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

IV. Payment of Fees:

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

Signature	Date January 13, 2011
Name (Print/Typed) Michael E. Fogarty	Registration Number 36,139

CERTIFICATE OF TRANSLATION

I, the undersigned, hereby certify

that I am well acquainted with the English and Japanese languages,

that I prepared the attached document, and

that, to the best of my knowledge and belief, the attached document is an accurate translation of International Patent Application No. PCT/JP2009/002854.

I declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true.

Kenji KAWAKITA

December 28, 2010
Date

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

International application No. PCT/JP2009/002854

Box No.V

1. Statement

Novelty(N)	Claims	1-21	YES
	Claims		No
Inventive step(IS)	Claims	1-21	YES
	Claims		NO
Industrial applicability(IA)	Claims	1-21	YES
	Claims		NO

2. Citation and explanations:

Novelty and inventive step of the invention as set forth in claims 1-21 are not denied by any of the documents cited in the ISR. A sealed secondary battery as set forth in claims 1-11 and a method for fabricating a sealed secondary battery as set forth in claims 12-21 are not described or suggested in any of the documents cited in the ISR.

特 許 協 力 条 約

前副 09.10.07 特許

発信人　日本国特許庁（国際調査機関）

代理人

前田　弘

様

あて名
〒541-0053
大阪府大阪市中央区本町２丁目５番７号
大阪丸紅ビル

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)	06. 10. 2009
出願人又は代理人 の書類記号　P053079P0	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／JP2009／002854	(日.月.年)　23. 06. 2009	(日.月.年)　08. 08. 2008

国際特許分類（IPC）Int.Cl. H01M2/30(2006.01)i, B23K26/00(2006.01)i, B23K26/04(2006.01)i, B23K26/20(2006.01)i, H01M2/04(2006.01)i, H01M2/26(2006.01)i

出願人（氏名又は名称）
パナソニック株式会社

1．この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
24. 09. 2009

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）　4X　8414
小川　進
電話番号　03－3581－1101　内線　3477

国際調査機関の見解書

国際出願番号 PCT／JP2009／002854

第Ⅰ欄 見解の基礎

1．言語に関し、この見解書は以下のものに基づき作成した。

☑ 出願時の言語による国際出願

☐ 出願時の言語から国際調査のための言語である＿＿＿＿＿＿語に翻訳された、この国際出願の翻訳文（PCT規則12.3(a)及び23.1(b)）

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

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

a．タイプ
☐ 配列表
☐ 配列表に関連するテーブル

b．フォーマット
☐ 紙形式
☐ 電子形式

c．提出時期
☐ 出願時の国際出願に含まれていたもの
☐ この国際出願と共に電子形式により提出されたもの
☐ 出願後に、調査のために、この国際調査機関に提出されたもの

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

5．補足意見：

国際調査機関の見解書

国際出願番号 PCT／JP2009／002854

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

1. 見解

新規性（N）	請求項	1－21	有
	請求項		無
進歩性（IS）	請求項	1－21	有
	請求項		無
産業上の利用可能性（IA）	請求項	1－21	有
	請求項		無

2. 文献及び説明

請求項1～21に係る発明の新規性・進歩性は、国際調査報告で引用された何れの文献によっても否定し得ない。請求項1～11に記載された密閉型二次電池、及び、請求項12～21に記載された密閉型二次電池の製造方法は、国際調査報告で引用された何れの文献にも開示されておらず、示唆もされていない。

Translation of claims determined to be patentable by the ISA

1. A sealed secondary battery in which an electrode group formed by stacking or winding a positive electrode plate and a negative electrode plate with a separator interposed therebetween is housed in a battery case, and an opening of the battery case is sealed with a sealing plate, wherein

a lead extending from one of the positive and negative electrode plates in the electrode group is laser-welded to the sealing plate with application of a laser beam having a spot diameter smaller than a thickness of the lead.

2. The sealed secondary battery of claim 1, wherein a welded portion formed by parts of the lead and the sealing plate has a penetration depth greater than a bead diameter of the welded portion.

3. The sealed secondary battery of claim 1, wherein a welded portion formed by parts of the lead and the sealing plate has a linear shape.

4. The sealed secondary battery of claim 1, wherein each of the lead and the sealing plate contains aluminium as a main component.

5. The sealed secondary battery of claim 1, wherein the spot diameter of the laser beam is less than or equal to 1/2 of the thickness of the lead.

6. The sealed secondary battery of claim 3, wherein the welded portion has at least two separate linear or curved portions.

7. The sealed secondary battery of claim 3, wherein the welded portion forms one of a continuous closed line and a continuous closed curve.

8. The sealed secondary battery of claim 3, wherein the welded portion has a continuous zigzag pattern.

9. The sealed secondary battery of claim 3, wherein the welded portion has at least a linear portion extending perpendicularly to a longitudinal direction of the lead.

10. The sealed secondary battery of claim 3, wherein a ratio of a welding length to a welding width in the welded portion is at least four.

11. The sealed secondary battery of claim 3, wherein the welded portion is formed along a width of the lead, and

a welding length of the welded portion is at least 1/3 of the width of the lead.

12. A method for fabricating a sealed secondary battery of claim 1, the method comprising the steps of:

(a) preparing an electrode group formed by stacking or winding a positive electrode plate and a negative electrode plate with a separator interposed therebetween;

(b) connecting one end of a lead to one of the positive and negative electrode plates in the electrode group;

(c) housing the electrode group in a battery case;

(d) applying, to the lead, a laser beam having a spot diameter smaller than a thickness of the lead, with another end of the lead brought into contact with a sealing plate, thereby laser-welding the another end of the lead to the sealing plate; and

(e) sealing an opening of the battery case with the sealing plate.

13. The method of claim 12, wherein in step (d), the laser beam is applied from a fiber laser.

14. The method of claim 12, wherein in step (d), the lead is irradiated with the laser beam, while being continuously scanned with a fiber laser.

15. The method of claim 14, wherein the laser beam is applied in such a manner that power of the laser beam is increased for a period after start of the scanning and is reduced for a period before stop of the scanning.

16. The method of claim 15, wherein the laser beam is applied in such a manner that power of the laser beam is kept constant in an interval after a lapse of the period after the start of the scanning and before the period before the stop of the scanning.

17. The method of claim 15, wherein a welded portion formed by parts of the lead and the scaling plate has a uniform penetration depth along a direction of the scanning with the laser beam.

18. The method of claim 15, wherein a welded portion formed by parts of the lead and the sealing plate has a linear shape.

19. The method of claim 15, wherein the increase and the reduction of the power of the laser beam are performed with a focal point of the laser beam moved relative to a surface of the lead.

20. The method of claim 12, wherein in step (d), the laser beam has a spot diameter less than or equal to 1/2 of a thickness of the lead.

21. The method of claim 12, wherein each of the lead and the sealing plate contains aluminium as a main component.

請求の範囲

【請求項１】

正極板及び負極板がセパレータを介して積層または捲回されてなる電極群が電池ケース内に収容され、該電池ケースの開口部が封口板で封口された密閉型二次電池であって、

前記電極群のいずれか一方の極板から導出されたリードが、該リードの厚みよりも小さいスポット径を有するレーザ光によって、前記封口板にレーザ溶接されている、密閉型二次電池。

【請求項２】

前記リードと前記封口板との溶接部における溶け込み深さは、前記溶接部におけるビード径よりも大きい、請求項１に記載の密閉型二次電池。

【請求項３】

前記リードと前記封口板との溶接部は、ライン状になっている、請求項１に記載の密閉型二次電池。

【請求項４】

前記リード及び前記封口板は、アルミニウムを主成分とする材料からなる、請求項１に記載の密閉型二次電池。

【請求項５】

前記レーザ光のスポット径は、前記リードの厚みの１／２以下である、請求項１に記載の密閉型二次電池。

【請求項６】

前記溶接部は、少なくとも２以上の互いに離間した直線状または曲線状をなしている、請求項３に記載の密閉型二次電池。

【請求項７】

前記溶接部は、連続する閉直線または閉曲線をなしている、請求項３に記載の密閉型二次電池。

【請求項８】

前記溶接部は、連続するジグザク状をなしている、請求項３に記載の密閉型二次電池。

【請求項９】

前記溶接部は、少なくとも前記リードの長手方向に対して垂直な方向に直線状をなす

部位を有している、請求項３に記載の密閉型二次電池。

【請求項１０】

前記溶接部の溶接長さと溶接幅との比が４以上である、請求項３に記載の密閉型二次電池。

【請求項１１】

前記溶接部は、前記リードの幅方向に形成されており、

前記溶接部の溶接長さは、前記リードの幅の１／３以上である、請求項３に記載の密閉型二次電池。

【請求項１２】

請求項１に記載の密閉型二次電池の製造方法であって、

（ａ）正極板及び負極板がセパレータを介して積層または捲回されてなる電極群を用意する工程と、

（ｂ）前記電極群のいずれか一方の極板に、リードの一端を接続する工程と、

（ｃ）前記電極群を電池ケース内に収容する工程と、

（ｄ）前記リードの他端を封口板に当接させて、前記リードの厚みよりも小さいスポット径を有するレーザ光を前記リード側から照射することによって、前記リードの他端を前記封口板にレーザ溶接する工程と、

（ｅ）前記封口板によって、前記電池ケースの開口部を封口する工程と

を含む、密閉型二次電池の製造方法。

【請求項１３】

前記工程（ｄ）において、前記レーザ光は、ファイバーレーザを用いて照射される、請求項１２に記載の密閉型二次電池の製造方法。

【請求項１４】

前記工程（ｄ）において、前記レーザ光は、ファイバーレーザを連続的に走査しながら照射される、請求項１２に記載の密閉型二次電池の製造方法。

【請求項１５】

前記レーザ光のパワーを、前記走査開始後の一定時間、増加させながら、かつ、前記走査停止前の一定時間、減少させながらレーザ照射を行う、請求項１４に記載の密閉型二次電池の製造方法。

【請求項１６】

前記走査開始後の一定時間の経過後、前記走査停止前の一定時間に至るまでの間、前記レーザ光のパワーを一定にしてレーザ照射を行う、請求項１５に記載の密閉型二次電池の製造方法。

【請求項１７】

前記リードと前記封口板との溶接部における溶け込み深さは、前記レーザ光の走査方向において一定に形成される、請求項１５に記載の密閉型二次電池の製造方法。

【請求項１８】

前記リードと前記封口板との溶接部は、ライン状に形成される、請求項１５に記載の密閉型二次電池の製造方法。

【請求項１９】

前記レーザ光のパワーの増加及び減少を、前記レーザ光のフォーカス位置を、前記リードの表面に対して移動させながら行う、請求項１５に記載の密閉型二次電池の製造方法。

【請求項２０】

前記工程（ｄ）において、前記レーザ光のスポット径は、前記リードの厚みの１／２以下である、請求項１２に記載の密閉型二次電池の製造方法。

【請求項２１】

前記リード及び前記封口板は、アルミニウムを主成分とする材料からなる、請求項１２に記載の密閉型二次電池の製造方法。

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.
12/739,830	04/26/2010	Kyosuke Miyata	085393-0191	3150

53080 7590 03/22/2011

MCDERMOTT WILL & EMERY LLP
600 13TH STREET, NW
WASHINGTON, DC 20005-3096

EXAMINER	
DOUYETTE, KENNETH J	

ART UNIT	PAPER NUMBER
1725	

MAIL DATE	DELIVERY MODE
03/22/2011	PAPER

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

CT

March 22, 2011

In re application of	:	DECISION ON REQUEST TO
Kyosuke Miyata et al	:	PARTICIPATE IN PATENT
Serial No. 12/739,830	:	PROSECUTION HIGHWAY
Filed: April 26, 2010	:	PROGRAM AND
For: SEALED SECONDARY BATTERY, AND METHOD FOR MANUFACTURING THE BATTERY	:	PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(a)

This is a decision on the request to participate in the PCT Patent Prosecution Highway (PCT-PPH) pilot program and the petition under 37 CFR 1.102(a), filed January 13, 2011, to make the above-identified application special.

The request and petition are **GRANTED**.

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

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

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

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

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

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

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

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

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

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

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

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

/Christine Tierney/

Christine Tierney
Quality Assurance Specialist
Technology Center 1700

UNITED STATES PATENT AND TRADEMARK OFFICE

21 SEP 2010

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

MOLEX INCORPORATED
2222 WELLINGTON COURT
LISLE IL 60532

In re Application of:
MATSUMOTO, Yasuyoshi, et al.
U.S. Application No.: 12/739,874
PCT No.: PCT/US2008/012162
International Filing Date: 27 October 2008
Priority Date: 26 October 2007
Attorney Docket No.: A7-247 US
For: CARD CONNECTOR FOR RECEIVING MULTIPLE CARDS

DECISION REGARDING SUBMISSION UNDER 37 CFR 1.42

This decision is issued in response to applicants' submission on 27 August 2010 of a declaration executed on behalf of deceased inventor Jun MATSUKAWA.

BACKGROUND

On 27 October 2008, applicants filed international application PCT/US2008/012162. The international application claimed a priority date of 26 October 2007, and it designated the United States. On 30 April 2009, the International Bureau (IB) communicated a copy of the international application to the United States Patent and Trademark Office (USPTO). The deadline for submission of the basic national fee was thirty months from the priority date, i.e., 26 April 2010.

On 26 April 2010, applicants filed a Transmittal Letter for entry into the national stage in the United States accompanied by, among other materials, payment of the basic national fee.

On 23 June 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 27 August 2010, applicants filed a response to the Notification Of Missing Requirements (with necessary one-month extension fee). The response included payment of the required surcharge and a declaration executed by the three surviving inventors and on behalf of deceased inventor Jun MATSUKAWA by the deceased inventor's legal representative, Kazuo Matsukawa. 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 27 August 2009 includes the required citizenship, residence, and mailing address information for Kazuo Matsukawa, the person signing the declaration on behalf of deceased co-inventor Jun MATSUKAWA, and it identifies Kazuo Matsukawa 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 Jun MATSUKAWA 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 27 August 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-US (09-10)
Approved for use through 01/31/2012. OMB 0651-0058
U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM IN A U.S. APPLICATION WHERE THE USPTO WAS THE ISA OR IPEA

Application No:	12/739,891	Filing date:	April 26, 2010
First Named Inventor:	Joel R. Jaffe		
Title of the Invention:	WAGERING GAME WITH ENHANCED BONUS FEATURE		

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

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

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

The corresponding PCT application number(s) is/are: PCT/US2008/082394

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

November 5, 2008

I. List of Required Documents:

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

☒ Is attached

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

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

☒ Is attached.

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

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

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

PTO/SB/20PCT-US (09-10)
Approved for use through 01/31/2012. OMB 0651-0058
U.S.Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM IN A U.S. APPLICATION WHERE THE USPTO WAS THE ISA OR IPEA (continued)

Application No.:	12/739,891
First Named Inventor:	Joel R. Jaffe

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 26, 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 26, 2010

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1-23	1-23	Identical
24	24	Claim 24 in the US application was amended to correct a typographical error in the preamble.

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

Signature /Jason S. Kray, Reg. No. 66,926/	Date 07/07/2011
Name (Print/Typed) Jason S. Kray	Registration Number 66,926

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.

REQUIRED DOCUMENT I(A)

The following document(s) include(s) a copy of the latest international work product in the corresponding PCT application

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 247079-571WO	FOR FURTHER ACTION	See Form PCT/IPEA/416
International application No. PCT/US08/82394	International filing date *(day/month/year)* 05 November 2008 (05.11.2008)	Priority date *(day/month/year)* 06 November 2007 (06.11.2007)
International Patent Classification (IPC) or national classification and IPC IPC: **A63F 9/24**(2006.01) USPC: 463/20		
Applicant WMS GAMING INC.		

1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of 3 sheets, including this cover sheet.
3. This report is also accompanied by ANNEXES, comprising:
   a. ☒ *(sent to the applicant and to the International Bureau)* a total of 3 sheets, as follows:
      ☒ sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).
      ☐ sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.
   b. ☐ *(sent to the International Bureau only)* a total of (indicate type and number of electronic carrier(s)) ____ , containing a sequence listing and/or tables related thereto, in electronic form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).
4. This report contains indications relating to the following items:

☒	Box No. I	Basis of the report
☐	Box No. II	Priority
☐	Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
☐	Box No. IV	Lack of unity of invention
☒	Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
☐	Box No. VI	Certain documents cited
☐	Box No. VII	Certain defects in the international application
☐	Box No. VIII	Certain observations on the international application

Date of submission of the demand	Date of completion of this report
08 September 2009 (08.09.2009)	04 February 2010 (04.02.2010)
Name and mailing address of the IPEA/ US Mail Stop PCT, Attn: IPEA/US Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450 Facsimile No. (571) 273-3201	Authorized officer Scott Jones Telephone No. (571) 272-6788

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.
PCT/US08/82394

Box No. I Basis of the report

1. With regard to the **language**, this report is based on:
   - ☒ the international application in the language in which it was filed.
   - ☐ a translation of the international application into English, which is the language of a translation furnished for the purposes of:
     - ☐ international search (under Rules 12.3(a) and 23.1(b))
     - ☐ publication of the international application (under Rule 12.4(a))
     - ☐ international preliminary examination (under Rules 55.2(a) and/or 55.3(a))

2. With regard to the **elements** of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:
   - ☐ the international application as originally filed/furnished
   - ☒ the description:
     pages 1-21 as originally filed/furnished
     pages* NONE received by this Authority on _____
     pages* NONE received by this Authority on _____
   - ☒ the claims:
     pages NONE as originally filed/furnished
     pages* NONE as amended (together with any statement) under Article 19
     pages* 18-20 received by this Authority on 08 September 2009 (08.09.2009)
     pages* NONE received by this Authority on _____
   - ☒ the drawings:
     pages 1/9-9/9 as originally filed/furnished
     pages* NONE received by this Authority on _____
     pages* NONE received by this Authority on _____
   - ☐ a sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing.

3. ☐ The amendments have resulted in the cancellation of:
   - ☐ the description, pages _____
   - ☐ the claims, Nos. _____
   - ☐ the drawings, sheets/figs _____
   - ☐ the sequence listing (*specify*): _____
   - ☐ any table(s) related to the sequence listing (*specify*): _____

4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).
   - ☐ the description, pages _____
   - ☐ the claims, Nos. _____
   - ☐ the drawings, sheets/figs _____
   - ☐ the sequence listing (*specify*): _____
   - ☐ any table(s) related to the sequence listing (*specify*): _____

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

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

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.
PCT/US08/82394

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

1. Statement

Novelty (N)	Claims 1-24	YES
	Claims NONE	NO
Inventive Step (IS)	Claims 1-24	YES
	Claims NONE	NO
Industrial Applicability (IA)	Claims 1-24	YES
	Claims NONE	NO

2. Citations and Explanations (Rule 70.7)

Claims 1-24 meet the criteria set out in PCT Article 33(2)-(3), because the prior art does not teach or fairly suggest the controller is "configured to award an award for any winning outcome occurring along a payline and to add a number of winning paylines to a counter configured to track a number of winning paylines, wherein the controller is further configured, in response to a number of winning paylines in the counter exceeding a predetermined threshold number, to activate a game feature in which a second award is awarded," as recited in independent claim 1; conducting a wagering game on a gaming system comprising "displaying a plurality of reels having a plurality of standard symbols for indicating a randomly selected outcome of the wagering game, the plurality of reels forming an array" and "in response to a predetermined event, modifying a cluster of adjacent symbols within the array such that the cluster includes like standard symbols," as recited in independent claim 18; and "modifying, in response to a satisfaction of the predetermined triggering condition, a plurality of symbols positions adjacent a selected symbol position to display a common symbol" and "evaluating the modified array of symbol positions to determine a number winning of paylines indicated by the modified array," as recited in independent claim 21.

Claims 1-24 meet the criteria set out in PCT Article 33(4), and thus have industrial applicability because the subject matter claimed can be made or used in industry.

REQUIRED DOCUMENT I(B)

The following document(s) include(s) a copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the corresponding PCT application

Claim 10 has been amended

CLAIMS:

What is claimed is:

1. A gaming system comprising:

at least one display configured to display a plurality of symbols positions, the plurality of symbol positions being configured to display symbols indicative of a randomly selected outcome of a wagering game in relation to a plurality of paylines; and

a controller configured to award an award for any winning outcome occurring along a payline and to add a number of winning paylines to a counter configured to track a number of winning paylines,

wherein the controller is further configured, in response to a number of winning paylines in the counter exceeding a predetermined threshold number, to activate a game feature in which a second award is awarded.

2. The gaming system of claim 1, wherein the second award is related to the number of winning paylines.

3. The gaming system of claim 2, wherein the second award is a multiplier.

4. The gaming system of claim 1, wherein the controller is further configured, in response to at least one predetermined triggering condition in the wagering game, to modify the symbols displayed on a cluster of symbol positions to display a common symbol thereby forming a modified array, to determine a number of winning outcomes occurring along a plurality of paylines in the modified array, and to add the number of winning outcomes occurring along the plurality of paylines in the modified array to the counter.

5. The gaming system of claim 1, wherein the gaming system is configured to display at least one pay table associated with the predetermined amount of paylines.

6. The gaming system of claim 5, wherein the at least one pay table includes a plurality of threshold amounts of winning paylines, at least one of the plurality of threshold amounts of winning paylines having more than one award value associated therewith.

7. The gaming system of claim 6, wherein the award is randomly selected from the more than one award value.

8. The gaming system of claim 1, wherein the counter is reset to zero prior to initiation of another wagering game.

9. A method of conducting a wagering game on a gaming system, the method comprising:

displaying a first array of randomly selected symbols, the first array of randomly selected symbols forming an outcome in a wagering game;

evaluating the first array of symbol positions for a predetermined triggering condition;

displaying, in response to the occurrence of the predetermined triggering condition in the first array, a second array of symbols comprising a cluster of common symbols; and

awarding an award associated with the amount of winning paylines occurring at least in association with the cluster of common symbols.

10. The method of claim 9, wherein the second array of symbols comprises a modification to the first array.

11. The method of claim 9, wherein the act of awarding comprises awarding an award associated with the number of winning paylines occurring in the first array and in the second array.

12. The method of claim 9, further comprising:

awarding a second award if the symbols in the first array form a winning outcome along at least one payline.

13. The method of claim 9, wherein the award is a multiplier.

14. The method of claim 9, further comprising displaying at least one pay table associated with the predetermined amount of paylines.

15. The method of claim 14, wherein the at least one pay table is displayed on a secondary display.

16. The method of claim 14, wherein the at least one pay table includes a plurality of threshold amounts of winning paylines, at least one of the plurality of threshold amounts having more than one award value associated therewith.

17. The method of claim 16, wherein the act of awarding an award includes randomly selecting an award from the more than one award value.

18. A method of conducting a wagering game on a gaming system, the method comprising:

displaying a plurality of reels having a plurality of standard symbols for indicating a randomly selected outcome of the wagering game, the plurality of reels forming an array; and

in response to a predetermined event, modifying a cluster of adjacent symbols within the array such that the cluster includes like standard symbols.

19. The method of claim 18, wherein the plurality of reels have both the plurality of standard symbols and at least one wild symbol.

20. The method of claim 18, wherein the plurality of reels have both the plurality of standard symbols and at least one bonus trigger.

21. A method of conducting a wagering game on a gaming system, the method comprising:

displaying an array of symbol positions configured to indicate a randomly selected outcome of the wagering game;

populating the plurality of symbol positions with symbols corresponding to the randomly selected outcome;

awarding an award if the symbols populating the array of symbol positions correspond to a winning outcome;

evaluating the array of symbol positions for a predetermined triggering condition;

modifying, in response to a satisfaction of the predetermined triggering condition, a plurality of symbols positions adjacent a selected symbol position to display a common symbol;

evaluating the modified array of symbol positions to determine a number winning of paylines indicated by the modified array; and

awarding an award relating to the indicated number of paylines.

22. The method of claim 21, wherein the act of modifying comprises modifying a plurality of symbols adjacent a randomly selected symbol to display the common symbol.

23. The method of claim 21, wherein the award is a multiplier.

24. A method of conducting a wagering game on a gaming system according to claim 21, wherein the act of modifying comprises modifying a cluster of symbols adjacent a randomly selected symbol to display a common symbol.

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.
12/739,891	04/26/2010	Joel R. Jaffe	247079-000571USPX	3648

70243 7590 07/14/2011

NIXON PEABODY LLP
300 S. Riverside Plaza
16th Floor
CHICAGO, IL 60606

EXAMINER	
VO, PETER DUNG BA	

ART UNIT	PAPER NUMBER
3718	

MAIL DATE	DELIVERY MODE
07/14/2011	PAPER

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

NIXON PEABODY LLP
300 S. Riverside Plaza
16th Floor
CHICAGO IL 60606

In re Application of: JAFFE, JOEL R. Serial No.: 12/739891 Filed: April 26, 2010 Attorney Docket No. : 247079-000571USPX Title: WAGERING GAME WITH ENHANCED BONUS FEATURE	: DECISION ON A REQUEST TO : PARTICIPATE IN PCT/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 June 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 PCT applications filed in the JPO, EPO, KIPO, or USPTO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the PCT application(s) latest international work product (the written opinion or the IPER) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the PCT application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of the latest international work product from the PCT application containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate; and
(6) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

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

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

Response must be filed via EFS-Web. Telephone inquiries concerning this decision should be directed to Henry C. Yuen, at 571-272-4856.

Petition is **granted**.

/Henry C. Yuen/

Henry C. Yuen
Special Programs Examiner
Technology Center 3700
Tel: 571-272-4856

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/739,911	04/26/2010	Seiji Sato	5132-0154PUS1	3816

2292 7590 12/13/2010

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

EXAMINER	
ART UNIT	PAPER NUMBER
2617	

NOTIFICATION DATE	DELIVERY MODE
12/13/2010	ELECTRONIC

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

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

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

mailroom@bskb.com

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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

In re Application of	:	
SATO, SEIJI, et al.	:	DECISION ON REQUEST TO
Application No. 12/739,911	:	PARTICIPATE IN PATENT
Filed: April 26, 2010	:	PROSECUTION HIGHWAY
Attorney Docket No. **5132-0154PUS1**	:	PROGRAM AND PETITION
	:	TO MAKE SPECIAL UNDER
	:	37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed November 17, 2010 to make the above-identified application special.

The request and petition are **GRANTED**.

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

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

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

Telephone inquiries concerning this decision should be directed to Kenneth Wieder at 571-272-2986.

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

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

/Kenneth A. Wieder/

Kenneth Wieder
Quality Assurance Specialist
Technology Center 2600
Communications

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.:	12/740,033	Filing Date:	April 27, 2010
First Named Inventor:	Noritake MITSUTANI		
Attorney Docket No.:	145393		
Title of the Invention:	HYBRID VEHICLE CONTROL 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/JP2008/070415

The international date of the corresponding PCT application(s) is/are: November 10, 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.:	12/740,033
First Named Inventor:	Noritake MITSUTANI

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

☐ Is attached.

☒ Has already been filed in the above-identified U.S. application on August 27, 2010 and April 27, 2010.

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

☐ Are attached.

☒ Have already been filed in the above-identified U.S. application on August 27, 2010 and April 27, 2010.

II. Claims Correspondence Table:

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

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

Signature	Date October 4, 2010
Name (Print/Typed) James A. Oliff	Registration Number 27,075
Name (Print/Typed) Vitaliy Orekhov	Registration Number 66,731

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

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 that are amended under PCT Article 34 indicated as having novelty, inventive step and industrial applicability

補正された請求の範囲

[2009年2月26日 (26.02.2009) 国際事務局受理]

[1] 内燃機関と、前記内燃機関の動力により発電する発電機と、前記発電機を制御する第一インバータと、車輪を駆動する電動機と、前記電動機を制御する第二インバータと、を備えたハイブリッド車両を制御するハイブリッド車両の制御装置であって、

前記第一インバータが駆動している際に、予め規定された前記発電機および第一インバータの少なくとも一方について良否診断に必要な値を検出する検出手段と、

前記第一インバータの駆動を制御するとともに、前記検出手段での検出結果に基づいて前記発電機および第一インバータの少なくとも一方について良否を診断する制御手段と、

を備え、

前記制御手段は、前記電動機で車輪駆動する電気走行中は、前記良否診断が不要と判断した場合は前記第一インバータを駆動停止させ、前記良否診断が必要と判断した場合は電気走行中であっても前記検出手段による検出が完了するまで前記第一インバータを駆動させる

ことを特徴とするハイブリッド車両の制御装置。

[2] 請求項1に記載のハイブリッド車両の制御装置であって、さらに、

前記制御手段による診断結果を、イグニッションスイッチのオンからオフまでの走行期間であるトリップ期間ごとに分けて記憶する記憶手段を備え、

前記制御手段は、記憶手段に記憶されている診断結果に基づいて診断回数が目標診断回数に達していないと判断した場合には、前記良否診断が必要と判断し、電気走行中であっても前記第一インバータを駆動させる

ことを特徴とするハイブリッド車両の制御装置。

[3] 請求項2に記載のハイブリッド車両の制御装置であって、

前記制御手段は、検出手段による検出実行中、前記発電機をゼロトルク制御するべく第一インバータを駆動制御することを特徴とするハイブリッド車両の制御装置。

[4] 請求項2に記載のハイブリッド車両の制御装置であって、さらに、

前記発電機の連れ周りによる回転数を検出する回転数検出手段を有し、

前記制御部は、診断回数が目標回数に達しておらず、かつ、前記回転数検出手段で検

出された回転数が前記発電機の診断に適した回転数に達した場合に、前記第一インバータを駆動させて検出手段による検出を実行させることを特徴とするハイブリッド車両の制御装置。

[5](補正後) 請求項1に記載のハイブリッド車両の制御装置であって、さらに、

少なくとも前記電動機に電力を供給する電源を有し、

前記電源は、前記内燃機関および前記発電機による内部充電と、外部電源による外部充電と、が可能であることを特徴とするハイブリッド車両の制御装置。

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

- All claims which were determined to be patentable by the JPO (English translation)

- Statement that the English Translation of the claims which were determined to be patentable by the JPO is accurate

CLAIMS

1. A hybrid vehicle control device which controls a hybrid vehicle comprising an internal combustion engine, a power generator which generates electric power by mechanical power of the internal combustion engine, a first inverter which controls the power generator, a motor which drives a wheel, and a second inverter which controls the motor, the hybrid vehicle control device comprising:

a detecting unit which, during driving of the first inverter, detects a value which is defined in advance and which is necessary for a failure/non-failure diagnosis of at least one of the power generator and the first inverter, and

a control unit which controls the driving of the first inverter and which diagnoses failure/non-failure of at least one of the power generator and the first inverter based on a detection result by the detecting unit, wherein

the control unit stops driving of the first inverter when the control unit judges that the failure/non-failure diagnosis is not necessary during electric running in which the wheel is driven with the motor, and the control unit instructs to drive the first inverter until the detection by the detecting unit is completed even during the electric running when the control unit judges that the failure/non-failure diagnosis is necessary.

2. The hybrid vehicle control device according to Claim 1, further comprising:

a storage unit which stores a diagnosis result by the control unit separately for each trip period which is a running period from switching ON of an ignition switch to switching OFF of the ignition switch, wherein

when the control unit judges that a number of diagnoses has not reached a target number of diagnoses based on a diagnosis result stored in the storage unit, the control unit judges that the failure/non-failure diagnosis is necessary and instructs to drive the first inverter even during the electric running.

3. The hybrid vehicle control device according to Claim 2, wherein

the control unit drives and controls the first inverter during execution of the detection by the detecting unit so that the power generator is zero-torque controlled.

4. The hybrid vehicle control device according to Claim 2, further comprising:

a rotational speed detecting unit which detects the rotational speed of the power generator by co-rotation, wherein

the control unit instructs to drive the first inverter to execute the detection by the detecting unit when the number of diagnoses has not reached the target number and the rotational speed detected by the rotational speed detecting unit has reached a rotational speed which is appropriate for diagnosis of the power generator.

5. (Amended) The hybrid vehicle control device according to Claim 1, <u>further comprising:</u>

<u>a power supply which supplies electric power to at least the power generator,</u> wherein

the power supply can be internally charged by the internal combustion engine and the power generator and can be externally charged by an external power supply.

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/JP2008/070415 application which were indicated as having novelty, inventive step, and industrial applicability, also contained herein.

September 24, 2010
Date

M. Ushiki
Miyoko USHIKI

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.
12/740,033	04/27/2010	Noritake Mitsutani	145393	5023

25944 7590 11/04/2010

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

EXAMINER	
BEAULIEU, YONEL	

ART UNIT	PAPER NUMBER
3661	

NOTIFICATION DATE	DELIVERY MODE
11/04/2010	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

NOV 3 2010

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

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

In re application of
Noritake Mitsutani
Application No. 12/740033
Filed: April 27, 2010
For: HYBRID VEHICLE CONTROL DEVICE

: **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 October 04, 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 October 4, 2010, the request to participate in the PPH program complies with the above requirements, the above-identified application has been accorded "special" status.

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

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

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

/ Mikado Buiz /

Mikado Buiz,
Quality Assurance Specialist
Technology Center 3600

MB/MB: 11/02/10

United States 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

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

In re Application of
Iwata et al.
Application No. 12/740,036
PCT No.: PCT/JP2009/050604
Int. Filing Date: 09 January 2009
Priority Date: 16 January 2008
Atty. Docket No.: 145391
For: Power Transmission Device

DECISION

This is in response to the "Request For Correction of PALM Records" filed on 22 November 2010, and that filed on 22 February 2011.

BACKGROUND

This international application was filed on 09 January 2009, claimed an earliest priority date of 16 January 2008, and designated the U.S. The International Bureau transmitted a copy of the published international application to the USPTO on 23 July 2009. The 30 month time period for paying the basic national fee in the United States expired at midnight on 16 July 2010. Applicants filed *inter alia* the basic national fee on 27 April 2010.

On 27 September 2010, applicants filed a letter requesting issuance of a Notice of Acceptance and Filing Receipt reflecting a completion date of 27 April 2010.

On 15 November 2010, a Filing Receipt and a Notice of Acceptance (Form PCT/DO/EO/903) showing a "04/27/2010" date under 35 U.S.C. 371(c)(1), (2) and (4) and a completion date of "07/16/2010" were mailed to applicants.

DISCUSSION

Applicants in effect request issuance of a Filing Receipt showing a "Filing or 371(c) Date" of "07/16/2010." Review of the record reveals that applicants filed *inter alia* the basic national fee and an executed declaration on 27 April 2010, and that the international application was earlier published in English. As such, the date of the application under 35 U.S.C. 371(c)(1), (2) and (4) is 27 April 2010. No request under 35 U.S.C. 371(f) was made. Applicants' attention is drawn to MPEP 1893.03(b), which explains (in part) that

> The "Application Filing Date" field formerly displayed in PAIR was changed to "Filing or a.371(c) Date" to clearly indicate that for international applications that enter the national stage under 35 U.S.C. 371, the information displayed in this field is the date of receipt of the 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) requirements. Applicants are quite often confused as to the true filing date and will ask for corrected filing receipts thinking that the information thereon is wrong.

In the instant case, the "Filing or 371(c) Date" shown on the Filing Receipt accurately reflects the date of receipt of the requirements of 35 U.S.C. 371(c)(1), (2) and (4). Therefore, it would not be appropriate to grant the action requested by applicants.

DECISION

The request is **REFUSED**, without prejudice.

No response to this Decision is required. If reconsideration on the merits of this matter is desired, a proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time 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.

/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

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

MAILED
FEB 27 2012
OFFICE OF PETITIONS

In re Application of
Shigetsugu Iwata, et al.
Application No.: 12/740,036
Filed: April 27, 2010
Attorney Docket No.: POWER
TRANSMISSION DEVICE

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

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed November 10, 2011, to make the above-identified application special.

The request and petition are **GRANTED**.

Discussion

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

1. The U.S. application is

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

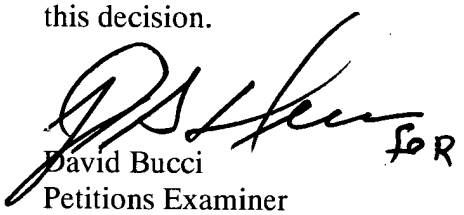
2. Applicant must submit a copy of:
    a. The allowable/patentable claim(s) from the JPO application(s);
    b. An English translation of the allowable/patentable claim(s) and
    c. A statement that the English translation is accurate;
3. Applicant must:
    a. Ensure all the claims in the U.S. application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

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

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

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

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



David Bucci
Petitions Examiner
Office of Petitions

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

PTO/SB/20PCT-US (09-10)
Approved for use through 01/31/2012. OMB 0651-0058
U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM IN A U.S. APPLICATION WHERE THE USPTO WAS THE ISA OR IPEA

Application No:	12/740,063	Filing date:	April 27, 2010
First Named Inventor:	Matthew J. Ward		
Title of the Invention:	GAMING SYSTEM HAVING GRAPHICAL USER INTERFACE FOR CONFIGURATION OF WAGERING GAMES		

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

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

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

The corresponding PCT application number(s) is/are: PCT/US2008/012184

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

October 28, 2008

I. List of Required Documents:

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

☒ Is attached

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

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

☒ Is attached.

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

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

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

PTO/SB/20PCT-US (09-10)
Approved for use through 01/31/2012. OMB 0651-0058
U.S.Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM IN A U.S. APPLICATION WHERE THE USPTO WAS THE ISA OR IPEA (continued)

Application No.:	12/740,063
First Named Inventor:	Matthew J. Ward

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 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 April 27, 2010

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1-24	1-24	Identical

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

Signature /Jason S. Kray, Reg. No. 66,926/	Date 07/07/2011
Name (Print/Typed) Jason S. Kray	Registration Number 66,926

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.

REQUIRED DOCUMENT I(A)

The following document(s) include(s) a copy of the latest international work product in the corresponding PCT application

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 247079-744WO	FOR FURTHER ACTION	See Form PCT/IPEA/416
International application No. PCT/US08/12184	International filing date *(day/month/year)* 28 October 2008 (28.10.2008)	Priority date *(day/month/year)* 01 November 2007 (01.11.2007)
International Patent Classification (IPC) or national classification and IPC IPC: **A63F 9/24**(2006.01) USPC: 463/25		
Applicant WMS GAMING INC.		

1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of 4 sheets, including this cover sheet.
3. This report is also accompanied by ANNEXES, comprising:
   a. ☒ *(sent to the applicant and to the International Bureau)* a total of 5 sheets, as follows:
      ☒ sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).
      ☐ sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.
   b. ☐ *(sent to the International Bureau only)* a total of (indicate type and number of electronic carrier(s)) _____ , containing a sequence listing and/or tables related thereto, in electronic form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).
4. This report contains indications relating to the following items:

☒	Box No. I	Basis of the report
☐	Box No. II	Priority
☐	Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
☐	Box No. IV	Lack of unity of invention
☒	Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
☐	Box No. VI	Certain documents cited
☐	Box No. VII	Certain defects in the international application
☐	Box No. VIII	Certain observations on the international application

Date of submission of the demand	Date of completion of this report
01 September 2009 (01.09.2009)	27 January 2010 (27.01.2010)
Name and mailing address of the IPEA/ US Mail Stop PCT, Attn: IPEA/US Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450 Facsimile No. (571) 273-3201	Authorized officer Scott Jones Telephone No. (571) 272-6788

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.
PCT/US08/12184

Box No. I Basis of the report

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

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

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

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

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

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

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

☐ the international application as originally filed/furnished

☒ the description:
pages 1-26 as originally filed/furnished
pages* NONE received by this Authority on _____
pages* NONE received by this Authority on _____

☒ the claims:
pages NONE as originally filed/furnished
pages* NONE as amended (together with any statement) under Article 19
pages* 27-31 received by this Authority on 01 September 2009 (01.09.2009)
pages* NONE received by this Authority on _____

☐ the drawings:
pages 1-8 as originally filed/furnished
pages* NONE received by this Authority on _____
pages* NONE received by this Authority on _____

☐ a sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing.

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

☐ the description, pages _____
☐ the claims, Nos. _____
☐ the drawings, sheets/figs _____
☐ the sequence listing (*specify*): _____
☐ any table(s) related to the sequence listing (*specify*): _____

4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

☐ the description, pages _____
☐ the claims, Nos. _____
☐ the drawings, sheets/figs _____
☐ the sequence listing (*specify*): _____
☐ any table(s) related to the sequence listing (*specify*): _____

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

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

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.
PCT/US08/12184

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

1. Statement

Novelty (N)	Claims 1-24	YES
	Claims NONE	NO
Inventive Step (IS)	Claims 1-24	YES
	Claims NONE	NO
Industrial Applicability (IA)	Claims 1-24	YES
	Claims NONE	NO

2. Citations and Explanations (Rule 70.7)

Claims 1-24 meet the criteria set out in PCT Article 33(2)-(3), because the prior art does not teach or fairly suggest dragging and dropping "a selected primary wagering game," "a selected supplemental feature," and "a selected denomination" from corresponding areas of a control screen into a configuration area of the control screen as recited in independent claim 15; and a control screen for displaying in separate areas primary wagering games and supplemental features and a controller operative to cause the control screen to display in a configuration area a first wagering game configuration to which a selected primary wagering game and supplemental feature are added, as similarly recited in independent claims 1 and 8.

Claims 1-24 meet the criteria set out in PCT Article 33(4), and thus have industrial applicability because the subject matter claimed can be made or used in industry.

REQUIRED DOCUMENT I(B)

The following document(s) include(s) a copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the corresponding PCT application

What is claimed is:

1. An operator control interface for configuration of wagering games, comprising:

a control screen for displaying, in a first area of the control screen, an arrangement of text or graphic indicia of corresponding titles or themes of a plurality of available primary wagering games playable on a gaming device by a player and for displaying, in a second area of the control screen, a plurality of available supplemental features associated with each of the primary wagering games;

at least one input device for receiving configuration inputs from an operator of the operator control interface; and

at least one controller operative to:

(i) in response to a first configuration input received from the operator via the at least one input device, add a text or graphical indicia of a title or theme of a selected primary wagering game from the available primary wagering games to be displayed on the gaming device to a first wagering game configuration, the first wagering game configuration corresponding to customizable or controllable attributes of the selected primary wagering game to be displayed on the gaming device;

(ii) in response to a second configuration input received from the operator via the at least one input device, add a selected supplemental feature from the available primary supplemental features to the first wagering game configuration, the selected supplemental feature corresponding to a feature, game, or activity in which the player participates in addition to playing the selected primary wagering game; and

(iii) cause the control screen to display the first wagering game configuration in a configuration area of the control screen and an overall payback percentage of the first wagering game configuration.

2. The operator control interface of claim 1, wherein the first configuration input comprises dragging and dropping the selected primary wagering game from a first category area to a displayed location of the first wagering game configuration.

3. The operator control interface of claim 1, wherein the second configuration input comprises dragging and dropping the selected supplemental feature from a second category area to a displayed location of the first wagering game configuration.

4. The operator control interface of claim 1, wherein the first wagering game configuration comprises display of the selected primary wagering game adjacent the selected supplemental feature.

5. The operator control interface of claim 1, wherein the at least one input device comprises a touch screen overlying the control screen.

6. The operator control interface of claim 5, wherein the first and second configuration inputs comprise an operator making contact with the touch screen at a first location and dragging the contact to a second location.

7. The operator control interface of claim 1, wherein the at least one input device is selected from the group consisting of a mouse, a track ball, and a pointer.

8. A method of configuring wagering games via an operator control interface, comprising:

displaying a plurality of primary wagering games in a first area of a control screen;

displaying a plurality of supplemental features in a second area of the control screen;

receiving a first input for dragging and dropping a selected primary wagering game from the first area to a third area of the control screen;

displaying a wagering game configuration in the third area;

receiving a second input for dragging and dropping a selected supplemental feature from the second area to the third area;

adding the selected feature to the display of the wagering game configuration; and

displaying an overall payback percentage of the wagering game configuration.

9. The method of claim 8, further comprising:

detecting selection of the selected primary wagering game in the third area;

displaying a first configuration pop-up window for configuring the selected primary wagering game;

receiving a first adjustment input of at least one configurable element displayed in the first configuration pop-up window; and

if the first adjustment input affects the overall payback percentage, updating the overall payback percentage in response to the adjustment input.

10. The method of claim 9, wherein the first configuration pop-up window includes at least one slider bar for receiving the first adjustment input.

11. The method of claim 9, further comprising:

detecting selection of the selected supplemental feature in the third area;

displaying a second configuration pop-up window for configuring the selected supplemental feature;

receiving a second adjustment input of at least one configurable element displayed in the second configuration window; and

if the second adjustment input affects the overall payback percentage, updating the overall payback percentage in response to the adjustment input.

12. The method of claim 11, wherein the second configuration pop-up window includes at least one slider bar for receiving the second adjustment input.

13. The method of claim 11, wherein either the first configuration pop-up window or the second configuration pop-up window, or both, comprises a pull down menu.

14. The method of claim 8, wherein the first and second inputs are received via a touch screen overlying the control screen.

15. A method of graphically creating wagering game configurations, comprising:

receiving a first input from an operator, and in response thereto, dragging a selected primary wagering game from a first area of a control screen and dropping the selected primary wagering game to a configuration area of the control screen;

receiving a second input from an operator, and in response thereto, dragging a selected supplemental feature from a second area of the control screen and dropping the selected supplemental feature to the configuration area;

receiving a third input from an operator, and in response thereto, dragging a selected denomination from a third area of the control screen and dropping the selected denomination to the configuration area; and

displaying at least a first wagering game configuration in the configuration area, the first wagering game configuration comprising the selected primary wagering game, the selected supplemental feature, and the selected denomination.

16. The method of claim 15, further comprising:

displaying a configuration pop-up window for configuring at least one of the selected primary wagering game and the selected supplemental feature.

17. The method of claim 16, wherein the configuration pop-up window comprises at least one slider bar, at least one pull down menu, or both.

18. The method of claim 15, wherein the first, second and third inputs are received via a touch screen overlying the control screen.

19. The method of claim 15, wherein the first, second and third inputs are received via a mouse.

20. The method of claim 15, further comprising:

receiving a fourth input from an operator, and in response thereto, dragging a second selected primary wagering game from the first area and dropping the second selected primary wagering game to the configuration area;

receiving a fifth input from an operator, and in response thereto, dragging a second selected supplemental feature from the second area and dropping the second selected supplemental feature to the configuration area;

receiving a sixth input from an operator, and in response thereto, dragging a second selected denomination from the third area and dropping the second selected denomination to the configuration area; and

displaying a second wagering game configuration in the configuration area, the second wagering game configuration comprising the second selected primary wagering game, the second selected supplemental feature, and the second selected denomination.

21. The method of claim 20, wherein the second wagering game configuration is displayed adjacent to the first wagering game configuration.

22. The method of claim 20, further comprising displaying a conflict notification if the first wagering game configuration and the second wagering game configuration are in conflict in accordance with at least one rule set.

23. The method of claim 22, wherein the conflict notification comprises one or more of textual notification and graphical notification.

24. The method of claim 22, wherein the conflict notification comprises changing a color of at least a portion of either or both of the first and second wagering game configurations.

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.
12/740,063	04/27/2010	Matthew J. Ward	247079-000744USPX	5330

70243 7590 07/14/2011

NIXON PEABODY LLP
300 S. Riverside Plaza
16th Floor
CHICAGO, IL 60606

EXAMINER	
VO, PETER DUNG BA	

ART UNIT	PAPER NUMBER
3718	

MAIL DATE	DELIVERY MODE
07/14/2011	PAPER

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

NIXON PEABODY LLP
300 S. Riverside Plaza
16th Floor
CHICAGO IL 60606

In re Application of:
WARD, MATTHEW J.
Serial No.: 12/740063
Filed: April 27, 2010
Attorney Docket No. : 247079-000744USPX
Title: GAMING SYSTEM HAVING GRAPHICAL USER INTERFACE FOR CONFIGURATION OF WAGERING GAMES

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

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

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

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

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

FAY KAPLUN & MARCIN, LLP
150 BROADWAY, SUITE 702
NEW YORK NY 10038

MAILED

NOV 22 2010

OFFICE OF PETITIONS

In re Application of	:	
Wagner et al.	:	
Application No. 12/740,074	:	ON PETITION
Filed: April 27, 2010	:	
Attorney Docket No. 10139/00514	:	

This is a decision on the petition under 37 C.F.R. § 1.182, filed October 21, 2010, to change the name of an inventor.

The petition is **GRANTED**.

The name will be changed from "Carole Appenzeller" to --Carole Appenzeller Frieden--.

Telephone inquiries regarding this decision should be directed to Joan Olszewski at (571) 272-7751. All other inquiries should be directed to the Technology Center.

/Liana Walsh/
Liana Walsh
Petitions Examiner
Office of Petitions

Enclosure: Corrected Filing Receipt

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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
12/740,074	04/27/2010	3775	1240	10139/00514	25	3

CONFIRMATION NO. 5436

CORRECTED FILING RECEIPT

76960
Fay Kaplun & Marcin, LLP
150 Broadway, suite 702
New York, NY 10038

Date Mailed: 11/22/2010

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

Applicant(s)

Michael Wagner, Wien, AUSTRIA;
Juerg Leemann, Berne, SWITZERLAND;
Christoph Fuerst, Lohn-Ammannsegg, SWITZERLAND;
Carole Appenzeller Frieden, Lyss, SWITZERLAND;
Martin Altmann, Zuchwil, SWITZERLAND;

Assignment For Published Patent Application

Synthes GmbH

Power of Attorney: The patent practitioners associated with Customer Number 76960

Domestic Priority data as claimed by applicant

This application is a 371 of PCT/US08/82470 11/05/2008
which claims benefit of 60/987,560 11/13/2007

Foreign Applications

If Required, Foreign Filing License Granted: 07/06/2010

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 12/740,074**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

Periprosthetic Fracture Repair

Preliminary Class

606

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at http://www.uspto.gov/web/offices/pac/doc/general/index.html.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, http://www.stopfakes.gov. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as

set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign AssetsControl, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

UNITED STATES PATENT AND TRADEMARK OFFICE

21 SEP 2010

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

Lackenbach Siegel, LLP
Lackenbach Siegel Building
1 Chase Road
Scarsdale NY 10583

In re Application of:	:	
ZHANG et al.	:	
U.S. Application No.: 12/740,142	:	
PCT No.: PCT/CN2007/070994	:	PETITION UNDER
International Filing Date: 30 October 2007	:	37 CFR 1.497(d)
Priority Date: None	:	TO CORRECT
Attorney's Docket No.: UNITA.P006	:	INVENTORSHIP
For: AN ARTIFICIAL TURF AND A METHOD OF MANUFACTURING THE SAME		

This decision is issued in response to applicant's "Request for Addition of Inventor To National Stage Application under 37 CFR 1.48/1.497(d)" filed 28 April 2010. The $130 petition fee will be charged to Deposit Account no. 10-0100.

BACKGROUND

On 30 October 2008, applicant filed international application PCT/CN2007/070994. The international application named Yukin Chen and Demin Jia as applicants/inventors. The deadline for submission of the basic national fee was to expire thirty months from the international filing date, i.e., 30 April 2010.

On 28 April 2010, applicant filed a Transmittal Letter (PTO-1390) requesting entry into the national stage in the United States of America under 35 U.S.C. 371. Filed with the Transmittal Letter were, the requisite basic national fee, a copy of the international application, a preliminary amendment, a declaration executed by Bi Zhang, Yukin Chen and Demin Jia. The submission included the present request to Correct Inventorship under 37 CFR 1.497(d).

DISCUSSION

The present submission seeks to correct the inventorship so as to add inventor Bi ZHANG to the application. Where, as here, the inventorship in the national stage declaration is not consistent with the inventorship in the international application, applicant must correct the inventorship pursuant to 37 CFR 1.497(d), which states the following:

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

Applicant has submitted a statement from the person being added (Bi ZHANG) as an inventor in compliance with 37 CFR 1.497(d)(1). The $130 processing fee required under 37 CFR 1.497(d)(2) has been submitted. And applicant has submitted written confirmation that no assignee exists. Lastly, applicant has submitted a declaration executed by Bi Zhang, Yukin Chen and Demin Jia. Therefore, applicant's request to correct inventorship under 37 CFR 1.497(d) is granted.

CONCLUSION

The request under 37 CFR 1.497(d) is GRANTED.

Bi ZHANG will be added as inventor herein.

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MAILED

JUN 20 2011

PCT LEGAL ADMINISTRATION

HOFFMANN & BARON, LLP
6900 JERICHO TURNPIKE
SYOSSET NY 11791

In re Application of	:	
STEGEMAN	:	
Serial No.: 12/740,143	:	DECISION ON
PCT App. No.: PCT/NL08/00237	:	
Int'l Filing Date: 22 October 2008	:	PETITION UNDER
Priority Date: 31 October 2007	:	
Attorney Docket No.: 903-351 PCT/US	:	37 CFR 1.181
For: SPRAY CAP	:	

This is a decision on applicant's "Petition Pursuant to 37 CFR 1.181" to withdraw holding of abandonment, filed in the US Patent and Trademark Office on 20 April 2011. No petition fee is required.

BACKGROUND

On 28 April 2010, applicant filed a transmittal letter for entry into the national stage in the United States which was accompanied by, *inter alia*, the basic national fee.

On 07 June 2010, applicant, *sue sponte*, filed an executed declaration along with the surcharge for filing the declaration after the thirty month period.

On 08 June 2010, the Office mailed 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 497(a) and (b) and executed by the inventor, was required. The notification set a TWO (2) MONTH period for response.

On 11 April 2011, the Office mailed a Notification of Abandonment (Form PCT/DO/EO/909) indicating, that the application went abandoned for failure to respond to the

Notification of Missing Requirements mailed 08 June 2010.

On 20 April 2011, applicant filed the present petition requesting that the Office withdraw the holding of abandonment as the applicant had timely filed a declaration.

DISCUSSION

A review of the application file reveals that applicant did file an executed declaration on 07 June 2010. A review of the declaration reveals that the declaration identifies and is executed by the inventor, and states his citizenship, residency and mailing address. The declaration was in compliance with 37 CFR 1.497(a) and (b). The surcharge for filing the declaration after the thirty month period was also paid. Therefore, the Notification of Missing Requirements was erroneously issued. For these reasons, the 11 April 2011 Notification of Abandonment is hereby **VACATED**.

Thus, the declaration is acceptable and the requirements of 37 CFR 1.497(a) and (b) are met.

CONCLUSION

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

The declaration submitted on 07 June 2010 is acceptable and meets the requirements of 37 CFR 1.497(a) & (b).

The 08 June 2010 Notification of Missing Requirements and 11 April 2011 Notification of Abandonment are hereby **VACATED**.

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) & (c)(4) date is 07 June 2010.

/Cynthia M. Kratz/

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

UNITED STATES PATENT AND TRADEMARK OFFICE

21 SEP 2010

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

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

In re Application of:
CHEN, Chyi-Cheng, et al.
U.S. Application No.: 12/740,154
PCT No.: PCT/EP2008/008561
International Filing Date: 10 October 2008
Priority Date: 29 October 2007
Attorney Docket No.: BHD-4662-1510
For: COMPOSITIONS CONTAINING RESVERATROL AND PECTIN

DECISION
(37 CFR 1.42)

This decision is issued in response to applicants' 30 August 2010 submission of a declaration which was not executed on behalf one of the inventors, Chyi-Cheng CHEN, whom applicants assert is deceased. The submission is considered herein under 37 CFR 1.42. No petition fee is required.

BACKGROUND

On 10 October 2008, applicants filed international application PCT/EP2008/008561. The international application claimed a priority date of 29 October 2007, and it designated the United States. On 07 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 payment of the basic national fee was thirty months from the priority date, i.e. 29 April 2010.

On 29 April 2010, applicants filed a transmittal letter for entry into the national stage in the United States accompanied by, among other materials, payment of the basic national fee.

On 29 June 2010, the United States Designated/Elected Office (DO/EO/US) mailed a "Notification Of Missing Requirements" (PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497 was required.

On 30 August 2010, applicants filed the declarations considered herein, with accompanying documents. The declarations are executed by three of the four inventors of record. The signature block for the remaining inventor, Chyi-Cheng CHEN, has been left unsigned, and applicants' accompanying correspondence indicates that this inventor is deceased.

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 Manual of Patent Examining Procedure (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:

> (2) If the person making the oath or declaration or any supplemental oath or declaration is not the inventor (§§ 1.42, 1.43, or § 1.47) the oath or declaration shall state the relationship of the person to the inventor, and, upon information and belief, the facts which the inventor would have been required to state. If the person signing is the legal representative of a deceased inventor, the oath or declaration shall also state that the person is a legal representative and the citizenship, residence, and mailing address of the legal representative.

Pursuant to 37 CFR 1.497(b)(2), the citizenship, residence, and mailing address of the legal representative (or all the heirs, if applicable) and the citizenship of the deceased inventor must be included in the declaration.

The declaration filed by applicants on 30 August 2010 does not comply with 37 CFR 1.42 and 1.497(b)(2) in that it has not been executed on behalf of the deceased inventor by the deceased inventor's legal representative or by all the heirs of the deceased inventor, if appropriate. Accordingly, the declaration cannot be accepted under 37 CFR 1.497 and 1.42.

It is noted that applicants' 30 August 2010 correspondence requests that the declaration be accepted under 37 CFR 1.42 as having been "signed by the surviving co-inventors on their behalf and on behalf of Chyi-Cheng CHEN." However, as discussed above, 37 CFR 1.42 permits acceptance of the declaration only if it is if properly executed on behalf of the deceased inventor by his legal representative or heirs, not by the surviving co-inventors.

CONCLUSION

For the reasons discussed above, the request for status under 37 CFR 1.42 with respect to deceased inventor Chyi-Cheng CHEN is **DISMISSED** without prejudice.

Applicants have **TWO (2) MONTHS** from the mailing date of this communication to submit a proper response under 37 CFR 1.42 and 37 CFR 1.497. Failure to provide 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 an oath or declaration properly executed on behalf of the deceased inventor in compliance with 37 CFR 1.42. Such declaration must include all the information required under 37 CFR 1.497 (for example, the names of all the inventors, the

citizenship, mailing address, and residence information for the legal representative or heirs, and the name and citizenship of the deceased inventor, 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.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MAILED

OCT 26 2010

PCT LEGAL ADMINISTRATION

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

In re Application of:
CHEN, Chyi-Cheng, et al.
U.S. Application No.: 12/740,154
PCT No.: PCT/EP2008/008561
International Filing Date: 10 October 2008
Priority Date: 29 October 2007
Attorney Docket No.: BHD-4662-1510
For: COMPOSITIONS CONTAINING RESVERATROL AND PECTIN

DECISION ON RENEWED SUBMISSION
(37 CFR 1.42)

This decision is issued in response to the "Response To Decision And Renewed Petition Under Rule 42" filed 29 September 2010. No petition fee is required.

BACKGROUND

The procedural background for this application was set forth in the decision mailed on 21 September 2010. The decision dismissed without prejudice applicants' request for status under 37 CFR 1.42 with respect to deceased inventor Chyi-Cheng CHEN. Specifically, the decision stated that the declaration filed by applicants was not acceptable because it was not executed on behalf of the deceased inventor by the deceased inventor's legal representative.

On 29 September 2010, applicant filed the "Response To Decision And Renewed Petition Under Rule 42" considered herein.

DISCUSSION

The "Response To Decision And Renewed Petition Under Rule 42" was accompanied by a revised declaration that has been properly executed on behalf of the deceased inventor by his sole heir and legal representative Sui-Kchen CHEN. The declaration 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, as well as the citizenship of the deceased inventor, and it has been executed the surviving inventors.. 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 inventor Chvi-Cheng CHEN 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 29 September 2010.

/RichardMRoss/

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

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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.
12/740,191	04/28/2010	Masataka Aoyama	ONO-33632	6838

97379 7590 10/15/2010

Rankin, Hill & Clark LLP
23755 Lorain Road, Suite 200
North Olmsted, OH 44070

EXAMINER	
DESAI, ANISH P	

ART UNIT	PAPER NUMBER
1788	

NOTIFICATION DATE	DELIVERY MODE
10/15/2010	ELECTRONIC

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

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

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

ishihara@rankinhill.com
crockett@rankinhill.com

Best Available Copy

UNITED STATES PATENT AND TRADEMARK OFFICE

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

OCT 15 2010

BC

In re application of Masataka Aoyama et al. Serial No. 12/740,191 Filed: April 28, 2010 For: ADHESIVE FILM OR SHEET	: : : : : :	DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program filed August 19, 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;

(6) Applicant must submit:

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

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

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

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

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

/Blaine Copenheaver/

Blaine Copenheaver
Quality Assurance Specialist
Technology Center 1700

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

PTO/SB/20PCT-AU (01-11)
Approved for use through 01/31/2012. OMB 0651-0058
U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

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

Application No:	12/740,239	Filing date:	28 April 2010
First Named Inventor:	Darmann		
Title of the Invention:	High Voltage Fault Current Limiter Having Immersed Phase Coils		

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/AU2008/001754

The international filing date of the corresponding PCT application(s) is/are: 27 November 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-AU (01-11)
Approved for use through 01/31/2012. OMB 0651-0058
U.S.Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

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

(continued)

Application No.:	12/740,239
First Named Inventor:	Darmann

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

☐ Is attached

☑ Has already been filed in the above-identified U.S. application on 28 April 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 28 April 2010

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
17 to 27	1 to 11	
28	12	
29	13	
30	14	
31	15	
32	16	Claim 16 amended to remove multiple claim dependency
33	16	Claim 16 amended to remove multiple claim dependency
34	16	Claim 16 amended to remove multiple claim dependency

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

Signature	Date 3/1/11
Name (Print/Typed) O. KAPLUN	Registration Number 45,559

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.
12/740,239	04/28/2010	Francis Anthony Darmann	40121/01601	7104

30636 7590 04/12/2011

FAY KAPLUN & MARCIN, LLP
150 BROADWAY, SUITE 702
NEW YORK, NY 10038

EXAMINER	
FUREMAN, JARED	
ART UNIT	PAPER NUMBER
2836	
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
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

FAY KAPLUN & MARCIN, LLP
150 BROADWAY, SUITE 702
NEW YORK NY 10038

In re Application of
Francis DARMANN
Application No.: 12/740,239
Filed: 28 April 2010
Attorney Docket No.: 40121/01601
For: HIGH VOLTAGE FAULT CURRENT LIMITER HAVING IMMERSED PHASE COILS

: 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 01 March 2011, to make the above-identified application special.

The request and petition are **DISMISSED**.

Discussion

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

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

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

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

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

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

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

Requirements (1-5) and (7) above are considered to have been met. However, the request to participate in the PPH pilot program and petition fails meet requirement (6).

Regarding the requirement of condition (6), applicant has failed to submit a copy of the Written Opinion (ISA/237).

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

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

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

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

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

Attorney Docket No. 40121/01601 (56561USP00)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s)	:	Darmann
Serial No.	:	12/740,239
Filing Date	:	April 28, 2010
For	:	High Voltage Fault Current Limiter Having Immersed Phase Coils
Group Art Unit:	:	2836
Confirmation No.	:	7104
Examiner	:	Jared Fureman

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

Certificate of Fax / Electronic Filing
I hereby certify that this correspondence is being deposited via Fax / Electronic Filing addressed to:

Mail Stop: Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
571-273-8300

By: Oleg F. Kaplun (Reg. No. 45,559)
Date: April 19, 2011

TRANSMITTAL

Transmitted herewith please find a Response to the Decision on Request to Participate in the Patent Prosecution Highway Program and Petition to Make Special under 37 CFR 1.102 (a) for filing in the above-identified application. Please charge the Deposit Account No. 50-1492 of Fay Kaplun & Marcin for any required fees.

Respectfully submitted,

Dated: April 19, 2011

By: _____
Oleg F. Kaplun (Reg. No. 45,559)

Fay Kaplun & Marcin, LLP
150 Broadway, Suite 702
New York, N.Y. 10038
(212) 619-6000 (telephone)
(212) 619-0276 (facsimile)

Attorney Docket No. 40121/01601 (56561USP00)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s)	:	Darmann
Serial No.	:	12/740,239
Filing Date	:	April 28, 2010
For	:	High Voltage Fault Current Limiter Having Immersed Phase Coils
Group Art Unit:	:	2836
Confirmation No.	:	7104
Examiner	:	Jared Fureman

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

RESPONSE

In response to a Decision on Request to Participate in the Patent Prosecution Highway Program and Petition to Make Special under 37 CFR 1.102 (a) mailed on April 12, 2011, transmitted herewith is the PCT Written Opinion (ISA/237) for filing in the above-identified application. A copy of the Decision is also enclosed herewith.

Respectfully Submitted,

Dated: April 19, 2011

By: _____
Oleg F. Kaplun (Reg. No. 45,559)

Fay Kaplun & Marcin, LLP
150 Broadway, Suite 702
New York, N.Y. 10038
(212) 619-6000 (telephone)
(212) 619-0276 (facsimile)

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.
12/740,239	04/28/2010	Francis Anthony Darmann	40121/01601	7104

30636 7590 04/12/2011

FAY KAPLUN & MARCIN, LLP
150 BROADWAY, SUITE 702
NEW YORK, NY 10038

EXAMINER	
FUREMAN, JARED	
ART UNIT	PAPER NUMBER
2836	

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

FAY KAPLUN & MARCIN, LLP
150 BROADWAY, SUITE 702
NEW YORK NY 10038

In re Application of
Francis DARMANN
Application No.: 12/740,239
Filed: 28 April 2010
Attorney Docket No.: 40121/01601
For: HIGH VOLTAGE FAULT CURRENT LIMITER HAVING IMMERSED PHASE COILS

: 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 01 March 2011, to make the above-identified application special.

The request and petition are **DISMISSED**.

Discussion

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

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

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

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

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

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

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

Requirements (1-5) and (7) above are considered to have been met. However, the request to participate in the PPH pilot program and petition fails meet requirement (6).

Regarding the requirement of condition (6), applicant has failed to submit a copy of the Written Opinion (ISA/237).

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

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

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

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

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

PATENT COOPERATION TREATY

From the:
INTERNATIONAL SEARCHING AUTHORITY

To:

Shelston IP
Level 21
60 Margaret Street
SYDNEY NSW 2000

PCT

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43*bis*.1)

Date of mailing *(day/month/year)* 18 MAR 2009

FOR FURTHER ACTION
See paragraph 2 below

Applicant's or agent's file reference
56561WOP00

International application No.	International filing date *(day/month/year)*	Priority date *(day/month/year)*
PCT/AU2008/001754	27 November 2008	27 November 2007

International Patent Classification (IPC) or both national classification and IPC
Int. Cl.

H02H 9/02 (2006.01) ***H01F 27/10*** (2006.01) ***H01L 39/24*** (2006.01)

Applicant
ZENERGY POWER PTY LTD et al

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

- [X] Box No. I Basis of the opinion
- [ ] Box No. II Priority
- [ ] Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- [ ] Box No. IV Lack of unity of invention
- [X] Box No. V Reasoned statement under Rule 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	Date of completion of this opinion	Authorized Officer
AUSTRALIAN PATENT OFFICE PO BOX 200, WODEN ACT 2606, AUSTRALIA E-mail address: pct@ipaustralia.gov.au Facsimile No. +61 2 6283 7999	24 February 2009	**SOOSA GNANASINGHAM** AUSTRALIAN PATENT OFFICE (ISO 9001 Quality Certified Service) Telephone No. +61 2 6283 2172

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/AU2008/001754

Box No. I Basis of this opinion

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

   [X] 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 (under Rules 12.3(a) and 23.1(b)).

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

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

   a. type of material

      [ ] a sequence listing

      [ ] table(s) related to the sequence listing

   b. format of material

      [ ] on paper

      [ ] in electronic form

   c. time of filing/furnishing

      [ ] contained in the international application as filed.

      [ ] filed together with the international application in electronic form.

      [ ] furnished subsequently to this Authority for the purposes of search.

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

5. Additional comments:

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/AU2008/001754

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

1. Statement

Novelty (N)	Claims **17**	**YES**
	Claims	**NO**
Inventive step (IS)	Claims **1- 17**	**YES**
	Claims	**NO**
Industrial applicability (IA)	Claims **1- 17**	**YES**
	Claims	**NO**

2. Citations and explanations:

NOVELTY (N) Claims 1- 17

D1 US 2007/0115598 A1

D2 WO 2007/029224 A1

D3 THURIES et al. 'TOWARDS THE SUPERCONDUCTING FAULT CURRENT LIMITER', IEEE Transactions on Power Delivery Vol. 6, No. 2. April 1991, pages 801 to 808

D4 US 2006/0158803 A1

D5 US 2007/0023680 A1

D6 XIN et al. 'Development of Saturated Iron Core HTS Fault Current Limiters', IEEE Transactions on Applied Superconductivity, Vol 17, No. 2, June 2007, pages 1760 to 1763

The closest prior art cited is US 2007/0115598 which is directed to a superconducting current limiting system and method. In regard to independent claim 1, US 2007/0115598 discloses a fault current limiter (Fig 5) including ferromagnetic circuit from a ferromagnetic material having a first limb and a second limb (para 0071 lines 1- 4; Fig 5), saturation mechanism surrounding a first limb (para 0046; para 0068 lines 3- 6; para 0071 and Fig 5), phase coil wound around a second limb (phase coils 53, 54., 55,56., 57,58, paragraph 0068 lines 6- 8; Fig 5), a gaseous atmosphere surrounding the saturation mechanism (the air surrounding the superconductor coil). US 2007/0115598 however, does not disclose the phase coil surrounded by a dielectric fluid, which, as would be discussed later, is a salient feature of the invention. Therefore claim 1, other independent claims 13, 15 defining similar inventions as that of claim1, and all of the appended claims 2-11,14 and 16 -17, which add further features to respective independent claims, are novel.

Claims 1- 17 therefore satisfy the PCT Criterion 33(3) for novelty.

(CONTINUED IN THE SUPPLEMENTAL SHEET)

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International Application No.

PCT/AU2008/001754

Supplemental Box

In case **the space in any of the preceding boxes is not sufficient.**

Continuation of: V

Inventive step (IS) Claims 1- 17

Fault current limiters with a saturation mechanism are well known as is evident from all of the prior art cited in the ISR. These are mainly suited for dry type copper coils because of the insulation limitation and are therefore limited to the range of about 39 kV. To increase the useability of the fault current limiters to ranges above this, say 33kV to 166kV, the solution is to either (a) house the ac copper coils in gas or liquid which have much better insulation limitations, (b) seek an arrangement with usage of solid high voltage barriers between steel core, the cryostat and the phase coils or (c) the application of 'full immersion' technique whereby the fault current limiter (which includes the superconducting coil and its cryostat as well) are immersed in dielectric fluid. However, all these three solutions have disadvantages as they have design problems.

The solution defined in the present claim is to immerse the phase coil only in the dielectric fluid. This technique of immersing a coil in dielectric fluid which has much better breakdown properties, when taken in ISOLATION, is a commonly known feature. However, in this context, a person skilled in the art would carefully study this and apply extra effort in arriving at this solution as the design would have to be thoroughly researched into. Hence, this feature of immersing the phase coil only in the dielectric fluid makes claim 1 inventive also. Therefore the other independent claims 13, 15 and the appended claims 2-11,14 and 16 -17 all have inventive step. Thus, claims 1- 17 satisfy the PCT Criterion 33(3) for inventive step.

INDUSTRIAL APPLICABILITY (IA)

The invention defined in the claims is considered to meet the requirements of Industrial Applicability under Article 33(4) of the PCT because it can be made by, or used in, industry.

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.
12/740,239	04/28/2010	Francis Anthony Darmann	40121/01601	7104

30636 7590 05/10/2011
FAY KAPLUN & MARCIN, LLP
150 BROADWAY, SUITE 702
NEW YORK, NY 10038

EXAMINER	
HOANG, ANN THI	
ART UNIT	PAPER NUMBER
2836	
MAIL DATE	DELIVERY MODE
05/10/2011	PAPER

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

FAY KAPLUN & MARCIN, LLP
150 BROADWAY, SUITE 702
NEW YORK NY 10038

In re Application of
Francis DARMANN
Application No.: 12/740,239
Filed: 28 April 2010
Attorney Docket No.: 40121/01601
For: HIGH VOLTAGE FAULT CURRENT LIMITER HAVING IMMERSED PHASE COILS

: 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 01 March 2011 and renewed on 19 April 2011, to make the above-identified application special.

The request and petition are **GRANTED**.

Discussion

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

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

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

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

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

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

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

along with an English translation thereof and a statement that the English translation is accurate if the latest international work product is not in the English language;

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

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

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

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

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

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

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

PTO/SB/20PCT-US (09-10)
Approved for use through 01/31/2012. OMB 0651-0058
U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM IN A U.S. APPLICATION WHERE THE USPTO WAS THE ISA OR IPEA

Application No:	12/740,306	Filing date:	April 28, 2010
First Named Inventor:	Benjamin T. Gomez et al.		
Title of the Invention:	GAMING SYSTEM HAVING FREE SPIN ENHANCEMENT FEATURES		

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

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

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

The corresponding PCT application number(s) is/are: PCT/US2008/012206

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

October 28, 2008

I. List of Required Documents:

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

☒ Is attached

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

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

☒ Is attached.

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

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

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

PTO/SB/20PCT-US (09-10)
Approved for use through 01/31/2012. OMB 0651-0058
U.S.Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM IN A U.S. APPLICATION WHERE THE USPTO WAS THE ISA OR IPEA (continued)

Application No.:	12/740,306
First Named Inventor:	Benjamin T. Gomez 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 _____

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

☒ Are attached.

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

II. Claims Correspondence Table:

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

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

Signature /Jason S. Kray, Reg. No. 66,926/	Date 07/08/2011
Name (Print/Typed) Jason S. Kray	Registration Number 66,926

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.

REQUIRED DOCUMENT I(A)

The following document(s) include(s) a copy of the latest international work product in the corresponding PCT application

RECEIVED
FEB 19 2010
CHI DOCKETING

PATENT COOPERATION TREATY

From the
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

To:
DANIEL J. BURNHAM
NIXON PEABODY LLP
300 S. RIVERSIDE PLAZA, 16TH FLOOR
CHICAGO, IL 60606

PCT

NOTIFICATION OF TRANSMITTAL OF INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY
(Chapter II of the Patent Cooperation Treaty)

(PCT Rule 71.1)

Date of mailing (*day/month/year*)	12 FEB 2010

Applicant's or agent's file reference	IMPORTANT NOTIFICATION	
247079-736WO		
International application No.	International filing date (*day/month/year*)	Priority date (*day/month/year*)
PCT/US08/12206	28 October 2008 (28.10.2008)	01 November 2007 (01.11.2007)
Applicant		
WMS GAMING INC.		

1. The applicant is hereby notified that this International Preliminary Examining Authority transmits herewith the international preliminary report on patentability and its annexes, if any, established on the international application.

2. A copy of the report and its annexes, if any, is being transmitted to the International Bureau for communication to all the elected Offices.

3. Where required by any of the elected Offices, the International Bureau will prepare an English translation of the report (but not of any annexes) and will transmit such translation to those Offices.

4. **REMINDER**

The applicant must enter the national phase before each elected Office by performing certain acts (filing translations and paying national fees) within 30 months from the priority date (or later in some Offices)(Article 39(1))(see also the reminder sent by the International Bureau with Form PCT/IB/301).

Where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary report on patentability. It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned.

For further details on the applicable time limits and requirements of the elected Offices, see Volume II of the *PCT Applicant's Guide*.

The applicant's attention is drawn to Article 33(5), which provides that the criteria of novelty, inventive step and industrial applicability described in Article 33(2) to (4) merely serve the purposes of international preliminary examination and that "any Contracting State may apply additional or different criteria for the purposes of deciding whether, in that State, the claimed invention is patentable or not" (see also Article 27(5)). Such additional criteria may relate, for example, to exemptions from patentability, requirements for enabling disclosure, clarity and support for the claims.

Name and mailing address of the IPEA/ US	Authorized officer
Mail Stop PCT, Attn: IPEA/US Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450 Facsimile No. (571) 273-3201	Scott Jones Telephone No. (571) 272-6788

Form PCT/IPEA/416 (January 2004)

REVIEWED BY DOCKET

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 247079-736WO	**FOR FURTHER ACTION**	See Form PCT/IPEA/416
International application No. PCT/US08/12206	International filing date *(day/month/year)* 28 October 2008 (28.10.2008)	Priority date *(day/month/year)* 01 November 2007 (01.11.2007)
International Patent Classification (IPC) or national classification and IPC IPC: **A63F 9/24**(2006.01) USPC: 463/20		
Applicant WMS GAMING INC.		

1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of 42 sheets, including this cover sheet.
3. This report is also accompanied by ANNEXES, comprising:
   a. ☐ *(sent to the applicant and to the International Bureau)* a total of ___sheets, as follows:
      ☐ sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).
      ☐ sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.
   b. ☐ *(sent to the International Bureau only)* a total of (indicate type and number of electronic carrier(s)) _____ , containing a sequence listing and/or tables related thereto, in electronic form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).
4. This report contains indications relating to the following items:
   - ☒ Box No. I Basis of the report
   - ☐ Box No. II Priority
   - ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
   - ☐ Box No. IV Lack of unity of invention
   - ☒ Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
   - ☐ Box No. VI Certain documents cited
   - ☐ Box No. VII Certain defects in the international application
   - ☐ Box No. VIII Certain observations on the international application

Date of submission of the demand	Date of completion of this report
01 September 2009 (01.09.2009)	27 January 2010 (27.01.2010)
Name and mailing address of the IPEA/ US Mail Stop PCT, Attn: IPEA/US Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450 Facsimile No. (571) 273-3201	Authorized officer Scott Jones Telephone No. (571) 272-6788

Form PCT/IPEA/409 (cover sheet)(April 2007)

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.
PCT/US08/12206

Box No. I Basis of the report

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

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

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

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

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

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

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

☒ the international application as originally filed/furnished

☒ the description:
pages 1-17 as originally filed/furnished
pages* NONE received by this Authority on _____
pages* NONE received by this Authority on _____

☒ the claims:
pages 18-22 as originally filed/furnished
pages* NONE as amended (together with any statement) under Article 19
pages* NONE received by this Authority on _____
pages* NONE received by this Authority on _____

☒ the drawings:
pages 1/6-6/6 as originally filed/furnished
pages* NONE received by this Authority on _____
pages* NONE received by this Authority on _____

☐ a sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing.

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

☐ the description, pages _____
☐ the claims, Nos. _____
☐ the drawings, sheets/figs _____
☐ the sequence listing (*specify*): _____
☐ any table(s) related to the sequence listing (*specify*): _____

4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

☐ the description, pages _____
☐ the claims, Nos. _____
☐ the drawings, sheets/figs _____
☐ the sequence listing (*specify*): _____
☐ any table(s) related to the sequence listing (*specify*): _____

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

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

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.
PCT/US08/12206

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

1. Statement

Novelty (N)	Claims 1-20	YES
	Claims NONE	NO
Inventive Step (IS)	Claims 1-20	YES
	Claims NONE	NO
Industrial Applicability (IA)	Claims 1-20	YES
	Claims NONE	NO

2. Citations and Explanations (Rule 70.7)

Claims 1-20 meet the criteria set out in PCT Article 33(2)-(3), because the prior art does not teach or fairly suggest "a controller operative to "(iii) determine if the randomly selected outcome is the at least one free spin bonus outcome; (iv) in response to the randomly selected outcome being the at least one free spin bonus outcome, provide a plurality of free spins and display a plurality of free spin enhancements which remain constant for the plurality of free spins; (v) enhance an outcome of a subsequent free spin based on a player selection of at least one of the free spin enhancements for the subsequent free spin; and (vi) deactivate the selected at least one of the free spin enhancements after the subsequent free spin," as recited in independent claims 1 and 10; and a method of operating a free-spin wagering game comprising the acts of "providing a plurality of free spins; displaying a first outcome for the first spin of the plurality of free spins; prior to displaying the first outcome, displaying a plurality of free spin enhancements to a player, values of each of the plurality or free spin enhancements remaining constant for the free spins; prior to displaying the first outcome, receiving a selection of at least one of the plurality of free spin enhancements; enhancing the first outcome based on the selected at least one of the free spin enhancements; and inactivating the selected at least one of the free spin enhancements for all remaining free spins after the first spin of the plurality of free spins," as recited in independent claim 17.

Claims 1-20 meet the criteria set out in PCT Article 33(4), and thus have industrial applicability because the subject matter claimed can be made or used in industry.

REQUIRED DOCUMENT I(B)

The following document(s) include(s) a copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the corresponding PCT application

CLAIMS:

What is claimed is:

1. A gaming system comprising:

a wager input device for receiving a primary wager;

a display for displaying a randomly selected outcome of a primary wagering game; and

a controller operative to:

(i) detect receipt of the primary wager;

(ii) cause the display to present the randomly selected outcome selected from a plurality of possible outcomes, the plurality of possible outcomes including at least one free spin bonus outcome;

(iii) determine if the randomly selected outcome is the at least one free spin bonus outcome;

(iv) in response to the randomly selected outcome being the at least one free spin bonus outcome, provide a plurality of free spins and display a plurality of free spin enhancements which remain constant for the plurality of free spins;

(v) enhance an outcome of a subsequent free spin based on a player selection of at least one of the free spin enhancements for the subsequent free spin; and

(vi) deactivate the selected at least one of the free spin enhancements after the subsequent free spin.

2. The gaming system of claim 1, wherein the player selection of at least one of the free spin enhancements comprises player selection of one free spin enhancement for enhancing an outcome of a subsequent free spin.

3. The gaming system of claim 2, wherein the at least one free spin enhancement is at least one multiplier.

4. The gaming system of claim 1, wherein the player selection of at least one of the free spin enhancements comprises player selection of multiple free spin enhancements for enhancing an outcome of a subsequent free spin.

5. The gaming system of claim 4, wherein a sum of the selected multiple free spin enhancements enhances the outcome of the subsequent free spin.

6. The gaming system of claim 5, wherein a product of the selected multiple free spin enhancements enhances the outcome of the subsequent free spin.

7. The gaming system of claim 1, wherein, when all of the at least one of the free spin enhancements have been selected and have enhanced a subsequent free spin, all subsequent free spins are enhanced by a predetermined default enhancement.

8. The gaming system of claim 7, wherein the predetermined default enhancement equals a multiplier of one.

9. The gaming system of claim 1, wherein, when all of the at least one of the free spin enhancements have been selected and have enhanced a subsequent free spin, all remaining free spins are inactivated.

10. A method of operating a wagering game comprising:

receiving a primary wager;

displaying a randomly selected outcome of a primary wagering game, the randomly selected outcome selected from a plurality of possible outcomes, the plurality of possible outcomes including at least one bonus outcome;

determining if the randomly selected outcome is the at least one bonus outcome;

providing a plurality of free plays in response to the randomly selected outcome being the at least one bonus outcome;

displaying a plurality of free play enhancements in response to the randomly selected outcome being the at least one bonus outcome, values of the plurality of free play enhancements remaining the same for the plurality of free plays;

enhancing an outcome of each of the free plays based on a player selection of at least one of the free play enhancements for each subsequent free play;

deactivating the selected at least one of the free play enhancements after selection; and

awarding the enhanced outcome of the free plays to the player.

11. The method of claim 10, wherein the step of enhancing an outcome further comprises the step of selecting a plurality of the free play enhancements for at least one of the free plays.

12. The method of claim 11, wherein the step of selecting a plurality of free play enhancements further comprises the step of determining a sum of the plurality of free play enhancements and,

wherein the step of enhancing an outcome further comprises the step of enhancing an outcome of the subsequent free play by the sum.

13. The method of claim 12, wherein the at least one free play enhancement is at least one multiplier.

14. The method of claim 12, further comprising the step of, when all of the free play enhancements have been selected and have enhanced a subsequent free play, enhancing all further free plays by a predetermined default enhancement.

15. The method of claim 14, wherein the predetermined default enhancement is multiplier of one.

16. The method of claim 12, wherein, when all of the free play enhancements have been selected and have enhanced a subsequent free play, all remaining free plays are inactivated.

17. A method of operating a free-spin wagering game comprising:

providing a plurality of free spins;

displaying a first outcome for the first spin of the plurality of free spins;

prior to displaying the first outcome, displaying a plurality of free spin enhancements to a player, values of each of the plurality of free spin enhancements remaining constant for the free spins;

prior to displaying the first outcome, receiving a selection of at least one of the plurality of free spin enhancements;

enhancing the first outcome based on the selected at least one of the free spin enhancements; and

inactivating the selected at least one of the free spin enhancements for all remaining free spins after the first spin of the plurality of free spins.

18. The method of claim 17, wherein at least two of the plurality of free spin enhancements are multipliers.

19. The method of claim 18, further comprising the step of multiplying the at least two multipliers, in response to the at least two multipliers being selected, to produce a product, and wherein the product is used to enhance either the first outcome or a single subsequent free spin outcome, whichever occurs immediately after the selection of the at least two multipliers.

20. The method of claim 18, further comprising the step of adding the at least two multipliers, in response to the at least two multipliers being selected, to produce a sum and wherein the sum is used to enhance either the first outcome or a single subsequent free spin outcome, whichever occurs immediately after the selection of the at least two multipliers.

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.
12/740,306	04/28/2010	Benjamin T. Gomez	247079-000736USPX	7511

70243 7590 07/26/2011

NIXON PEABODY LLP
300 S. Riverside Plaza
16th Floor
CHICAGO, IL 60606

EXAMINER	
VO, PETER DUNG BA	

ART UNIT	PAPER NUMBER
3718	

MAIL DATE	DELIVERY MODE
07/26/2011	PAPER

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

NIXON PEABODY LLP
300 S. Riverside Plaza
16th Floor
CHICAGO IL 60606

In re Application of:
GOMEZ, BENJAMIN T., et al
Serial No.: 12/740306
Filed: 04/28/2010
Attorney Docket No. : 247079-000736USPX
Title: GAMING SYSTEM HAVING FREE SPIN ENHANCEMENT FEATURES

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

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed July 8, 2011 to make the above-identified application special.

The request and petition are **granted**.

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

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

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

Response must be filed via EFS-Web. Telephone inquiries concerning this decision should be directed to Henry C. Yuen, at 571-272-4856.

Petition is **granted**.

/Henry C. Yuen/

Henry C. Yuen
Special Programs Examiner
Technology Center 3700
Tel: 571-272-4856

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/740,314	04/28/2010	Taek Yong Jang	1052.002	7587

36405 7590 08/17/2010
MANNAVA & KANG, P.C.
11240 WAPLES MILL ROAD
Suite 300
FAIRFAX, VA 22030

EXAMINER	
ART UNIT	PAPER NUMBER
2812	

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.

UNITED STATES PATENT AND TRADEMARK OFFICE

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

CST

August 17, 2010

In re application of	:	DECISION ON REQUEST TO
Taek Yong Jang et al	:	PARTICIPATE IN PATENT
Serial No. 12/740,314	:	PROSECUTION HIGHWAY
Filed: April 28, 2010	:	PROGRAM AND
For: METHOD FOR	:	PETITION TO MAKE SPECIAL
MANUFACTURING SOLAR CELL	:	UNDER 37 CFR 1.102(d)

This is a decision on the supplemental request to participate in the Patent Prosecution Highway (PPH) program filed on August 9, 2010.

The request and petition are **GRANTED**.

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

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

(2) Applicant must submit a copy of:
a. The allowable/patentable claim(s) from the KIPO application(s) 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 KIPO application(s); and
b. Submit a claims correspondence table in English;

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

(5) Applicant must submit:
- a. 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 KIPO 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 KIPO application is a first action allowance then no office action from the KIPO is necessary should be indicated on the request/petition form: Further, if a copy of the documents from (i) or (ii) is available via the Dossier Access System (DAS), applicant may request the USPO obtain a copy from the DAS; however, if the USPTO is unable to obtain a copy of the DAS, the applicant will be required to submit a copy;
- b. An English language translation of the KIPO Office action from (5)(a)(i)-(ii) above if applicable; and
- c. A statement that the English translation is accurate;

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

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

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

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

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

/Christine Tierney/

Christine Tierney
Quality Assurance Specialist
Technology Center 1700

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

PTO/SB/420 (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: 37101-701.831	Application Number (if known): 12/740,350	Filing date: November 3, 2010
First Named Inventor: Julie Corbett		
Title: Containers for Holding Materials		

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

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

1. By filing this petition:

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

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

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

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

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

6. Other attachments: Preliminary Amendment

Signature	Date November 24, 2010
Name (Print/Typed) Elaine A. Kim	Registration Number 57,613

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

☐ *Total of _____ forms are submitted.

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

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

PATENT
Attorney Docket No. 37101-701.831

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application:		Confirmation No.:	**8069**
Inventor:	Julie Corbett, et al.	Examiner:	Not Yet Assigned
Application No.:	12/740,350	Group Art Unit:	Not Yet Assigned
Filed:	November 3, 2010	Customer No.	**21971**
Title:	**CONTAINERS FOR HOLDING MATERIALS**		

FILED ELECTRONICALLY ON: NOVEMBER 24, 2010

STATEMENT ACCOMPANYING PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

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

Dear Sir or Madam:

Applicant herewith submits the following statement accompanying a Petition to Make Special under the Green Technology Pilot Program.

Applicant's invention materially enhances the quality of the environment by reducing the need to consume basic life-sustaining natural elements. Applicant's invention relates to containers formed of recyclable materials that are configured to permit and encourage the recycling of the containers. The processes used to make the containers require less embodied energy when compared with processes used to make traditional containers used for similar purposes. In this manner, Applicant's invention is directed to the more efficient utilization and conservation of energy resources and green house gas emission reduction.

CONCLUSION

Applicant respectfully requests the Examiner accept this Petition to Make Special under the Green Technology Pilot Program and advance the application to issuance.

The Commissioner is authorized to charge any additional fees which may be required, including petition fees and extension of time fees, to Deposit Account No. 23-2415 (Docket No. 37101-701.831).

Respectfully submitted,

Date: November 24, 2010

By: _____

Elaine A. Kim
Registration No. 57,613

WILSON SONSINI GOODRICH & ROSATI
650 Page Mill Road
Palo Alto, CA 94304-1050
Direct Dial: (650) 493-9300
Customer No. 21971

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.
12/740,350	11/03/2010	Julie Corbett	37101-701.831	8069

21971 7590 12/17/2010
WILSON, SONSINI, GOODRICH & ROSATI
650 PAGE MILL ROAD
PALO ALTO, CA 94304-1050

EXAMINER	
ART UNIT	PAPER NUMBER
3781	

MAIL DATE	DELIVERY MODE
12/17/2010	PAPER

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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

In re Application of	:	
CORBETT, JULIE et al	:	DECISION ON PETITION
Application No. 12/740,350	:	TO MAKE SPECIAL UNDER
Filed: April 28, 2010	:	THE GREEN TECHNOLOGY
Attorney Docket No. 37101-701.831	:	PILOT PROGRAM

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

The petition is **dismissed**.

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

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

request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

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

The petition lacks item # 4.

In regard to item 4, petitioner should note that the instant petition includes a statement identifying the basis for the special status (i.e., whether the instant invention (1) materially enhances the quality of the environment or materially contributes to (2) development of renewable energy resources or energy conservation, or (3) greenhouse gas reduction) as required by sections II and III of the notice. However, as stated in the notice, applicant must also provide a statement pertaining to the materiality standard if the application disclosure is not clear on its face as to the materiality of the basis for the special status of the invention. This petition lacks such a statement and it is not agreed that the application on its face meets that materiality standard. For example, it is not clear how the claimed "liquid-holding bag with a fitment and formed from a polymer; and a molded fiber or pulp-formed skeleton that supports the liquid-holding bag by way of a mechanical connection formed between the fitment and the pulp formed skeleton" will provide and enhance the quality of the environment or contribute to development of renewable energy resources or energy conservation or greenhouse gas reduction. It is not seen how the processes used to make the containers require less embodied energy. There is no nexus between the claimed bag-in-a-skeleton and more efficient utilization and conservation of energy resources and green house gas emission reduction.

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

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

The application will be forwarded to the Technology Center Art Unit 3781 for action in its regular turn.

/Henry C. Yuen/

Henry C. Yuen
Quality Assurance Specialist
Technology Center 3700

COPY

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: 37101-701.831	Application Number (if known): 12/740,350	Filing date: November 3, 2010
First Named Inventor: Julie Corbett		
Title: Containers for Holding Materials		

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

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

1. By filing this petition:

   Applicant is requesting early publication: Applicant hereby requests early publication under 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d) accompanies this request.

2. By filing this petition: applicant is agreeing to make an election without traverse in a telephonic interview and elect an invention that meets the eligibility requirements for the Green Technology Pilot Program, if the Office determines that the claims are not obviously directed to a single invention. See Instruction Sheet.

3. This request is accompanied by statements of special status for the eligibility requirement.

4. The application contains no more than three (3) independent claims and twenty (20) total claims.

5. The application does not contain any multiple dependent claims.

6. Other attachments: Preliminary Amendment

Signature	Date November 24, 2010
Name (Print/Typed) Elaine A. Kim	Registration Number 57,613

Note: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature see below.*

☐ *Total of _____ forms are submitted.

The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

PATENT
Attorney Docket No. 37101-701.831

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application:		Confirmation No.:	**8069**
Inventor:	Julie Corbett, et al.	Examiner:	Not Yet Assigned
Application No.:	12/740,350	Group Art Unit:	Not Yet Assigned
Filed:	November 3, 2010	Customer No.	**21971**
Title:	**CONTAINERS FOR HOLDING MATERIALS**		

FILED ELECTRONICALLY ON: FEBRUARY 4, 2011

STATEMENT ACCOMPANYING PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicant herewith submits the following statement accompanying a Petition to Make Special under the Green Technology Pilot Program.

Applicant's invention is directed to a container which comprises: "a liquid-holding bag with a fitment and formed from a polymer; and a molded fiber or pulp-formed skeleton that supports the liquid-holding bag by way of a mechanical connection formed between the fitment and the skeleton." The polymer liquid-holding bag can permit the container to hold a liquid, while the molded fiber or pulp-formed skeleton provides structural support to the container. The mechanical connection formed between the polymer fitment of the bag and the skeleton allows the skeleton to support the liquid holding bag. This support enables liquids to be dispensed into the liquid holding bag, and to be poured out of the claimed container. This structural set-up also allows the container to hold substantial amounts of liquids, such as for a beverage container (e.g., half gallon, gallon). For example, the container could be used as a milk or orange juice container, comparable in liquid capacity to the jugs that are commonly used in the market today.

Applicant's invention materially enhances the quality of the environment by using up to 75% less virgin plastic than current containers and incorporating predominantly recyclable materials in the outside molded shell.[1] Applicant's invention relates to containers formed of recyclable materials. The liquid-holding polymer and the pulp-formed shell are both recyclable materials. The claimed configuration of the liquid holding bag and the skeleton with the mechanical support of the fitment is particularly configured to permit and encourage the recycling of the containers. The mechanical fitment permits the skeleton to be easily separable from the liquid holding bag when a user is finished with using the container. Thus, a user can easily separate the recyclable components into the appropriate recycling groups (e.g., plastic and paper). Many conventional materials used to form larger containers are not even made from recyclable material and are plastic intensive. By encouraging recycling, the claimed container diverts waste from landfills to make new bottles.

The claimed invention reduces the amount of landfill waste and lessens our dependence on petroleum-based materials. For example, traditional containers are formed from high density polyethylene (HDPE) or the materials used to make traditional milk and juice cartons. About 21.2 grams of waste are generated per liter of HDPE container, and about 37.6 grams of waste are generated per liter for a traditional milk and juice carton. According to a 2010 Information Resources Inc. study (IRI) on dairy, juice and detergent HDPE bottle usage, over 9 billion plastic milk jugs, 1 billion plastic detergent bottles and 450 million plastic juice containers are manufactured in the USA annually. See, e.g., IRI Bain HCA 2010 report and market data published annually. If the average juice and milk jug weighs 75 grams and the average detergent container weighs 130 grams, the consumption of virgin plastic is these three categories alone equal to 840 million metric tons of petroleum based resins. According to the 2008 United States National Post Consumer Plastics Bottle Recycling Report, only 36% of these containers are recycled. See

1 See Casey, Linda "Hybrid trend hits milk bottling," Packaging Digest, February 1, 2010 (describing container with inner bag that uses less plastic and recyclable outer shell); Smith, Paul "Recyclable, Compostable, and Biodegradable, in the Same Bottle? Yes" January 29, 2010; "Think Outside the Bottle" Climate of Our Future, January 20, 2010. See attachments for articles.

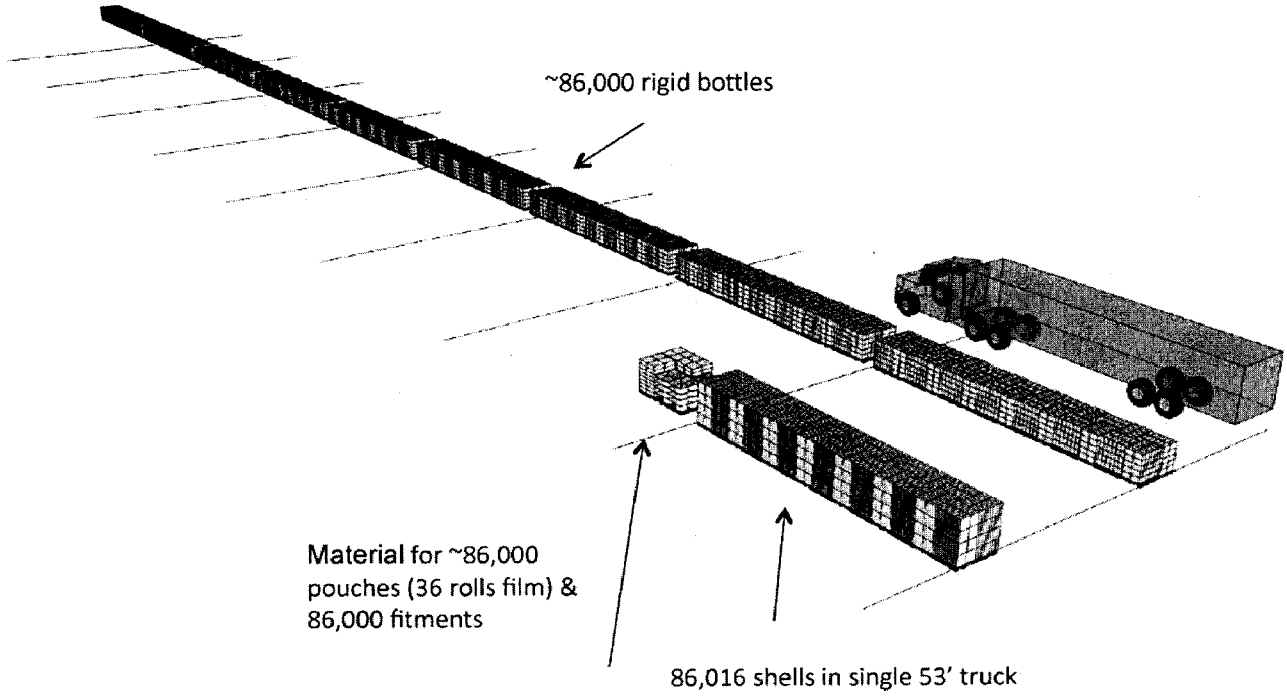
"2008 United States National Post Consumer Plastics Bottle Recycling Report," Association of Postconsumer Plastic Recyclers, American Chemistry Council (2009): 1-10. This translates into about 545 million metric tons sent to landfill.

By contrast, the claimed invention using a polymer liquid holding bag and a molded fiber or pulp-formed skeleton only generates about 8.5 grams of waste. If only 50% of containers were made of a thin liner using up to 75% less polymer and a molded fiber shell, this would result into a savings of about 587 million metric tons of virgin plastic and a corresponding savings of about 381 million tons going to landfill. This is a substantial savings of both virgin resource and volume waste. That also lessens our overall dependence on petroleum base products and materials and reducing the amount of landfill waste. By increasing recyclable components and further by encouraging consumers to recycle the recyclable components, fewer life-sustaining natural elements need to be consumed, materially enhancing the quality of the environment.

The invention claimed herein materially contributes to the development of energy conservation. The processes used to make the containers claimed herein require less embodied energy when compared with processes used to make traditional containers used for similar purposes. As previously mentioned, traditional containers are formed from high density polyethylene (HDPE) or the materials used to make traditional milk and juice cartons. For example, the total energy to produce a 1 liter container may be approximately 1.62 MJ for HDPE, and approximately 0.87 MJ for a 1 liter milk and juice cartons. The total energy to produce the claimed invention with a 1-liter pouch, and supporting skeleton is about 0.62 MJ. See Cradle-to-grave life cycle energy consumption and CO_2 emissions data developed for the FPA by Battelle Memorial Institute and PE Americas based on readily available data. The adoption to this invention could result in an overall energy savings of about 70% over current plastic jugs and about 28% over cartons.

Furthermore, the invention claimed herein materially contributes to greenhouse gas reduction during manufacture. For example, the greenhouse gas to manufacture a 1 liter HDPE container is approximately 40.2 Kg CO_2. The greenhouse gas to manufacture a liter of milk and

juice carton is approximately 63.0 Kg CO_2. The claimed invention requires significantly less greenhouse gas to manufacture – only about 15.6 Kg CO_2. See Cradle-to-grave life cycle energy consumption and CO_2 emissions data developed for the FPA by Battelle Memorial Institute and PE Americas based on readily available data. Thus, less greenhouse gas is produced during the manufacture of the claimed invention. The invention as claimed also materially contributes to greenhouse gas reduction with other transport and supply chain benefits. Because of the separable polymer holding bag and molded fiber or pulp-formed skeleton, the components of the containers can be easily stacked during transport to require fewer carrier vehicles. For example, the figure below illustrates how drastically fewer trucks can be used to ship the liquid holding bags (pouches) and the molded fiber or pulp-formed skeleton, for 86,000 containers from the claimed invention vs. traditional 86,000 rigid bottles.

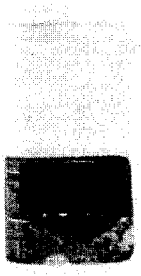


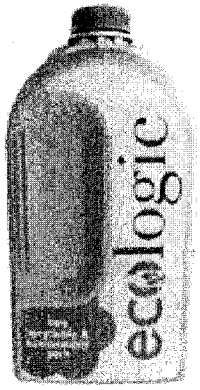
Transporting traditional bottles require more than about 7.5 times as many vehicles to transport the same number of containers from the claimed invention. Having fewer trucks on the road

significantly reduces the amount of emissions from such trucks, including CO_2 and other greenhouse gases.

The figure below shows an additional comparison for a one-gallon container between a traditional plastic jug and a container of the claimed invention having a polymer-liquid holding bag and molded fiber or pulp-formed skeleton. See Cradle-to-grave life cycle energy consumption and CO2 emissions data developed for the FPA by Battelle Memorial Institute and PE Americas based on readily available data.

Comparison of One-Gallon Container





Molded fiber or pulp-formed skeleton with polymer liquid holding bag

Plastic Jug

Weight	154.7 g	52.2 g	-66 %
Non-Renewable Energy Use	13.13 MJ	6.98 MJ	-47 %
CO_2 Equivalent	0.428 Kg	0.325 Kg	-24 %

As illustrated, the claimed invention takes up less weight, greatly reduces non-renewable energy use, and greatly reduces the use of a greenhouse gas (CO_2) used.

In this manner, Applicant's invention materially contributes to the quality of the environment, and materially contributes to the more efficient utilization and conservation of energy resources and green house gas emission reduction.

CONCLUSION

Applicant respectfully requests the Examiner accept this Petition to Make Special under the Green Technology Pilot Program and advance the application to issuance.

The Commissioner is authorized to charge any additional fees which may be required, including petition fees and extension of time fees, to Deposit Account No. 23-2415 (Docket No. 37101-701.831).

Respectfully submitted,

Date: February 4, 2011

By: _____
Elaine A. Kim
Registration No. 57,613

WILSON SONSINI GOODRICH & ROSATI
650 Page Mill Road
Palo Alto, CA 94304-1050
Direct Dial: (650) 493-9300
Customer No. 21971

Share | RSS | Subscriptions | Reprints/License | Print | Email

Hybrid trend hits milk bottling

Linda Casey -- Packaging Digest, 2/1/2010 2:00:00 AM

Straus Family Creamery, Marshall, CA, is currently market testing an eco-friendly, two-part paper bottle. The new package, which is supplied by Ecologic Brands Inc., builds upon earlier bag-in-box formats, with an outer shell that has no plastic coatings and made of 100-percent-recycled and recyclable paper that is compostable and biodegradable. The inner PE pouch is made with 70-percent less plastic than traditional milk jugs.

As of January 2010, Straus Family Creamery has been using the Ecologic bottle to distribute one SKU—nonfat milk—at the Whole Foods' store in Oakland. Straus' primary packaging is a half-gal, returnable, reusable glass bottle.

Extending branding

"In principal, Ecologic is a bag-in-bottle with the consumer interface being almost identical to standard packaging," says Julie Corbett, founder and CEO of Ecologic Brands, Inc. "The Ecologic bottle offers enhanced functionality [over bag-in-box formats] as it is easier to pour, hold and grip."

The companies have been working on the bottle design, which aims to resemble Straus' trademark glass bottles, since March 2009,

Keeping it simple

While the bottle's structural design is very detailed in its replication of Straus' glass bottle, the Ecologic container's materials were purposely kept as close to their natural states as possible. "The bottle is designed to keep all the materials in their simple and natural forms so that they can be reconverted and remanufactured into something else," says Corbett.

She adds that this further differentiates Ecologic bottles from other milk containers. "The current cardboard milk carton is a multi-laminated package where the materials are hard to separate from one another, which is why they are not recycled," Corbett explains.

The same plastic—LDPE— is used for the closure as the lightweight interior pouch. In much the same way as a hybrid car integrates its gas- and electric-motor technologies for high performance. The LDPE pouch is designed to work in concert with the bottle's paper shell to protect milk as well as milk cartons or HDPE and glass bottles do.

Decorating, filling, coding

For this test, the bottle branding and nutritional information, as well as its UPC bar code, are displayed on an applied label. Ecologic says it is investigating direct-to-container printing options. Straus also is working on developing effective filling processes for the package, especially as it plans to expand the test to other San Francisco Bay Area stores after the 12-week test.

Expiration dates are coded onto the Ecologic bottles using a Domino A300 continuous ink-jet printer. Designed for coding in harsh environments, the A300 is housed in a 316-grade stainless-steel cabinet that is rated IP65. The coder also has a self-cleaning ink system with a large internal reservoir and nozzle seal. Electrically charged ink droplets are used to create high-quality characters based on a grid formation, which enables the printer to code a variety of substrates.

Planning wider adoption

Straus hopes that the Ecologic bottle will replace its HDPE bottles for retail stores that want to carry its organic milk but don't want to carry Straus' primary packaging. And Ecologic is looking closely at consumer adoption of the paper milk bottle. "Milk has the highest purchase frequency. It is important to understand repeat behavior versus novelty," Corbett remarks. "The test will hopefully demonstrate that consumers are ready for better and more sustainable packaging choices."

More information is available:
Ecologic Brands Inc., 877/328-5642. www.ecologicbrands.com
Domino Amjet Inc., 847/244-2501. www.dominoamjet.com

Environmentalism runs in the family

As a small, family-owned dairy farm, Straus Family Creamery, Marshall, CA, considers its most important responsibility to be stewardship of the land. This commitment can traced back to the family farm matriarch, Ellen Straus, who became an environmental activist after reading Rachel Carson's book, *Silent Spring,* in the early 1960s.

In addition to working with several environmentally minded organizations, e.g., the Marin Conservation League, the Environmental Action Committee, the Greenbelt Alliance and the Environmental Forum, and being named 1998 Steward of the Land by the American Farmland Trust, she also passed along these values to her children.

In 1993, Albert Straus began converting the dairy to a certified organic dairy. The company boasts that its farm was the first certified organic dairy west of the Mississippi River. Today, all Straus Family dairy cows are raised to National Organic Standards and its land is certified organic. Family members are still involved in environmental and argricultural activism, and the company looks for new ways to incorporate these commitments through projects such as the market testing of Ecologic paper bottles.

Share | RSS | Subscriptions | Reprints/License | Print | Email | TALKBACK

» SUBMIT FEEDBACK

i don't know about you, but I prefer milk in a bag, eh? See en.wikipedia.org/wiki/Milk_bag

Doc Hyman - 2010-19-2 16:00:24 EST

» SUBMIT FEEDBACK

RELATED CONTENT

TOPICS | AUTHOR | MOST POPULAR PAGES

No related content found.

Capturing the tropical experience

Heidi Klum spotlights heart health awareness with limited edition Diet Coke packaging

Social media used to connect consumers with packaged fresh produce

Packaging assn helps feed the hungry during national canned food month

Frozen food market to reach $261.50 Billion by 2015

»MORE

SPONSORED LINKS

Resource Center

Resource Center Browse Categories Browse Companies

Featured Company

Videojet

Videojet is a world-leading manufacturer of marking systems, fluids, and accessories for the product identification industry. Videojet printers apply high-quality alphanumeric codes, logos and graphics to nearly any surface at virtually any line... more

Most Recent Resources

Track & Trace for Healthcare & Pharmaceuticals

Track & Trace for Manufacturing

Track & Trace for the Logistics Supply Chain

Troubleshooting With High-Speed Imaging

Motoman Packaging and Palletizing Robotic Solutions

Plastic Grinding Services
We can grind many heavy guage plastics - grinding and recycling.

The Crystal Beverage Co.
Now with Earth Friendly bottles 65% Lower Carbon Footprint than before!

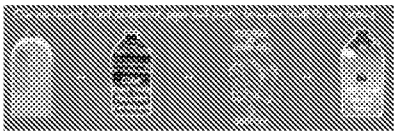
Ads by Google

Recyclable, Compostable and Biodegradable, in the Same Bottle? Yes.

By Paul Smith | January 29th, 2010 14 Comments

Like Sign Up to see what your friends like.

Startup Friday
The Eco-Entrepreneurs Building the New, Green Economy

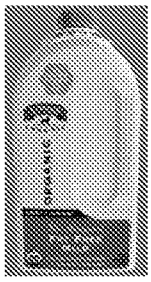


More and more of us are making an effort to live a more sustainable life. And yet, there's this nagging sticking point. Packaging. So much of what we buy, particularly liquids, comes in packaging that is either from raw materials or is not recyclable. Or both.

Oakland based Ecologic intends to solve that problem.

Launched last week in the first test store, Ecologic's packaging is simple: A hard external shell made of formed recycled paper, and an internal lining made of a thin plastic, which can be recycled as a #4 plastic. Once shed of the plastic liner, the shell can be recycled or composted.

How would this be used?



Ecologic's first customer is Straus Family Creamery, which is using the Ecologic packaging to sell milk products, starting at the Whole Foods Market in Oakland, Calif. Straus is already a proponent of sustainable packaging, given that it also sells milk in returnable glass bottles.

Where else?

Wine, juice, laundry and home cleaning products are next.

You might think, are current packaging options really that bad? I was surprised to learn that they're even worse than I thought. Your average milk or juice carton is 85 percent virgin paper, 15 percent plastic, according to Ecologic. Conventional cartons are comprised of multiple layers that are laminated together, leaving only the most dedicated and (at this point) rare recycling facilities capable of processing them, at a greater energy cost.

Plastic jugs, while recyclable, generally use twice the amount of plastic used in cartons, and while recyclable, they use a high amount of virgin materials. Ecologic containers use up to 70 percent less plastic than conventional plastic jugs.

Readers: Will this new style packaging catch on? Will consumers adjust to this visually and tactically different packaging? Will they take that extra step to separate, recycle, or compost the elements? I think so. Just as people have become accustomed to separating what they put in the recycling bin, they can do this too. But what's your take?

Paul Smith is a sustainable business innovator, the founder of GreenSmith Consulting, and has an MBA in Sustainable Management from Presidio Graduate School in San Francisco. He creates interest in, conversations around, and business for green (and greening) companies, via social media.

$2 retweet

CATEGORIZED: Eco Products, Start Ups, Trash to Cash (Innovative Reuse) |

Follow 3p on Twitter

Comments

Hot Topics

- Carbon Trading
- Corporate Responsibility (CSR)
- GDP and Economics

- Green Data Centers
- Green Marketing
- Green Supply Chain

- Microfinance
- Smart Grid and Smart Power
- Social Entrepreneurship
- Sustainability Consulting
- Sustainability Management
- Shareholder Activism

SOME RIGHTS RESERVED TriplePundit.com is published under a creative commons license. You are free to republish only headlines and excerpts of 3p articles except where explicitly permitted by agreement with 3p. Please Contact Us for details.

3P GENERAL INFO
Advertise with Us
Contact Us
Jobs at 3P
Write for 3P
Privacy Policy

FOLLOW 3P
Twitter
Articles

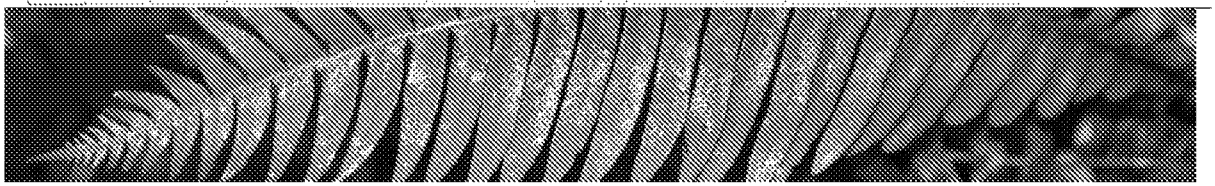
SEARCH 3P
Search

Copyright © 2009 TriplePundit | All rights reserved.

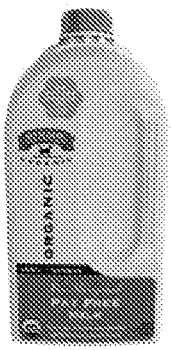
Privacy Policy

Climate of Our Future

A discussion on climate change



Think Outside the Bottle



Ecologic is an Oakland based start-up that has developed a first-of-its kind, sustainable packaging solution designed to solve one of the biggest environmental problems today: the manufacturing and consumption of plastic bottles and plastic coated milk and juice cartons. Packaging is one of the largest contributors to greenhouse gases, landfill waste and non-renewable resource consumption.

Ecologic?s packaging solution is launching at a time when manufacturers, brands and consumers are seeking more sustainable alternatives to rigid plastic bottles and plastic coated milk and juice cartons. Ecologic?s proprietary packaging uses molded fiber technology and pouching to manufacture elegant bottles in a variety of shapes and sizes. No plastic coatings and an exterior shell that is made from 100% recycled paper makes the ecologic bottle exterior compostable, recyclable and biodegradable.

Ecologic?s green packaging solution will first focus on brands in the milk, juice, wine, laundry, and home cleaning categories, and will eventually be rolled out to other liquid products.

In a partnership with Straus Family Creamery and Whole Foods Market, Ecologic will test Straus milk in its new bottle in Whole Foods? Oakland store January 21, 2010, and will expand to several other San Francisco Bay Area locations. Straus Family Creamery, based in Marshall, California, is one of the nation?s most respected organic dairies, known for its strong environmental stewardship and loyal consumer base.

For more information on Ecologic Brands, visit www.ecologicbrands.com.

Quote from Julie:
"Despite a growing awareness, consumers have little choice when it comes to how their products are packaged. It?s time for a change, and time to finally give consumers better packaging options. Ecologic offers consumers a smartly designed bottle that maximizes recycled materials, can be composted or re-recycled, and is easier to grip and pour. It is a more sustainable alternative to plastic bottles and laminated milk and juice cartons. Ecologic is born out of my vision to ?think outside the bottle? and to create packaging that the earth [and people] can live with."

If you liked my post, feel free to subscribe to my rss feeds

Syndication
Subscribe in a reader
Enter your email address:
Subscribe
Delivered by FeedBurner

Add this blog to my Technorati Favorites

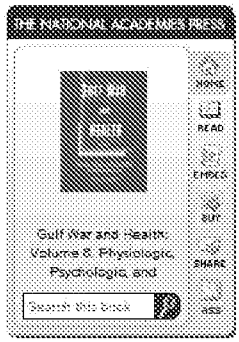
fuelmybiog

Meta
Log in
Entries RSS
Comments RSS
WordPress.org

Blogroll
A New Green Earth
Accidental Environmentalist
Alien Next Door
Are We Overheating?
Binding Ink
Caught In The Stream
Celsias
Climate Progress
CORAL
Darwin's Paradox
De Smog Blog
Dog-E-Tail
Dr. Martin Williams Global Warming Forum
EarthJustice
Eco-Geekery
EcoBold
EcoLogic
Ecological Problems
Eurekos
Explore.org
Florida Weather Information
Got2BeGreen
Green Chemistry
Green Expander
Green Student U
Greenivate

Page Rank 6/10

blogger against hunger



Post meta

This entry was written by Deborah and posted on January 20, 2010 at 12:23 pm and filed under climate. Bookmark the permalink. Follow any comments here with the RSS feed for this post. Trackbacks are closed, but you can post a comment.

Share with others

Post a Comment

Your email is never published nor shared. Required fields are marked *

Name *

Email *

Website

Comment

Type the two words:

Post Comment

Anti-Spam Protection by WP-SpamFree

« River Runs Black: The Devastating Coal Ash Spill on the Emory River

NEW BOOK OF LANDSCAPE PHOTOGRAPHY BY ELIZABETH CARMEL FOCUSES ON CLIMATE CHANGE ISSUES IN THE LAKE TAHOE AND SIERRA NEVADA REGION OF CALIFORNIA »

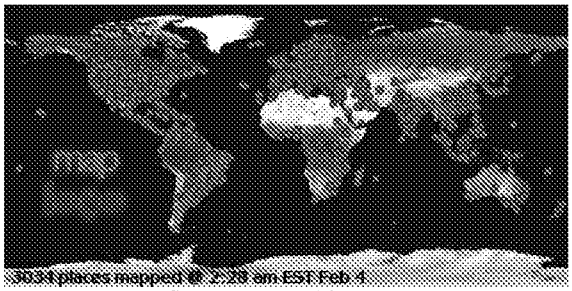
Growing Growing Gone
Humanitarian Causes
I want to Breathe
It's The Planet, Stupid!
Just About Anything
Life Of Animals
Lynda's Loft
My Green Element
Nameless Grace
NextParadigm.net
Oceana
Photos from Northern Norway
PlanetThoughts
Renewable Energy Articles
Save Our Forest
Seacoast NRG
Sementivae
Skeptical Science
Suburban Wildlife Garden
The Green Fingered Photographer
The Island of Doubt
The New Ecologist
VeruTEK - Going Green Technology
W." J" Nichols
Whale Song Blog
Wordpress Themes
Your Daily Green

Recent Posts

Cancer-Causing Chemical in the Water: New Report Details Risk
Sen. Jay Rockefeller Goes After Clean Air Act
EPA Exempts Refineries From Hazardous Waste Control Requirements
Groups Ask President Obama To Protect Public from Gas Drilling Risks
Toxic Air Pollution Protections Delayed

Awards

Bloggers for Global Change



Create your own visitor map!

2007 Climate of Our Future. Powered by Wordpress wearing MyJournal Hypereal by BlogoSquare
There are currently 1,757 posts extending over categories with loads upto 360 comments with valid XHTML and CSS.

COPY

PATENT
Attorney Docket No. 37101-701.831

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application:		Confirmation No.:	**8069**
Inventor:	Julie Corbett, et al.	Examiner:	**Not Yet Assigned**
Application No.:	12/740,350	Group Art Unit:	**Not Yet Assigned**
Filed:	November 3, 2010	Customer No.	**21971**
Title:	**CONTAINERS FOR HOLDING MATERIALS**		

FILED ELECTRONICALLY ON: NOVEMBER 24, 2010

SUPPLEMENTAL PRELIMINARY AMENDMENT

M/S Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir or Madam:

Prior to examination on the merits of the above identified application please amend the application as follows:

The **Claim Listing** begins on page 2 of this paper.

Applicant **Remarks** begin on page 6 of this paper.

CLAIM LISTING:

1. (Original) A bag-in-a-skeleton comprising:

a liquid-holding bag with a fitment and formed from a polymer; and

a molded fiber or pulp-formed skeleton that supports the liquid-holding bag by way of a mechanical connection formed between the fitment and the pulp formed skeleton.

2. (Original) The bag-in-a-skeleton of claim 1, wherein the fitment comprises a re-sealable closure.

3. (Original) The bag-in-a-skeleton of claim 1, wherein the skeleton (a) supports the weight of the liquid-holding bag, (b) comprises a grasping area that encompasses the liquid-holding bag, and (c) is configured to prevent compression of the liquid-holding bag upon grasping of the container.

4. (Original) The bag-in-a-skeleton of claim 1, wherein the liquid-holding bag and the fitment are both formed from one type of polymer or from polymers belonging to one recycling group.

5. (Original) The bag-in-a-skeleton of claim 1, wherein the skeleton includes windows for viewing the contents of the liquid-holding bag.

6. (Original) The bag-in-a-skeleton of claim 1, wherein the skeleton is formed without a parting line flange on at least one edge of the skeleton.

7. (Original) A bag-in-a-skeleton comprising a liquid-holding bag that is attached to a fitment and a molded fiber or pulp-formed skeleton, wherein the fitment comprises one or more flanges

that are complementary to one or more flanges of the molded fiber or pulp-formed skeleton, and form a connection that integrates the fitment and the skeleton.

8. (Canceled)

9. (Original) The bag-in-a-skeleton of claim 7, further comprising a retaining collar for holding the one or more flanges of the fitment against the one or more flanges of the molded fiber or pulp-formed skeleton.

10. (Original) The bag-in-a-skeleton of claim 7, wherein an adhesive secures the one or more flanges of the fitment against the one or more flanges of the molded fiber or pulp-formed skeleton.

11. (Previously Presented) The bag-in-a-skeleton of claim 7, wherein the fitment and the skeleton are integrated such that the weight of the liquid-holding bag and contents of the bag are supported by the skeleton.

12. (Original) The bag-in-a-skeleton of claim 7, wherein the fitment is mounted to a face of the liquid-holding bag by a welding process.

13. (Original) The bag-in-a-skeleton of claim 7, wherein the fitment is mounted to the face of the liquid-holding bag by an adhesive.

14. (Original) The bag-in-a-skeleton of claim 7, wherein the fitment and the liquid-holding bag are constructed of a single polymer type.

15. (Original) The bag-in-a-skeleton of claim 7, wherein the fitment and/or the liquid-holding bag are constructed of multiple polymer types.

16. (Previously Presented) A liquid-holding container comprising:

a liquid-holding pouch with a fitment having an orifice for filling the liquid-holding pouch with a liquid; and

a fiber or pulp-molded skeleton;

wherein the fitment has external mating features for making a secure connection to a fiber or pulp-molded skeleton,

wherein the orifice is configured to be closed after being filled with liquid, and

further wherein the liquid-holding pouch is supported by the fiber or pulp-molded skeleton.

17. (Original) The container of claim 16, wherein the external mating features comprise flanges that are secured to the fiber or pulp-molded skeleton and form a rigid structure.

18. (Original) The container of claim 16, wherein the external mating features are formed from a flexible polymer.

19. (Original) The container of claim 16, wherein the skeleton comprises a grasping area that encompasses the liquid-holding pouch, and further wherein the skeleton is configured to prevent compression of the liquid-holding pouch upon grasping of the container.

20. (Previously Presented) The container of claim 16, wherein the skeleton is configured to allow removal of the liquid-holding pouch without destruction of the skeleton, thereby allowing reclosure of the skeleton after removal of the liquid-holding pouch.

21. (Original) The container of claim 16, wherein the skeleton is configured to allow for reclosure around a second liquid-holding pouch.

22. (Canceled)

23. (Canceled)

REMARKS

Claims 8, 22 and 23 have been canceled. Claims 1-7, 9-21 are currently pending in this application. The claims are supported by the application as originally filed, and does not constitute new matter. Entry of the amendments is respectfully requested.

CONCLUSION

Applicants submit this Supplemental Preliminary Amendment prior to the examination of this application on the merits. Since the present amendment does not introduce new matter, Applicants respectfully request its entry prior to examination of the present application.

The Commissioner is authorized to charge any additional fees which may be requested including petition fees and extension of time fees, to Deposit Account No. 23-2415 (Attorney Docket No. 37101-701.831)

Respectfully submitted,

Date: November 24, 2010 By: _____

Elaine A. Kim
Registration No. 57,613

WILSON SONSINI GOODRICH & ROSATI
650 Page Mill Road
Palo Alto, CA 94304-1050
Direct Dial: (650) 493-9300
Customer No. 21971

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.
12/740,350	11/03/2010	Julie Corbett	37101-701.831	8069

21971 7590 02/09/2011

WILSON, SONSINI, GOODRICH & ROSATI
650 PAGE MILL ROAD
PALO ALTO, CA 94304-1050

EXAMINER	
ALLEN, JEFFREY R	

ART UNIT	PAPER NUMBER
3781	

MAIL DATE	DELIVERY MODE
02/09/2011	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
Alexandria, VA 22313-1450
www.uspto.gov

WILSON, SONSINI, GOODRICH & ROSATI
650 PAGE MILL ROAD
PALO ALTO CA 94304-1050

In re Application of	:	
CORBETT, JULIE et al	:	DECISION ON PETITION
Application No. 12/740,350	:	TO MAKE SPECIAL UNDER
Filed: April 28, 2010	:	THE GREEN TECHNOLOGY
Attorney Docket No. 37101-701.831	:	PILOT PROGRAM

This is a decision on the renewed petition under 37 CFR 1.102, filed Feb. 4, 20110, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is granted.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition

must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The instant petition complies with items 1 – 8 above. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquires concerning this decision should be directed to Henry C. Yuen at 571-272-4856.

This application will be forwarded to the Technology Center Art Unit 3781 for action on the merits commensurate with this decision.

/Henry C. Yuen/

Henry C. Yuen
Quality Assurance Specialist
Technology Center TC 3700

UNITED STATES PATENT AND TRADEMARK OFFICE

MAILED

JAN 06 2011

PCT LEGAL ADMINISTRATION

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

23117
NIXON & VANDERHYE, PC
901 North Glebe Road, 11th Floor
Arlington, VA 22203

In re Application of
STEELMAN *et al*
U.S. Application No.: 12/740,475
PCT No.: PCT/EP2008/009122
Int. Filing Date: 29 October 2008
Priority Date: 31 October 2007
Attorney Docket No.: BHD-4662-1500
For: MATERIAL SHEET AND PROCESS FOR ITS PREPARATION

DECISION ON PETITION UNDER 37 CFR 1.497(d)

This is a decision on the petition under 37 CFR 1.497(d) filed 04 November 2010.

BACKGROUND

On 29 April 2010 applicants filed papers to enter the national stage of PCT/EP2008/009122 which included a declaration listing three inventors.

On 07 July 2010, a Notification of Missing Requirements (Form PCT/DO/EO/905) was mailed stating that current declaration does not comply with 37 CFR 1.497(a) and (b) because the international publication listed five inventors. Applicants were given two months to respond with extensions of time available.

On 04 November 2010, applicants filed the subject response which was accompanied by, *inter alia*, a statement by the two inventors being removed; a $130.00 processing fee; a consent by the assignee; and a two-month extension and fee.

DISCUSSION

Applicants request to remove Shaban HOXHA and José MEZA-CUADRA as inventors in the above-captioned national stage application. 37 CFR 1.497(d) applies when the inventorship in a national stage application filed under 35 U.S.C. 371 differs from that set forth in the international application (see 37 CFR 1.48(f)(1)).

37 CFR 1.497(d) states, in part:

(d) If the oath or declaration filed pursuant to 35 U.S.C. 371(c)(4) and this section names an inventive entity different from the inventive entity set

forth in the international application, or a change to the inventive entity has been effected under PCT Rule 92 bis subsequent to the execution of any declaration which was filed under PCT Rule 4.17(iv), the oath or declaration must be accompanied by:

> (1) A statement from each person being added as an inventor and from each person being deleted as an inventor that any error in inventorship in the international application occurred without deceptive intention on his or her part;
>
> (2) The processing fee set forth in § 1.17(i); and
>
> (3) If an assignment has been executed by any of the original named inventors, the written consent of the assignee (see § 3.73(b) of this chapter).

Items (1) and (2) of 37 CFR 1.497(d) are complete.

Regarding item (3) of 37 CFR 1.497(d), applicants provided written consent of the assignee, DSM IP ASSETS, B.V. This statement is signed by Leonardus G. Steffane who states that he is "empowered to act on behalf of the assignee." This statement meets the requirements of section 324 of the MPEP.

However, the written consent of the assignee must also comply with 37 CFR 3.73(b). Applicants did not provide a statement affirming that the documentary evidence of the chain of title from the original owner to the assignee was or concurrently is being submitted for recordation, or provide a statement specifying where the chain of title is recorded in the assignment records of the Office. *See* 37 CFR 3.73(b)(1).

For this reason, item (3) of 37 CFR 1.497(d) is not yet satisfied.

CONCLUSION

Applicants' request under 37 CFR 1.497(d) is **DISMISSED** without prejudice.

If reconsideration on the merits of this petition is desired, a proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time may be obtained under 37 CFR 1.136(a).

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia

22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

23117
NIXON & VANDERHYE, PC
901 North Glebe Road, 11th Floor
Arlington, VA 22203

MAILED

MAR 25 2011

PCT LEGAL ADMINISTRATION

In re Application of
STEELMAN *et al*
U.S. Application No.: 12/740,475
PCT No.: PCT/US2008/011779
Int. Filing Date: 09 October 2008
Priority Date: 11 October 2007
Attorney Docket No.: BHD-4662-1500
For: MATERIAL SHEET AND PROCESS FOR ITS PREPARATION

DECISION ON RENEWED PETITION UNDER 37 CFR 1.497(d)

This is a decision on the renewed petition under 37 CFR 1.497(d) filed 12 January 2011.

BACKGROUND

On 06 January 2011, a decision dismissing applicants' petition pursuant to 37 CFR 1.497(d) was mailed. Applicants were given two months to respond with extensions of time available.

On 12 January 2011, applicants filed the subject response.

DISCUSSION

Applicants request to remove Shabab HOXHA and José MEZA-CUADRA as inventors in the above-captioned national stage application

Applicants failed to satisfy item (3) of 37 CFR 1.497(d) in the initial petition filed 04 November 2010. Applicants provided the written consent of the assignee, DSM IP ASSETS, B.V. However, applicants did not provide a statement affirming that the documentary evidence of the chain of title from the original owner to the assignee was or concurrently is being submitted for recordation, or provide a statement specifying where the chain of title is recorded in the assignment records of the Office as required.

In the renewed petition, applicants submitted a statement detailing the recordation of the assignment in the subject application and providing the reel and frame number of the assignment as requested. A review of the application verifies that an assignment to DSM IP ASSETS, B.V. was properly recorded on 29 April 2010. This is sufficient to satisfy item (3) of 37 CFR 1.497(d).

All items of 37 CFR 1.497(d) are now complete.

CONCLUSION

Applicants' renewed request to remove Shabab HOXHA and José MEZA-CUADRA as inventors pursuant to 37 CFR 1.497(d) is **GRANTED**.

The declaration filed 29 April 2010 is now in compliance with 37 CFR 1.497(a) and (b).

Applicants have completed the requirements for acceptance under 35 U.S.C. 371(c). The application has an international filing date of 09 October 2008 under 35 U.S.C. 363 and a 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date of 29 April 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

01 OCT 2010

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

GREENBLUM & BERNSTEIN, P.L.C.
1950 ROLAND CLARKE PLACE
RESTON VA 20191

In re Application of:
WILKE, Katrin, et al.
U.S. Application No.: 12/740,504
PCT No.: PCT/EP2008/009066
International Filing Date: 27 October 2008
Priority Date: 02 November 2007
Attorney Docket No.: P37991
For: REDUCING SHAVING FREQUENCY

DECISION ON PETITION TO CHANGE INVENTOR'S NAME (37 CFR 1.182)

This decision is issued in response to applicants' "Petition To Change Name Of Inventor Under 37 CFR 1.182" filed 01 July 2010. Applicants have submitted the required petition fee.

BACKGROUND

On 27 October 2008, applicants filed international application PCT/EP2008/009066. The application claimed a priority date of 02 November 2007, and it designated the United States. On 07 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., 02 May 2010. As set forth on the published international application, the name of record for the eighth inventor is Sabine HOWE.

On 29 April 2010, applicants filed a Transmittal Letter for entry into the national stage in the United States accompanied by, among other materials, payment of the basic national fee, an English translation of the international application, and an application data sheet (ADS). The ADS identified the eighth inventor as Sabine HOWE.

On 01 July 2010, applicants filed an executed declaration document that identified the eighth inventor as Sabine HEINS and the "Petition To Change Name Of Inventor Under 37 CFR 1.182" considered herein. The petition requests that the name of record for the eighth inventor be changed from Sabine HOWE to Sabine HEINS.

On 09 July 2010, the United States Designated/Elected office (DO/EO905) issued a "Notification Of Acceptance" (Form PCT/DO/EO/903) indicating that the requirements of 35 U.S.C. 371(c), including the requirement of an acceptable declaration in compliance with 37 CFR 1.497, were satisfied as of 01 July 2010. Also on 09 July 2010, a filing receipt was issued that identified the 35 U.S.C. 371(c) date as 01 July 2010 and the eighth inventor as Sabine HOWE.

DISCUSSSION

1. Petition Under 37 CFR 1.182

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).

The present petition indicates that the name of the eighth inventor has changed since the filing of the international application. In order to correct the name of record for this inventor, a grantable petition under 37 CFR 1.182 is required.

Section 605.04(c) of the MPEP, referred to above, sets forth the requirements for a petition under 37 CFR 1.182 to correct an inventor's name. According to the MPEP, such a 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."

Applicants' present petition is accompanied by payment of the required $400 petition fee and a "Declaration of Sabine HEINS Concerning Name Change" in which the inventor confirms that, as a result of divorce, her name was legally changed from Sabine HOWE to Sabine HEINS. These materials satisfy the requirements for a grantable petition under 37 CFR 1.182 to change the name of record for this inventor from Sabine HOWE to Sabine HEINS.

2. Defects In The Declaration Filed 01 July 2010

A review of the declaration document filed 01 July 2010 reveals that the declaration is not acceptable as filed. Specifically, the declaration appears to be an unacceptable compilation of multiple declarations. 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 in that the filed declaration materials include three different copies of "Page 3," four different copies of "Page 4," and two different copies of "Page 5," each signed by a different inventor named thereon. Applicants must submit copies of the complete declaration document executed by each of the signing before the declarations may be accepted under 37 CFR 1.497.

In addition, the declaration document filed 01 July 2010 contains hand-written alterations that were not initialed and dated, specifically, the post office addresses listed for inventors Norman LIPINSKI and Michael URBAN (see 37 CFR 1.52(c)). Any changes made in ink in the application or declaration prior to signing should be initialed and dated by the applicants prior to execution of the declaration. The Office will not consider whether non-initialed and/or non-dated alterations were made before or after signing of the oath or declaration, but will require a new

oath or declaration (see MPEP 605.04(a)). Therefore, a newly executed declaration is required from both of the inventors whose information contains unacceptable hand-written alterations, that is, inventors Norman LIPINSKI and Michael URBAN.

Based on the above, applicants have not yet submitted herein an oath or declaration in compliance with 37 CFR 1.497, as required to satisfy the requirement of 35 U.S.C. 371(c)(4). The Notification Of Acceptance and filing receipt mailed 09 July 2010, both of which indicated that the requirements of 35 U.S.C. 371(c) were satisfied as of 01 July 2010, are therefore appropriately vacated.

CONCLUSION

Applicants' petition under 37 CFR 1.182 to change the name of record for the eighth inventor from Sabine HOWE to Sabine HEINS is **GRANTED**.

As discussed above, however, the declaration filed 01 July 2010 is not acceptable as filed because such declaration appears to be a compilation of multiple documents and because the declaration contains hand-written alterations that were not dated and initialed.

The "Notification Of Acceptance" (Form PCT/DO/EO/903) and filing receipt issued on 09 July 2010 are hereby **VACATED**.

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 oath or declaration in compliance with 37 CFR 1.497 from each of the inventors of record.

Richard M. Ross
Attorney Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3296
Facsimile: (571) 273-0459

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MAILED

DEC 17 2010

PCT LEGAL ADMINISTRATION

Roberts Mlotkowski Safran & Cole, P.C.
Intellectual Property Department
P.O. Box 10064
McLean VA 22102-8064

In re Application of: HUSSAIN et al.
Application No.: 12/740,512
PCT No.: PCT/EP2008/009089
Int. Filing Date: 28 October 2008
Priority Date: 30 October 2007
Attorney Docket No.: 740116-899
For: METHOD FOR OPERATING A DENSITY MEASURING DEVICE AND DEVICE FOR DENSITY MEASUREMENT

DECISION ON REQUEST

This decision is issued in response to applicant's "Response to Notification of Missing Requirements under 35 U.S.C. 371 - Petition for Correction of Inventorship" dated 12 November 2010. Applicant's request is being treated as a petition under 37 CFR 1.497(d). The $130 petition fee has been submitted.

BACKGROUND

On 28 October 2008, applicant filed international application PCT/EP2008/009089 which claimed a priority date of 30 October 2007. The international application named Yousif Hussain as applicant/inventor. The deadline for submission of the basic national fee was thirty months from the priority date, i.e., 30 April 2010.

On 29 April 2010, applicant filed a transmittal letter for entry into the national stage in the United States which included the basic national fee and a declaration executed by Yousif Hussain, Christopher Rolph and Tao Wang.

On 13 August 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 12 November 2010, applicant filed the present request under 37 CFR 1.497(d).

DISCUSSION

In the instant case, the international application named Yousif Hussain as an applicant/inventor. Applicants request to add Christopher Rolph and Tao Wang as applicants/inventors. 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; 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).

Applicants have satisfied items (1) - (3).

Regarding item (4), applicant has establish its ownership in accordance with 37 CFR 3.73, however, applicant has not submitted a written consent of the assignee regarding the additional inventors. Therefore, item (4) is not satisfied.

Based on the above, the present record does not satisfy all the requirements of 37 CFR 1.497(d). The inventorship of record therefore remains that set forth in the international application. Because the inventors who executed the declaration filed 29 April 2010 are not the inventors of record herein, such declaration is defective under 37 CFR 1.497.

CONCLUSION

For the reasons discussed above, applicant's 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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Roberts Mlotkowski Safran & Cole, P.C.
Intellectual Property Department
P.O. Box 10064
McLean VA 22102-8064

MAILED

MAY 23 2011

PCT LEGAL ADMINISTRATION

In re Application of: HUSSAIN et al.
Application No.: 12/740,512
PCT No.: PCT/EP2008/009089
Int. Filing Date: 28 October 2008
Priority Date: 30 October 2007
Attorney Docket No.: 740116-899
For: METHOD FOR OPERATING A DENSITY MEASURING DEVICE AND DEVICE FOR DENSITY MEASUREMENT

DECISION ON REQUEST

In a decision mailed by this Office on 17 December 2010, applicants' request to correct inventorship was dismissed without prejudice for failure to satisfy all the requirements of 37 CFR 1.497(d). Specifically, applicants had not provided the required consent of the assignee to the requested change in inventorship.

On 27 January 2011, applicants filed the renewed request under 37 CFR 1.497(d) considered herein. The submission included the consent of the assignee to the requested correct of inventorship, in the form required under 37 CFR 1.497(d)(3) and 3.73(b).

Applicants' request to correct inventorship under 37 CFR 1.497(d) is GRANTED. The inventorship herein is corrected to add Christopher Rolph and Tao Wang as additional inventors of record.

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.

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Tel: (571) 272-3298

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MOTOROLA SOLUTIONS, INC.
IP LAW DOCKETING
1303 EAST ALGONQUIN ROAD
IL01/11TH FLOOR
SCHAUMBURG IL 60196

MAILED

OCT 19 2011

OFFICE OF PETITIONS

In re Application of :
SCHUESSLER :
Application No. 12/740,522 : DECISION ON PETITION
Filed: April 29, 2010 :
Attorney Docket No. SBL03103 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed September 19, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to timely pay the issue and publication fees in reply to the Notice of Allowance and Fee(s) Due mailed May 6, 2011, and because of a failure to reply to the Notice mailed June 14, 2011, which applicant was given two (2) months from the mail date of the Notice, or the time remaining from the Notice of Allowance and Fee(s) Due, whichever is longer, within which to respond. Accordingly, the application became abandoned on August 14, 2011. A Notice of Abandonment was mailed August 26, 2011,

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of $1510, the publication fee of $300 and replacement drawings; (2) the petition fee of $1620; and (3) a statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-6735.

The application is being referred to the Office of Data Management for processing into a patent.

/Diane C. Goodwyn/
Diane C. Goodwyn
Petitions Examiner
Office of Petitions

25 AUG 2010

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

23413
CANTOR COLBURN, LLP
20 Church Street
22nd Floor
Hartford, CT 06103

In re Application of
AN *et al*
Application No.: 12/740,545
PCT No.: PCT/KR2008/006291
Int. Filing Date: 24 October 2008
Priority Date: 29 October 2007
Attorney's Docket No.: K2B-0006
For: MAGNETIC FLUX SWITCHING TYPE ELECTRIC GENERATOR USING SHIELDING MEMBER AS PERMANENT MAGNET

DECISION

This is a decision on the request to add an inventor pursuant to 37 CFR 1.497(d) filed 03 May 2010.

BACKGROUND

On 29 April 2010, applicants filed papers to enter the national stage of PCT/KR2008/006291.

On 03 May 2010, applicants filed the subject petition which was accompanied by, *inter alia*, an executed declaration, a supplemental ADS, and a statement by the inventor being added.

DISCUSSION

Applicants request to add Byeong-Moon KIM as an inventor in the subject application. 37 CFR 1.497(d) applies when the inventors in a national stage application filed under 35 U.S.C. 371 differs from that set forth in the international application (see 37 CFR 1.48(f)(1)). 37 CFR 1.497(d) states, in part:

> (d). If the oath or declaration filed pursuant to 35 U.S.C. 371(c)(4) and this section names an inventive entity different from the inventive entity set forth in the international application, the oath or declaration must be accompanied by:
>
> (1) A statement from each person being added as an inventor . . . that any error in inventorship in the international application occurred without

deceptive intention on his or her part;

(2) The processing fee set forth in § 1.17(I); and

(3) If an assignment has been executed by any of the original named inventors, the written consent of the assignees.

Applicants filed a statement by the inventor being added who declares that the error "occurred without any deceptive intention on the part of me." The processing fee of $130.00 has been paid.

A review of the record shows that there is no record as to the existence of an assignee in the above-captioned national stage application, or the underlying international application. In addition, applicants were silent regarding the consent of assignee in the subject petition. Accordingly, it is presumed that no assignee exists. *See* MPEP § 201.03(II)(D). If this presumption is incorrect, applicants should immediately notify this office and provide written consent of the assignee.

Therefore, all the requirements of 37 CFR 1.497(d) are complete.

CONCLUSION

Applicants' request to add Byeong-Moon KIM as an inventor in the above-captioned application under 37 CFR 1.497(d) is **GRANTED**.

The declaration filed 03 May 2010 is in compliance with 37 CFR 1.497(a)-(b).

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

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

ANDRUS, SCEALES, STARKE & SAWALL, LLP
100 EAST WISCONSIN AVENUE, SUITE 1100
MILWAUKEE, WI 53202

MAILED

NOV 03 2010

PCT LEGAL ADMINISTRATION

In re Application of BOTTJE et al :
U.S. Application No.: 12/740,608 :
PCT Application No.: PCT/US2008/082254 :
Int. Filing Date: 03 November 2008 :
Priority Date Claimed: 01 November 2007 : DECISION
Attorney Docket No.: 5658-00016 :
For: COMPOSITIONS AND METHODS OF ENHANCING IMMUNE RESPONSES TO EIMERIA :

This is in response to applicant's petition under 37 CFR 1.47(a) filed 08 September 2010.

BACKGROUND

On 03 November 2008, applicant filed international application PCT/US2008/082254, which claimed priority of an earlier United States application filed 01 November 2007. The thirty-month period for paying the basic national fee in the United States expired on 03 May 2010.

On 29 April 2010, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

On 08 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 08 September 2010, applicant filed the present petition under 37 CFR 1.47(a).

DISCUSSION

A petition under 37 CFR 1.47(a) must be accompanied by: (1) an oath or declaration by each applicant on his or her own behalf and on behalf of the nonsigning joint inventors, (2)

factual proof that the missing joint inventors refuse to join in the application or cannot be reached after diligent effort, (3) the fee set forth in §1.17(i), and (4) the last known addresses of the nonsigning joint inventors.

With regard to item (1) above, applicant has submitted declarations signed by the available inventors each on his/her own behalf and on behalf of the nonsigning inventor. The declaration executed by Luc Berghman is proper. The declaration executed by the other inventors is an improper composite document consisting of one of page 1, one of page 2, two of page 3, and two of page 4. It is not acceptable to combine individual pages (i.e. signature pages) from different copies of a declaration into a single document for submission. Applicant must furnish either: (1) a single complete declaration which is presented to and executed by all of the available inventors or (2) multiple complete declarations, wherein each available inventor executes at least one of the multiple complete declarations.

With regard to item (2) above, MPEP 409.03(d) states in relevant part,

> Where inability to find or reach a nonsigning inventor "after diligent effort" is the reason for filing under 37 CFR 1.47, a statement of facts should be submitted that fully describes the exact facts which are relied on to establish that a diligent effort was made. . . . The statement of facts must be signed, where at all possible, by a person having firsthand knowledge of the facts recited therein. Statements based on hearsay will not normally be accepted. Copies of documentary evidence such as internet searches, certified mail return receipts, cover letters of instructions, telegrams, that support a finding that the nonsigning inventor could not be found or reached should be made part of the statement. The steps taken to locate the whereabouts of the nonsigning inventor should be included in the statement of facts. It is important that the statement contain facts as opposed to conclusions.
>
> * * *
>
> A refusal by an inventor to sign an oath or declaration when the inventor has not been presented with the application papers does not itself suggest that the inventor is refusing to join the application unless it is clear that the inventor understands exactly what he or she is being asked to sign and refuses to accept the application papers. A copy of the application papers should be sent to the last known address of the nonsigning inventor, or, if the nonsigning inventor is represented by counsel, to the address of the nonsigning inventor's attorney. . . . It is reasonable to require that the inventor be presented with the application papers before a petition under 37 CFR 1.47 is granted since such a procedure ensures that the inventor is apprised of the application to which the oath or declaration is directed. In re Gray, 115 USPQ 80 (Comm'r Pat. 1956).
>
> Where a refusal of the inventor to sign the application papers is alleged, the circumstances of the presentation of the application papers and of the refusal must be specified in a statement of facts by the person who presented the inventor with the application papers and/or to whom the refusal was made. Statements by a party not present when an oral refusal is made will not be accepted.
>
> Proof that a bona fide attempt was made to present a copy of the application papers (specification, including claims, drawings, and oath or declaration) to the nonsigning inventor for signature, but the inventor refused to accept delivery of the papers or expressly stated that the application papers should not be sent, may be sufficient. When there is an express oral refusal, that fact along with the time and place of the refusal must be stated in the statement

> of facts. When there is an express written refusal, a copy of the document evidencing that refusal must be made part of the statement of facts. The document may be redacted to remove material not related to the inventor's reasons for refusal.
>
> When it is concluded by the 37 CFR 1.47 applicant that a nonsigning inventor's conduct constitutes a refusal, all facts upon which that conclusion is based should be stated in the statement of facts in support of the petition or directly in the petition. If there is documentary evidence to support facts alleged in the petition or in any statement of facts, such evidence should be submitted. Whenever a nonsigning inventor gives a reason for refusing to sign the application oath or declaration, that reason should be stated in the petition.

Mandy Cox

The petition states that Mandy Cox 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 inventor Cox for signature (see affidavit of Susie Engle, ¶4). Furthermore, the petition sufficiently illustrates that inventor Cox refuses to sign. In particular, inventor Cox made an express oral refusal to sign during a conversation with Ms. Engle (see Engle affidavit, ¶4). Thus, it can be concluded with reasonable certainty that inventor Cox refuses to join in the application.

Said El-Ashram

The petition states that Said El-Ashram cannot be found. The petition sufficiently shows that a diligent effort was made to reach inventor El-Ashram. The petition includes evidence of attempts to locate inventor El-Ashram by mail, by conducting internet searches, and by contacting inventor El-Ashram's former university (see affidavit of Tambryn VanHeyningen, ¶¶4-6). Thus, it can be concluded with reasonable certainty that inventor El-Ashram cannot be found.

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 addresses of the nonsigning inventors.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.47(a) is DISMISSED without prejudice.

If reconsideration on the merits of the petition is desired, a proper response must be filed within TWO (2) MONTHS from the mail date of this decision. Failure to timely file a proper response will result in ABANDONMENT of the application. Extensions of time are available under 37 CFR 1.136(a). Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)". No additional petition fee is required.

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

Bryan Lin

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
www.uspto.gov

ANDRUS, SCEALES, STARKE & SAWALL, LLP
100 EAST WISCONSIN AVENUE, SUITE 1100
MILWAUKEE, WI 53202

MAILED

JAN 25 2011

PCT LEGAL ADMINISTRATION

In re Application of BOTTJE et al :
U.S. Application No.: 12/740,608 :
PCT Application No.: PCT/US2008/082254 :
Int. Filing Date: 03 November 2008 :
Priority Date Claimed: 01 November 2007 : DECISION
Attorney Docket No.: 5658-00016 :
For: COMPOSITIONS AND METHODS OF ENHANCING IMMUNE RESPONSES TO EIMERIA :

This is in response to applicant's renewed petition under 37 CFR 1.47(a) filed 28 December 2010.

BACKGROUND

On 03 November 2008, applicant filed international application PCT/US2008/082254, which claimed priority of an earlier United States application filed 01 November 2007. The thirty-month period for paying the basic national fee in the United States expired on 03 May 2010.

On 29 April 2010, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

On 08 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 08 September 2010, applicant filed a petition under 37 CFR 1.47(a).

On 03 November 2010, this Office mailed a decision dismissing the 08 September 2010 petition.

On 28 December 2010, applicant filed the instant renewed petition under 37 CFR 1.47(a).

DISCUSSION

A petition under 37 CFR 1.47(a) must be accompanied by: (1) an oath or declaration by each applicant on his or her own behalf and on behalf of the nonsigning joint inventors, (2) factual proof that the missing joint inventors refuse to join in the application or cannot be reached after diligent effort, (3) the fee set forth in §1.17(i), and (4) the last known addresses of the nonsigning joint inventors.

Applicant previously satisfied items (2), (3), and (4) above.

With regard to item (1) above, applicant has submitted declarations signed by the available inventors each on his/her own behalf and on behalf of the nonsigning inventor.

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 November 2008, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 28 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 inventors at the last known addresses 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

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

Said El-Ashram
148 Wyndham Street N.
Guelph, Ontario N1H 4E8
CANADA

MAILED

JAN 25 2011

PCT LEGAL ADMINISTRATION

In re Application of BOTTJE et al
U.S. Application No.: 12/740,608
PCT Application No.: PCT/US2008/082254
Int. Filing Date: 03 November 2008
Priority Date Claimed: 01 November 2007
For: COMPOSITIONS AND METHODS OF ENHANCING IMMUNE RESPONSES TO EIMERIA

Dear Said El-Ashram:

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

ANDRUS, SCEALES, STARKE & SAWALL, LLP
100 EAST WISCONSIN AVENUE, SUITE 1100
MILWAUKEE, WI 53202
Attorney Docket No.: 5658-00016

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

Mandy Cox
705 Putman #J2
Fayetteville, AR 72701

MAILED

JAN 25 2011

PCT LEGAL ADMINISTRATION

In re Application of BOTTJE et al
U.S. Application No.: 12/740,608
PCT Application No.: PCT/US2008/082254
Int. Filing Date: 03 November 2008
Priority Date Claimed: 01 November 2007
For: COMPOSITIONS AND METHODS OF ENHANCING IMMUNE RESPONSES TO EIMERIA

Dear Mandy Cox:

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

Bryan Lin
PCT Legal Examiner
PCT Legal Office
Telephone: 571-272-3303
Facsimile: 571-273-0459

ANDRUS, SCEALES, STARKE & SAWALL, LLP
100 EAST WISCONSIN AVENUE, SUITE 1100
MILWAUKEE, WI 53202
Attorney Docket No.: 5658-00016

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

TAMBRYN K. VANHEYNINGEN
MICHAEL BEST & FRIEDRICH LLP
TWO PRUDENTIAL PLAZA
180 NORTH STETSON AVENUE, SUITE 2000
CHICAGO, IL 60601

MAILED

DEC 21 2010

PCT LEGAL ADMINISTRATION

In re Application of:	:	
BOTTJE et al.	:	DECISION
PCT Application No.: PCT/US2008/081813	:	
US Application No.: 12/740,631	:	
Int. Filing Date: 30 October 2008	:	UNDER
Atty Docket No.: 5658-00003	:	
For: COMPOSITIONS AND METHODS OF	:	37 CFR § 1.47(a)
ENHANCING IMMUNE RESONSE TO	:	
FLAGELLATED BACTERIUM	:	

This is in response to applicants' "PETITION FOR FILING WHEN INVENTOR REFUSES TO SIGN OR CANNOT BE REACHED" received on 07 September 2010, which has been treated under 37 CFR § 1.47(a).

BACKGROUND

On 30 October 2008, applicants filed international application PCT/US2008/081813, which claimed priority to a US application.

On 29 April 2010, applicants filed a submission for entry into the national stage in the United States, which was accompanied by, inter alia, a preliminary amendment to the specification. The papers were assigned U.S. application number 12/740,631.

On 07 April 2010, the DO/EO/US mailed a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905), which indicated that an oath or declaration in compliance with 37 CFR 1.497 must be filed.

On 07 September 2010, applicants filed the present petition under 37 CFR 1.47(a) requesting acceptance of the application without an inventor's signature.

DISCUSSION

A petition under 37 CFR 1.47(a) must be accompanied by: (1) the fee under 37 CFR 1.17(g), (2) factual proof that the inventor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the inventor, and (4) an oath or declaration by the other joint inventors on behalf of and as agent for the non-signing inventor.

With regard to item (1) above, the requisite petition fee will be charged to Deposit Account No. 012000

With regard to item (2) above, MPEP 409.03(d) states in relevant part,

> Where a refusal to sign the application papers is alleged, the circumstances of this refusal must be specified in an affidavit or declaration by the person to whom the refusal was made. Statements by a party not present when an oral refusal is made will not be accepted.
>
> Before a refusal can be alleged, it must be demonstrated 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. 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.
>
> When there is an express oral refusal, that fact along with the time and place of the refusal must be stated in the affidavit or declaration. When there is an express written refusal, a copy of the document evidencing that refusal must be made part of the affidavit or declaration.
>
> 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 affidavit or declaration. If there is documentary evidence to support facts alleged in the affidavit or declaration, 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 affidavit or declaration.

The petition states that Miss Mandy Cox refused to sign the application paper. An affidavit was provided by Susie J. Engle, which indicated that she personally provided the application papers to Miss Cox for signature on 11 June 2010. The affidavit states that Miss Cox verbally refused to return any signed document for moral reason. Item (2) has been satisfied.

With regard to item (3) above, the petition states the nonsigning inventor's last known address.

With regard to item (4) above, the oath or declaration executed by the applicants on behalf of and as agents for the nonsigning inventor is defective. Where individual declarations are executed, as in this case, they must be submitted as individual declarations rather than combined into one declaration.

Based on the above, applicants have not satisfied the final requirement for a grantable petition under 37 CFR 1.47(a).

CONCLUSION

For the reasons above, 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. Failure to timely file a proper response will result in abandonment of the application. Extensions of time under 37 CFR 1.136 are available. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)." No additional petition fee is required.

Please direct further correspondence with respect to this matter 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.

Shian Luong
PCT Special Programs Examiner
Office of PCT Legal Administration
Telephone: (571) 272-4557

Boris Milef
Senior PCT Legal Examiner
Office of PCT Legal Administration

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

TAMBRYN K. VANHEYNINGEN
MICHAEL BEST & FRIEDRICH LLP
TWO PRUDENTIAL PLAZA
180 NORTH STETSON AVENUE, SUITE 2000
CHICAGO, IL 60601

MAILED
MAR 17 2011
PCT LEGAL ADMINISTRATION

In re Application of:
BOTTJE et al.
PCT Application No.: PCT/US2008/081813
US Application No.: 12/740,631
Int. Filing Date: 30 October 2008
Atty Docket No.: 5658-00003
For: COMPOSITIONS AND METHODS OF ENHANCING IMMUNE RESONSE TO FLAGELLATED BACTERIUM

DECISION

UNDER

37 CFR § 1.47(a)

This is in response to applicants' "RENEWED PETITION UNDER 37 CFR 1.47(a)" received on 07 January 2011.

BACKGROUND

On 30 October 2008, applicants filed international application PCT/US2008/081813, which claimed priority to a US application.

On 29 April 2010, applicants filed a submission for entry into the national stage in the United States, which was accompanied by, inter alia, a preliminary amendment to the specification. The papers were assigned U.S. application number 12/740,631.

On 07 April 2010, the DO/EO/US mailed a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905), which indicated that an oath or declaration in compliance with 37 CFR 1.497 must be filed.

On 07 September 2010, applicants filed a petition under 37 CFR 1.47(a) requesting acceptance of the application without an inventor's signature.

On 21 December 2010, the petition was dismissed for improper declarations.

On 07 January 2011, applicants filed the present renewed petition.

DISCUSSION

A petition under 37 CFR 1.47(a) must be accompanied by: (1) the fee under 37 CFR 1.17(g), (2) factual proof that the inventor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the inventor, and (4) an oath or declaration by the other joint inventors on behalf of and as agent for the non-signing inventor.

With regard to item (1) – (3), the requirements have been satisfied.

With regard to item (4) above, the oath or declarations executed by the applicants on behalf of and as agents for the nonsigning inventor have been submitted.

Based on the above, applicants have satisfied the requirements for a grantable petition under 37 CFR 1.47(a).

CONCLUSION

For the reasons above, 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 non-signing inventor at her 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 referred to the National Stage Processing (DO/EO/US) for further processing in accordance with this decision. The 35 USC 371 (c)(1), (c)(2), (c)(4) date is 07 January 2011.

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
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Mandy Cox
705 Putman #J2
Fayetteville, AR 72701

MAILED
MAR 17 2011
PCT LEGAL ADMINISTRATION

In re Application of:
BOTTJE et al.
PCT Application No.: PCT/US2008/081813
US Application No.: 12/740,631
Int. Filing Date: 30 October 2008
Atty Docket No.: 5658-00003
For: COMPOSITIONS AND METHODS OF ENHANCING IMMUNE RESONSE TO FLAGELLATED BACTERIUM

Dear Ms. Cox,

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.

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

MAILED

JAN 3 1 2011

PCT LEGAL ADMINISTRATION

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

PATTERSON THUENTE CHRISTENSEN PEDERSEN, P.A.
4800 IDS CENTER
80 SOUTH 8TH STREET
MINNEAPOLIS MN 55402-2100

In re Application of	:	
NADREAU et al.	:	
Application No.: 12/740,649	:	DECISION
PCT No.: PCT/EP2008/063997	:	
Int. Filing Date: 16 October 2008	:	
Priority Date: 31 October 2007	:	
Attorney Docket No.: 3340.274WOUS	:	
For: SUBSTANCE-DISTRIBUTION SYSTEM FOR AN EGG INJECTION DEVICE	:	

This is a decision on applicants' petition under 37 CFR 1.47(a) filed 15 December 2010 in the United States Patent and Trademark Office (USPTO). The petition is **DISMISSED** without prejudice.

BACKGROUND

On 16 October 2008, applicants filed international application PCT/EP2008/063997, which designated the United States and claimed a priority date of 31 October 2007. A copy of the international application was communicated from the International Bureau to the USPTO on 07 May 2009. The thirty-month period for paying the basic national fee in the United States expired at midnight on 30 April 2010.

On 29 April 2010, applicants filed a submission for entry into the national stage in the United States which was accompanied by, *inter alia*, the U.S. Basic National Fee.

On 15 June 2010, the United States Designated/Elected Office (DO/EO/US) issued a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating, *inter alia*, that an oath or declaration of the inventors in compliance with 37 CFR 1.497(a)-(b) was required. The NOTIFICATION set a two-month extendable period for response.

On 18 October 2010, applicants filed the instant petition under 37 CFR 1.47(a) which

was accompanied by, *inter alia*, a petition/fee for a four-month extension of time, a declaration of inventors, and a statement of facts by Bertrand Hays 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(h); (2) factual proof that the missing joint inventor refuses to execute the application or cannot be reached after diligent effort; (3) a statement of the last known address of the missing inventor; and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and on behalf of the non-signing joint inventor.

Items (1), (3), and (4) have been satisfied.

Item (2) has not been satisfied. To establish a refusal to sign, it is required that the inventor be presented with the application papers (specification, including claims, drawings, and oath or declaration). See MPEP 409.03(d). "It is reasonable to require that the inventor be presented with the application papers before a petition under 37 CFR 1.47 is granted since such a procedure ensures that the inventor is apprised of the application to which the oath or declaration is directed. *In re Gray*, 115 USPQ 80 (Comm'r Pat. 1956)." MPEP § 409.03(d) states in part:

> 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 statement of facts by Bertrand Hays has been considered. However, it does not appear that Mr. Hays has firsthand knowledge of the mailing of the application papers.

CONCLUSION

For the above reasons, applicants' petition under 37 CFR 1.47(a) is **DISMISSED** without prejudice.

If reconsideration on the merits of this petition is desired, a proper response must be filed within TWO (2) MONTHS from the mail date of this decision. **Failure to timely file the proper response will result in abandonment of this application.** Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)". No additional petition fee is required. Extensions of time may be obtained under 37 CFR 1.136(a).

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT

Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

/Daniel Stemmer/

Daniel Stemmer
Legal Examiner
PCT Legal Affairs
Office of Patent Cooperation Treaty
Legal Administration
Telephone: (571) 272-3301

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

PATTERSON THUENTE CHRISTENSEN PEDERSEN, P.A.
4800 IDS CENTER
80 SOUTH 8TH STREET
MINNEAPOLIS MN 55402-2100

MAILED
JUL 18 2011
PCT LEGAL ADMINISTRATION

In re Application of	:	
NADREAU et al.	:	
Application No.: 12/740,649	:	DECISION
PCT No.: PCT/EP2008/063997	:	
Int. Filing Date: 16 October 2008	:	
Priority Date: 31 October 2007	:	
Attorney Docket No.: 3340.274WOUS	:	
For: SUBSTANCE-DISTRIBUTION SYSTEM FOR AN EGG INJECTION DEVICE	:	

This is a decision on applicants' renewed petition under 37 CFR 1.47(a) filed 21 April 2011 in the United States Patent and Trademark Office (USPTO). The petition is **GRANTED**.

BACKGROUND

On 16 October 2008, applicants filed international application PCT/EP2008/063997, which designated the United States and claimed a priority date of 31 October 2007. A copy of the international application was communicated from the International Bureau to the USPTO on 07 May 2009. The thirty-month period for paying the basic national fee in the United States expired at midnight on 30 April 2010.

On 29 April 2010, applicants filed a submission for entry into the national stage in the United States which was accompanied by, *inter alia*, the U.S. Basic National Fee.

On 15 June 2010, the United States Designated/Elected Office (DO/EO/US) issued a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating, *inter alia*, that an oath or declaration of the inventors in compliance with 37 CFR 1.497(a)-(b) was required. The NOTIFICATION set a two-month extendable period for response.

On 15 December 2010, applicants filed a petition under 37 CFR 1.47(a) which was accompanied by, *inter alia*, a petition/fee for a four-month extension of time, a declaration of inventors, and a statement of facts by Bertrand Hays with documentation in support thereof.

On 31 January 2011, a decision was mailed dismissing without prejudice applicants' petition under 37 CFR 1.47(a).

On 21 April 2011, applicants filed the instant renewed petition under 37 CFR 1.47(a) which was accompanied by, *inter alia*, a petition/fee for a one-month extension of time, a statement of facts by Ephrem Adjanohoun with documentation in support thereof, and a second statement of facts by Bertrand Hays 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(h); (2) factual proof that the missing joint inventor refuses to execute the application or cannot be reached after diligent effort; (3) a statement of the last known address of the missing inventor; and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and on behalf of the non-signing joint inventor.

As noted in the decision mailed 31 January 2011, items (1), (3), and (4) have been satisfied.

Item (2) has now been satisfied as well. It has been established that non-signing inventor Michael Nadraeu has been presented with the application papers. Mr. Nadraeu's conduct constitutes a refusal to sign.

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 **15 December 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
www.uspto.gov

MAILED

JUL 18 2011

PCT LEGAL ADMINISTRATION

Michael Nadreau
5, rue de General Leclerc
Landivisiau 29400
FRANCE

In re Application of
NADREAU et al.
Application No.: 12/740,649
PCT No.: PCT/EP2008/063997
Int. Filing Date: 16 October 2008
Priority Date: 31 October 2007
Attorney Docket No.: 3340.274WOUS
For: SUBSTANCE-DISTRIBUTION SYSTEM FOR AN EGG INJECTION DEVICE

Dear Mr. Nadreau:

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
Legal Administration
Telephone: (571) 272-3301

PATTERSON THUENTE CHRISTENSEN PEDERSEN, P.A.
4800 IDS CENTER
80 SOUTH 8TH STREET
MINNEAPOLIS MN 55402-2100

UNITED STATES PATENT and TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

TOWNSEND AND TOWNSEND AND CREW, LLP
TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO CA 94111-3834

MAILED

JAN 10 2011

PCT LEGAL ADMINISTRATION

In re Application of	:	
Choi et al	:	
Application No.: 12/740,651	:	DECISION ON
PCT No.: PCT/AU2007/001657	:	
Int. Filing Date: 31 October 2007	:	PETITION
Priority Date: N/A	:	
Attorney's Docket No.: 011045-002700US	:	UNDER 37 CFR 1.181
For: TISSUE ... AND METHOD	:	

This decision is in response to the "PETITION TO SET ASIDE NOTIFICATION OF ABANDONMENT MAILED IN ERROR," which is being treated as a petition under 37 CFR 1.181 filed on 11 November 2010 requesting the removal of the holding of abandonment because the 30 month deadline for filing the U.S. basic national fee was April 30, 2010.

BACKGROUND

On 31 October 2007, applicant filed international application PCT/AU2007/001657.

On 29 April 2010, applicant filed a transmittal letter for entry into the national stage in the United States, which was accompanied by, inter alia, a request to charge $1655.00 to the Deposit Account No.: 20-1430, which included the 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 07 July 2010, the Office mailed a "NOTICE OF ABANDONMENT," which indicated that applicant has failed to provide the full U.S. Basic National Fee by 30 months (37 CFR 1.495(b)(2)).

On 11 November 2010, applicant filed the instant petition under 37 CFR 1.181 requesting that the holding of abandonment mailed on July 07, 2010 be withdrawn because the 30 month basic national fee was April 30, 2010, which was met with the basic national fee.

DISCUSSION

A review of file shows the priority claims based on applications 60/867,574 and 60/915,410 for PCT/AU2007/001657 were withdrawn. The IB mailed notifications to this effect on 14 October 2009 and 02 July 2009, which resulted in a re-calculation of the time limit. As a result, the re-calculated 30 month time period is 30 April 2009.

Consequently, the aforementioned application was improperly abandoned for failure to pay the full U.S. Basic National Fee by 30 months because applicants paid the U.S. Basic National fee timely on 29 April 2010.

CONCLUSION

For reasons above, the petition under 37 CFR 1.181 is **GRANTED.**

The Notification of Abandonment (PCT/DO/EO/909) mailed 07 July 2010 was in error and is hereby **VACATED** with the mailing of this decision.

The application is being returned to the United States Designated/Elected Office (DO/EO/US) for processing in accordance with this decision.

Rafael Bacares
PCT Legal Examiner
PCT Legal Office
Telephone: (571) 272-3276
Facsimile: (571) 273-0459

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.
12/740,674	04/29/2010	Akihiko Noshio	733156.420USPC	9997

96896 7590 09/29/2010

Seed Intellectual Property Law Group PLLC
701 Fifth Avenue, Suite 5400
Seattle, WA 98104

EXAMINER	
MASUR, PAUL H	

ART UNIT	PAPER NUMBER
2464	

NOTIFICATION DATE	DELIVERY MODE
09/29/2010	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

jeffs.docketing@seedip.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

Seed Intellectual Property Law Group PLLC
701 Fifth Avenue, Suite 5400
Seattle WA 98104

In re Application of: NISHIO et al.
Application No. 12/740,674
Filed: April 29, 2010
For: WIRELESS COMMUNICATION MOBILE STATION APPARATUS AND CONTROL CHANNEL DECODING METHOD

DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PILOT PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(a)

MAILED

SEP 23 2010

DIRECTOR OFFICE
TECHNOLOGY CENTER 2400

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed July 29, 2010, to make the above-identified application special.

The petition is **GRANTED.**

A grantable request to participate in the PPH pilot program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;

(2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation is accurate;

(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);

(4) Examination of the U.S. application has not begun;

(5) Applicant must submit a copy of all the office actions from each of the JPO application(s) containing the allowable/patentable claim(s) along with English translation thereof and a statement that the English translation is accurate;

(6) Applicant must submit an IDS listing the documents cited by the JPO examiner in the KIPO office action along with copies of documents except U.S. patents or U.S. patent application publications.

The request to participate in the PPH program and petition are found to comply with all the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Chau Nguyen at 571-272-3126

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc/index.html.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

/Chau Nguyen/

Chau Nguyen, Quality Assurance Specialist
Technology Center 2400

UNITED STATES PATENT AND TRADEMARK OFFICE

30 SEP 2010

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

University of Washington/Fenwick
Silicon Valley Center
801 California Street
Mountain View CA 94041

In re Application of: PATELL et al.
U.S. Application No. 12/740,682
PCT No.: PCT/IN2007/000581
Int. Filing Date: 11 December 2007
Priority Date: 29 October 2007
Attorney Docket No.: 25858-16851 US
For: A SYNERGISTIC HERBAL COMPOSITION AND PROCESS OF PREPARATION THEREOF

DECISION ON PETITION UNDER 37 CFR 1.182

This decision is issued in response to applicant's "Petition to Correct Continuity Data" filed 09 September 2010, treated herein as a petition under 37 CFR 1.182. The petition seeks to correct the bibliographic data for the national stage application papers filed 29 April 2010, so as to allow such materials to be treated as the U.S. national stage of PCT/IN2007/000581.

BACKGROUND

On 29 April 2010, applicant filed electronically a U.S. national stage application in the United States Designated/Elected Office (DO/EO/US). The submission included, inter alia, a Transmittal Letter to the United States Designated Office (DO/EO/US) Concerning a Submission under 35 U.S.C. 371 (Form 1390) identifying international application number PCT/IN2007/000581; a preliminary amendment; and an application data sheet.

Based on United States Patent and Trademark Office (USPTO) processing procedures, the application file was initiated in the USPTO PALM system as a U.S. national of PCT/IN2007/000582, the international application number set forth in the bibliographical data provided by applicant when filing the electronic application.

On 09 September 2010, applicant filed "Petition to Correct Continuity Data."

DISCUSSION

Applicant confirms that the correct international application is PCT/IN2007/000581. An examination of the originally filed papers finds that the correct international application number was listed on the Transmittal Letter to the United States Designated Office (DO/EO/US) Concerning a Submission under 35 U.S.C. 371 (Form 1390) and the

Application Data Sheet filed 29 April 2010. Applicant's present submission included the required petition fee to correct applicant's clerical error. Accordingly, these materials satisfy the requirements for a grantable petition to correct applicant's error in the bibliographical data filed 29 April 2010 and to permit such materials to be treated as having been directed to international application PCT/IN2007/000581.

CONCLUSION

Applicant's petition under 37 CFR 1.182 is **GRANTED**.

As requested, the international application number, title of invention, and continuity data have been corrected and are now associated with PCT/IN2007/000581.

This application is being forwarded to the United States Designated/Elected Office for further processing.

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Tel.: 571-272-3298
Facsimile: 571-273-0459

Doc Code: PPH.PCT.652
Document Description: Petition to make special under PCT-Patent Pros Hwy

PTO/SB/20PCT-KR (06-10)
Approved for use through 01/31/2012. OMB 0651-0058
U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE KOREAN INTELLECTUAL PROPERTY OFFICE (KIPO) AND THE USPTO

Application No:	12740685	Filing date:	04-29-2010
First Named Inventor:	Berger		
Title of the Invention:	Luggage Locating Apparatus and Methods		

THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT HTTP://WWW.USPTO.GOV/EBC/EFS_HELP.HTML

APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PROGRAM.

The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.

The corresponding PCT application number(s) is/are: PCT/US2008/080568

The international date of the corresponding PCT application(s) is/are: 10-20-2008

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-KR (06-10)
Approved for use through 01/31/2012. OMB 0651-0058
U.S.Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM BETWEEN THE KIPO AND THE USPTO

(continued)

Application No.:	12740685
First Named Inventor:	Berger

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 04-29-2010

(2) Copies of all documents (except) for U.S. patents or U.S. patent application publications)

☒ Are attached.

Have already been filed in the above-identified U.S. application on _____

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1	1	same
18	18	same
19	19	Amended as suggested in ISA-WO to correct antecedent basis
20	20	same
21	21	same
22	22	same
23	23	amended to include limitations of claim 6
24	24	same
25	25	amended to include "being"
26-29	26-29	same, respectively
30	30	amended to change "and/or" to "or"
31-40	31-40	same, respectively

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature /Paul J. Fordenbacher/	Date 09-08-2010
Name (Print/Typed) Paul J. Fordenbacher	Registration Number 42546

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 SEARCHING AUTHORITY

To:

FORDENBACHER,PAUL J.

SILICON FOREST PATENT GROUP 11876 NW TYLER CT.
PORTLAND OR 97229 USA

PCT

NOTIFICATION OF TRANSMITTAL OF THE INTERNATIONAL SEARCH REPORT AND THE WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY, OR THE DECLARATION

(PCT Rule 44.1)

	Date of mailing *(day/month/year)* 29 MAY 2009 (29.05.2009)
Applicant's or agent's file reference BER2001PRPCT	**FOR FURTHER ACTION** See paragraphs 1 and 4 below
International application No. **PCT/US2008/080568**	International filing date *(day/month/year)* **20 OCTOBER 2008 (20.10.2008)**
Applicant **BERGER,PATRICK A.**	

1. ☒ The applicant is hereby notified that the international search report and the written opinion of the International Searching Authority have been established and are transmitted herewith.

   Filing of amendments and statement under Article 19:

   The applicant is entitled, if he so wishes, to amend the claims of the international application (see Rule 46):

   When? The time limit for filing such amendments is normally two months from the date of transmittal of the international search report.

   Where? Directly to the International Bureau of WIPO, 34 chemin des Colombettes 1211 Geneva 20, Switzerland, Facsimile No.: +41 22 338 82 70

   For more detailed instructions, see the notes on the accompanying sheet.

2. ☐ The applicant is hereby notified that no international search report will be established and that the declaration under Article 17(2)(a) to that effect and the written opinion of the International Searching Authority are transmitted herewith.

3. ☐ **With regard to the protest** against payment of (an) additional fee(s) under Rule 40.2, the applicant is notified that:

   ☐ the protest together with the decision thereon has been transmitted to the International Bureau together with the applicant's request to forward the texts of both the protest and the decision thereon to the designated Offices.

   ☐ no decision has been made yet on the protest; the applicant will be notified as soon as a decision is made.

4. **Reminders**

Shortly after the expiration of **18 months** from the priority date, the international application will be published by the International Bureau. If the applicant wishes to avoid or postpone publication, a notice of withdrawal of the international application, or of the priority claim, must reach the International Bureau as provided in Rules 90*bis*.1 and 90*bis*.3, respectively, before the completion of the technical preparations for international publication.

The applicant may submit comments on an informal basis on the written opinion of the International Searching Authority to the International Bureau. The International Bureau will send a copy of such comments to all designated Offices unless an international preliminary examination report has been or is to be established. These comments would also be made available to the public but not before the expiration of 30 months from the priority date.

Within **19 months** from the priority date, but only in respect of some designated Offices, a demand for international preliminary examination must be filed if the applicant wishes to postpone the entry into the national phase **until 30 months** from the priority date (in some Offices even later); otherwise, the applicant must, **within 20 months** from the priority date, perform the prescribed acts for entry into the national phase before those designated Offices.

In respect of other designated Offices, the time limit of **30 months** (or later) will apply even if no demand is filed within 19 months.

See the Annex to Form PCT/IB/301 and, for details about the applicable time limits, Office by Office, see the *PCT Applicant's Guide*, Volume II, National Chapters and the WIPO Internet site.

Name and mailing address of the ISA/KR Korean Intellectual Property Office Government Complex-Daejeon, 139 Seonsa-ro, Seo-gu, Daejeon 302-701, Republic of Korea	Authorized officer COMMISSIONER
Facsimile No. 82-42-472-7140	Telephone No. 82-42-481-5207

NOTES TO FORM PCT/ISA/220

These Notes are intended to give the basic instructions concerning the filing of amendments under Article 19. The Notes are based on the requirements of the Patent Cooperation Treaty, the Regulations and the Administrative Instructions under that Treaty. In case of discrepancy between these Notes and those requirements, the latter are applicable. For more detailed information, see also the *PCT Applicant's Guide*, a publication of WIPO.

In these Notes, "Article", "Rule" and "Section" refer to the provisions of the PCT, the PCT Regulations and the PCT Administrative Instructions, respectively.

INSTRUCTIONS CONCERNING AMENDMENTS UNDER ARTICLE 19

The applicant has, after having received the international search report and the written opinion of the International Searching Authority, one opportunity to amend the claims of the international application. It should however be emphasized that, since all parts of the international application (claims, description and drawings) may be amended during the international preliminary examination procedure, there is usually no need to file amendments of the claims under Article 19 except where, e.g. the applicant wants the latter to be published for the purposes of provisional protection or has another reason for amending the claims before international publication. Furthermore, it should be emphasized that provisional protection is available in some States only (see *PCT Applicant's Guide*, Volume I/A, Annexes B1 and B2).

The attention of the applicant is drawn to the fact that ammendments to the claims under Article 19 are not allowed where the International Searching Authority has declared, under Article 17(2), that no international search report would be established (see *PCT Applicant's Guide*, Volume I/A, paragraph 296).

What parts of the international application may be amended ?

Under Article 19, only the claims may be amended.

During the international phase, the claims may also be amended (or further amended) under Article 34 before the International Preliminary Examining Authority. The description and drawings may only be amended under Article 34 before the International Preliminary Examining Authority.

Upon entry into the national phase, all parts of the international application may be amended under Article 28 or, where applicable, Article 41.

When ? Within 2 months from the date of transmittal of the international search report or 16 months from the priority date, whichever time limit expires later. It should be noted, however, that the amendments will be considered as having been received on time if they are received by the International Bureau after the expiration of the applicable time limit but before the completion of the technical preparations for international publication (Rule 46.1).

Where not to file the amendments ?

The amendments may only be filed with the International Bureau and not with the receiving Office or the International Searching Authority (Rule 46.2).

Where a demand for international preliminary examination has been/is filed, see below.

How ? Either by cancelling one or more entire claims, by adding one or more new claims or by amending the text of one or more of the claims as filed.

A replacement sheet must be submitted for each sheet of the claims which, on account of an amendment or amendments, differs from the sheet originally filed.

All the claims appearing on a replacement sheet must be numbered in Arabic numerals. Where a claim is cancelled, no renumbering of the other claims is required. In all cases where claims are renumbered, they must be renumbered consecutively (Section 205(b)).

The amendments must be made in the language in which the international application is to be published.

What documents must/may accompany the amendments ?

Letter (Section 205(b)):

The amendments must be submitted with a letter.

The letter will not be published with the international application and the amended claims. It should not be confused with the "Statement under Article 19(1)" (see below,under "Statement under Article 19(1)").

The letter must be in English or French, at the choice of the applicant. However, if the language of the international application is English, the letter must be in English; if the language of the international application is French, the letter must be in French.

NOTES TO FORM PCT/ISA/220 (continued)

The letter must indicate the differences between the claims as filed and the claims as amended. It must, in particular, indicate, in connection with each claim appearing in the international application (it being understood that identical indications concerning several claims may be grouped), whether

(i) the claim is unchanged;
(ii) the claim is cancelled;
(iii) the claim is new;
(iv) the claim replaces one or more claims as filed;
(v) the claim is the result of the division of a claim as filed.

The following examples illustrate the manner in which amendments must be explained in the accompanying letter:

1. [Where originally there were 48 claims and after amendment of some claims there are 51]:
   "Claims 1 to 29, 31, 32, 34, 35, 37 to 48 replaced by amended claims bearing the same numbers; claims 30, 33 and 36 unchanged; new claims 49 to 51 added."
2. [Where originally there were 15 claims and after amendment of all claims there are 11]:
   "Claims 1 to 15 replaced by amended claims 1 to 11."
3. [Where originally there were 14 claims and the amendments consist in cancelling some claims and in adding new claims]:
   "Claims 1 to 6 and 14 unchanged; claims 7 to 13 cancelled; new claims 15, 16 and 17 added." or
   "Claims 7 to 13 cancelled; new claims 15, 16 and 17 added; all other claims unchanged."
4. [Where various kinds of amendments are made]:
   "Claims 1 - 10 unchanged; claims 11 to 13, 18 and 19 cancelled; claims 14, 15 and 16 replaced by amended claim 14; claim 17 subdivided into amended claims 15, 16 and 17; new claims 20 and 21 added."

"Statement under Article 19(1)" (Rule 46.4)

The amendments may be accompanied by a statement explaining the amendments and indicating any impact that such amendments might have on the description and the drawings (which cannot be amended under Article 19(1)).

The statement will be published with the international application and the amended claims.

It must be in the language in which the international application is to be published.

It must be brief, not exceeding 500 words if in English or if translated into English.

It should not be confused with and does not replace the letter indicating the differences between the claims as filed and as amended. It must be filed on a separate sheet and must be indentified as such by a heading, preferably by using the words "Statement under Article 19(1)."

It may not contain any disparaging comments on the international search report or the relevance of citations contained in that report. Reference to citations, relevant to a given claim, contained in the international search report may be made only in connection with an amendment of that claim.

Consequence if a demand for international preliminary examination has already been filed

If, at the time of filing any amendments and any accompanying statement, under Article 19, a demand for international preliminary examination has already been submitted, the applicant must preferably, at the time of filing the amendments (and any statement) with the International Bureau, also file with the International Preliminary Examining Authority a copy of such amendments (and of any statement) and, where required, a translation of such amendments for the proceduer before that Authority (see Rules 55.3(a) and 62.2, first sentence). For further information, see the Notes to the demand form (PCT/IPEA/401).

If a demand for international preliminary examination is made, the written opinion of the International Searching Authority will, except in certain cases where the International Preliminary Examining Authority did not act as International Searching Authority and where it has notified the International Bureau under Rule 66.1*bis*(b), be considered to be a written opinion of the International Preliminary Examining Authority. If a demand is made, the applicant may submit to the International Preliminary Examining Authority a reply to the written opinion 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 (Rule 43*bis*.1(c)).

Consequence with regard to translation of the international application for entry into the national phase

The applicant's attention is drawn to the fact that, upon entry into the national phase, a translation of the claims as amended under Article 19 may have to be furnished to the designated/elected Offices, instead of, or in addition to , the translation of the claims as filed.

For further details on the requirements of each designated/elected Office, see the *PCT Applicant's Guide*, Volume II.

* Attention

Copies of the documents cited in the international search report can be searched in the following Korean Intellectual Property Office English website for three months from the date of mailing of the international search report.

http://www.kipo.go.kr/kpo/eng/ => Patent Search => PCT-Service

ID : PCT international application number
PW : **RXZKOJ5R**

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

To:
FORDENBACHER,PAUL J.

SILICON FOREST PATENT GROUP 11876 NW TYLER CT. PORTLAND OR 97229 USA

PCT

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

Date of mailing *(day/month/year)*	**29 MAY 2009 (29.05.2009)**
Applicant's or agent's file reference BER2001PRPCT	**FOR FURTHER ACTION** See paragraph 2 below

International application No.	International filing date *(day/month/year)*	Priority date *(day/month/year)*
PCT/US2008/080568	**20 OCTOBER 2008 (20.10.2008)**	31 OCTOBER 2007 (31.10.2007)

International Patent Classification (IPC) or both national classification and IPC

G09F 3/00(2006.01)i, A44C 3/00(2006.01)i

Applicant

BERGER,PATRICK A.

1. This opinion contains indications relating to the following items:

- [X] Box No. I Basis of the opinion
- [ ] Box No. II Priority
- [ ] Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- [ ] Box No. IV Lack of unity of invention
- [X] Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- [ ] Box No. VI Certain documents cited
- [ ] Box No. VII Certain defects in the international application
- [X] Box No. VIII Certain observations on the international application

2. **FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.
For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/KR	Date of completion of this opinion	Authorized officer
Korean Intellectual Property Office Government Complex-Daejeon, 139 Seonsa-ro, Seo-gu, Daejeon 302-701, Republic of Korea Facsimile No. 82-42-472-7140	29 MAY 2009 (29.05.2009)	LEE, Jun Seok Telephone No.82-42-481-8400

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/US2008/080568

Box No. I Basis of this opinion

1. With regard to the **language,** this opinion has been established on the basis of :

   ☒ the international application in the language in which it was filed

   ☐ a translation of the international application into _____ , which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1(b))

2. ☐ This opinion has been established taking into account the **rectification of an obvious mistake** authorized by or notified to this Authority under Rule 91 (Rule 43*bis*.1(a))

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, this opinion has been established on the basis of:

   a. type of material
   - ☐ a sequence listing
   - ☐ table(s) related to the sequence listing

   b. format of material
   - ☐ on paper
   - ☐ in electronic form

   c. time of filing/furnishing
   - ☐ contained in the international application as filed.
   - ☐ filed together with the international application in electronic form.
   - ☐ furnished subsequently to this Authority for the purposes of search.

4. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additioanl copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.

5. Additional comments:

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/US2008/080568

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	1-40	YES
	Claims	None	NO
Inventive step (IS)	Claims	1-40	YES
	Claims	None	NO
Industrial applicability (IA)	Claims	1-40	YES
	Claims	None	NO

2. Citations and explanations :

Reference is made to the following documents:

D1: US 7,012,530 B2 (FRANCOLS DROZ) 14 March 2006.
D2: WO 88/02903 A1 (PRINTCOM ETIKETT AB) 21 April 1988.
D3: KR 10-2005-0078122 A (JEONG, OCK KEYOUNG) 4 August 2005.

D1 relates to an electronic label comprising at least one electronic element component and an antenna in the form of a generally flat coil assembled on a generally planar substrate, the label arranged to be read by a reader which transmits an electromagnetic field towards at least one face of the label.

D2 relates to a luggage-label which is separable from a web and comprises a luggage portion attachable to a luggage handle or the like, and a ticket portion.

D3 relates to a bag having a pocket with a formed name tag, which is provided to allow the name tag to be formed in an embroidered pattern by separating the article pocket and enabling the embroidery work on the article pocket.

Continued on Supplemental Box

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/US2008/080568

Box No. VIII Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

The constitutive relation toward the power source of claims 2 and 19 are not clear.
It is preferable that the power source is written as the element of the apparatus or the system electronics.

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/US2008/080568

Supplemental Box

In case **the space in any of the preceding boxes is not sufficient.**
Continuation of :

Box No. V

1. Novelty (N) and Inventive Step (IS)

Claim 1 relates to a luggage tag comprising a timer and a light source.
However, none of the documents D1-D3 disclose technical features of claim 1. Moreover, the technical features of claim 1 are not obvious to a person skilled in the art.
Therefore, claim 1 of the present invention is novel and involves an inventive step under PCT Article 33(2) and (3). Claims 2-18 also comply with PCT Article 33(2) and (3) as they are dependent on claim 1.

Claim 19 relates to an apparatus comprising a housing including a coupler element and system electronics including a controller, an input element, a light source, and a status indicator.
However, none of the documents D1-D3 disclose technical features of claim 19. Moreover, the technical features of claim 19 are not obvious to a person skilled in the art.
Therefore, claim 19 of the present invention is novel and involves an inventive step under PCT Article 33(2) and (3). Claims 20-37 also comply with PCT Article 33(2) and (3) as they are dependent on claim 19.

Claim 38 relates to a method of operating a luggage tag corresponding to claim 1 or an apparatus corresponding to claim 19.
However, none of the documents D1-D3 disclose technical features of claim 38. Moreover, the technical features of claim 38 are not obvious to a person skilled in the art.
Therefore, claim 38 of the present invention is novel and involves an inventive step under PCT Article 33(2) and (3). Claims 39-40 also comply with PCT Article 33(2) and (3) as they are dependent on claim 38.

2. Industrial Applicability (IA)

Claims 1-40 have industrial applicability and meet the requirement of PCT Article 33(4).

PATENT COOPERATION TREATY

PCT

INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

Applicant's or agent's file reference	**FOR FURTHER ACTION**	see Form PCT/ISA/220 as well as, where applicable, item 5 below.
BER2001PRPCT		
International application No.	International filing date *(day/month/year)*	(Earliest) Priority Date *(day/month/year)*
PCT/US2008/080568	**20 OCTOBER 2008 (20.10.2008)**	31 OCTOBER 2007 (31.10.2007)
Applicant		
BERGER,PATRICK A.		

This International search report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. A copy is being transmitted to the International Bureau.

This international search report consists of a total of 3 sheets.

☐ It is also accompanied by a copy of each prior art document cited in this report.

1. **Basis of the report**
   a. With regard to the **language,** the international search was carried out on the basis of :
      ☒ the international application in the language in which it was filed
      ☐ a translation of the international application into _____, which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1(b))
   b. ☐ This international search report has been established taking into account the **rectification of an obvious mistake** authorized by or notified to this Authority under Rule 91 (Rule 43.6*bis*(a)).
   c. ☐ With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, see Box No. I.
2. ☐ **Certain claims were found unsearchable** (See Box No. II)
3. ☐ **Unity of invention is lacking** (See Box No. III)
4. With regard to the **title,**
   ☒ the text is approved as submitted by the applicant.
   ☐ the text has been established by this Authority to read as follows:

5. With regard to the **abstract,**
   ☒ the text is approved as submitted by the applicant.
   ☐ the text has been established, according to Rule 38.2, by this Authority as it appears in Box No. IV. The applicant may, within one month from the date of mailing of this international search report, submit comments to this Authority.

6. With regard to the drawings,
   a. the figure of the **drawings** to be published with the abstract is Figure No. 1
      ☒ as suggested by the applicant.
      ☐ as selected by this Authority, because the applicant failed to suggest a figure.
      ☐ as selected by this Authority, because this figure better characterizes the invention.
   b. ☐ none of the figure is to be published with the abstract.

INTERNATIONAL SEARCH REPORT

International application No.
PCT/US2008/080568

A. CLASSIFICATION OF SUBJECT MATTER

G09F 3/00(2006.01)i, A44C 3/00(2006.01)i

According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)

IPC : G09F, A44C

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Korean Utility models and applications for Utility models since 1975

Japanese Utility models and applications for Utility models since 1975

Electronic data base consulted during the international search (name of data base and, where practicable, search terms used)

eKIPASS(KIPO internal), "luggage label"

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
A	US 7,012,530 B2 (FRANCOLS DROZ) 14 March 2006. see abstract, Fig.1-2, and claims 1-14	1-40
A	WO 88/02903 A1 (PRINTCOM ETIKETT AB) 21 April 1988. see abstract and claims 1-5	1-40
A	KR 10-2005-0078122 A (JEONG, OCK KEYOUNG) 4 August 2005. see abstract, Fig.5, and claims 1-5	1-40

☐ Further documents are listed in the continuation of Box C. ☒ See patent family annex.

* Special categories of cited documents:

"A" document defining the general state of the art which is not considered to be of particular relevance

"E" earlier application or patent but published on or after the international filing date

"L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of citation or other special reason (as specified)

"O" document referring to an oral disclosure, use, exhibition or other means

"P" document published prior to the international filing date but later than the priority date claimed

"T" later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention

"X" document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone

"Y" document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents,such combination being obvious to a person skilled in the art

"&" document member of the same patent family

Date of the actual completion of the international search	Date of mailing of the international search report
29 MAY 2009 (29.05.2009)	**29 MAY 2009 (29.05.2009)**

Name and mailing address of the ISA/KR

Korean Intellectual Property Office
Government Complex-Daejeon, 139 Seonsa-ro, Seo-gu, Daejeon 302-701, Republic of Korea

Facsimile No. 82-42-472-7140

Authorized officer

LEE, Jun Seok

Telephone No. 82-42-481-8400

INTERNATIONAL SEARCH REPORT

Information on patent family members

International application No.
PCT/US2008/080568

Patent document cited in search report	Publication date	Patent family member(s)	Publication date
US 7,012,530 B2	14.03.2006	KR 10-2003-0022785 A	17.03.2003
		US 2003-0117336 A1	26.06.2003
WO 88/02903 A1	21.04.1988	DE 3779301 D1	25.06.1992
		DK 333988 A	17.06.1988
		EP 0287628 A1	26.10.1988
		FI 882911 A	17.06.1988
		SE 455549 B	18.07.1988
		SE 8604457 A	21.04.1988
KR 10-2005-0078122 A	04.08.2005	None	

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.
12/740,685	04/29/2010	Patrick A. BERGER	BER-2.001PRPCTUS	1134

81632 7590 11/05/2010

Silicon Forest Patent Group
Paul J. Fordenbacher
11876 NW Tyler Ct
Portland, OR 97229

EXAMINER	
ART UNIT	PAPER NUMBER
2612	

NOTIFICATION DATE	DELIVERY MODE
11/05/2010	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

paul@siliconforestpatentgroup.com
sydneybirdsales@verizon.net

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Silicon Forest Patent Group
Paul J. Fordenbacher
11876 NW Tyler Ct
Portland OR 97229

In re Application of	:	
BERGER, PATRICK A.	:	DECISION ON REQUEST TO
Application No. 12/740,685	:	PARTICIPATE IN PATENT
Filed: April 29, 2010	:	PROSECUTION HIGHWAY
Att. Docket No. **BER-2.001PRPCTUS**	:	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(d), filed September 9, 2010 to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PCT-PPH pilot program and petition to make special require:

(1) The U.S. application be (a) a national stage entry of the corresponding PCT application, or (b) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (c) a national stage application that claims domestic/foreign priority to the corresponding PCT application, (d) a national application which forms the basis for the priority claim in the corresponding PCT application, or (e) a continuation application of the U.S. application which satisfies one of the above (a) to (d) scenarios.
(2) A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the corresponding PCT application(s) which indicates at least one claim in the PCT application has novelty, inventive step, and industrial applicability.
(3) A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the corresponding PCT application(s).
(4) English translations of the documents in (2) and (3) (if the documents are not in the English language).
(5) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the claims which were indicated as having novelty, inventive step, and industrial applicability in the corresponding PCT application(s).
(6) Examination of the U.S. application has not begun; and
(7) An information disclosure statement listing the documents cited in the international work products (ISR, WO/ISA. WO/IPEA, IPER) of the corresponding PCT application(s) and copies of all of the documents cited in the international work products of the PCT application (unless

copies have already been filed in the U.S. application) corresponding to the U.S. application except U.S. patents or U.S. patent application publications.

The request to participate in the PCT-PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

The application is undergoing pre-examination processing. Once it is released for examination, the application will be forwarded to the examiner for action on the merits commensurate with this decision.

Telephone inquiries concerning this decision should be directed to Doris To at 571-272-7629.

All other inquiries concerning the examination or status of the application should be directed to Patent Application Information Retrieval (PAIR) system.

/Doris To/

_____

Doris To
Quality Assurance Specialist
Technology Center 2600
Communications

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450

www.uspto.gov

DON D. CHA
225 UNION BLVD
SUITE 150
LAKEWOOD, CO 80228

MAILED

JUN 23 2011

PCT LEGAL ADMINISTRATION

In re Application of WATKINS et al	:	
U.S. Application No.: 12/740,688	:	
PCT Application No.: PCT/US2008/081860	:	DECISION
Int. Filing Date: 30 October 2008	:	
Priority Date Claimed: 30 October 2007	:	
Attorney Docket No.: CU-001211US	:	
For: (+)-OPIOIDS AND METHODS OF USE	:	

This is in response to applicant's "Petition for Revival of an Application for Patent Abandoned Unintentionally Under 37 CFR 1.137(b)" filed 27 April 2011.

BACKGROUND

On 30 October 2008, applicant filed international application PCT/US2008/081860, which claimed priority of an earlier United States application filed 30 October 2007. The thirty-month period for paying the basic national fee in the United States expired on 30 April 2010.

On 29 April 2010, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

On 16 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 17 November 2010, international application PCT/US2008/081860 became abandoned as to the United States for failure to timely respond to the Notification of Missing Requirements.

On 27 April 2011, 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 30 October 2008, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 27 April 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
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MAILED

NOV 09 2010

OFFICE OF PETITIONS

TOWNSEND AND TOWNSEND AND CREW, LLP
TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO CA 94111-3834

In re Application of :
Anthony Y. VAN HEUGTEN :
Application No. 12/740,753 : DECISION ON PETITION
Filed: September 20, 2010 : TO WITHDRAW
Attorney Docket No. 027374-000420US : FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed October 20, 2010.

The request is **NOT APPROVED.**

The Office will no longer accept address changes to a new practitioner or law firm filed with a Request, absent the filing of a power of attorney to the new representative. The Office will either change the correspondence address of record to the most current address information provided for the assignee of the entire interest who properly became of record under 37 CFR 3.71 or, if no assignee of the entire interest has properly been made of record under 37 CFR 3.71, the most current address information provided for the first named inventor.

Accordingly, the request cannot be approved because the address provided is not that of an assignee who has properly been made of record under 37 CFR 3.71, the first named inventor or a law firm with a proper power of attorney.

All future communications from the Office will continue to be directed to the above-listed address until otherwise properly notified.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272- 6735.

/Diane Goodwyn/
Diane Goodwyn
Petitions Examiner
Office of Petitions

Doc Code: PPH.PCT.652
Document Description: Petition to make special under PCT-Patent Pros Hwy

PTO/SB/20PCT-US (09-10)
Approved for use through 01/31/2012. OMB 0651-0058
U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM IN A U.S. APPLICATION WHERE THE USPTO WAS THE ISA OR IPEA

Application No:	12/740,757	Filing date:	April 30, 2010
First Named Inventor:	Allon G. Englman		
Title of the Invention:	Wagering Game With Player-Selectable Elements Providing A Scripted Outcome		

THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT HTTP://WWW.USPTO.GOV/EBC/EFS_HELP.HTML

APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PROGRAM.

The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.

The corresponding PCT application number(s) is/are: PCT/US2008/082776

The international date of the corresponding PCT application(s) is/are:

November 7, 2008

I. List of Required Documents:

a. **A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above–identified corresponding PCT application(s)**

☒ Is attached

☐ Is not attached because the document is already in the U.S. application.

b. **A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s).**

☒ Is attached.

☐ Is not attached because the document is already in the U.S. application.

c. **English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.**

This collection of information is required by 35 U.S.C. 119, 37 CFR 1.55, and 37 CFR 1.102(d). The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.

PTO/SB/20PCT-US (09-10)
Approved for use through 01/31/2012. OMB 0651-0058
U.S.Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM IN A U.S. APPLICATION WHERE THE USPTO WAS THE ISA OR IPEA (continued)

Application No.:	12/740,757
First Named Inventor:	Allon G. Englman

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
1	1	Claim 1 of the U.S. application was amended to address possible In re Biliski issues to the extent that they may have existed.
2-10	2-10	Identical
11	11	Claim 11 of the U.S. application was amended to address possible In re Biliski issues to the extent that they may have existed.
12-20	12-20	Identical

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature /Jason S. Kray, Reg. No. 66,926/	Date 07/11/2011
Name (Print/Typed) Jason S. Kray	Registration Number 66,926

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.

REQUIRED DOCUMENT I(A)

The following document(s) include(s) a copy of the latest international work product in the corresponding PCT application

PATENT COOPERATION TREATY

RECEIVED
MAR 02 2010
HI DOCKETING

From the
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

To:
DANIEL J. BURNHAM
NIXON PEABODY LLP
300 S. RIVERSIDE PLAZA, 16TH FLOOR
CHICAGO, IL 60606-6613

REVIEWED BY DOCKET

PCT

NOTIFICATION OF TRANSMITTAL OF INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY
(Chapter II of the Patent Cooperation Treaty)

(PCT Rule 71.1)

Date of mailing *(day/month/year)*	24 FEB 2010
Applicant's or agent's file reference 247079-574WO	**IMPORTANT NOTIFICATION**

International application No.	International filing date *(day/month/year)*	Priority date *(day/month/year)*
PCT/US08/82776	07 November 2008 (07.11.2008)	09 November 2007 (09.11.2007)

Applicant

WMS GAMING INC.

1. The applicant is hereby notified that this International Preliminary Examining Authority transmits herewith the international preliminary report on patentability and its annexes, if any, established on the international application.

2. A copy of the report and its annexes, if any, is being transmitted to the International Bureau for communication to all the elected Offices.

3. Where required by any of the elected Offices, the International Bureau will prepare an English translation of the report (but not of any annexes) and will transmit such translation to those Offices.

4. **REMINDER**

The applicant must enter the national phase before each elected Office by performing certain acts (filing translations and paying national fees) within 30 months from the priority date (or later in some Offices)(Article 39(1))(see also the reminder sent by the International Bureau with Form PCT/IB/301).

Where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary report on patentability. It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned.

For further details on the applicable time limits and requirements of the elected Offices, see Volume II of the *PCT Applicant's Guide.*

The applicant's attention is drawn to Article 33(5), which provides that the criteria of novelty, inventive step and industrial applicability described in Article 33(2) to (4) merely serve the purposes of international preliminary examination and that "any Contracting State may apply additional or different criteria for the purposes of deciding whether, in that State, the claimed invention is patentable or not" (see also Article 27(5)). Such additional criteria may relate, for example, to exemptions from patentability, requirements for enabling disclosure, clarity and support for the claims.

Name and mailing address of the IPEA/ US	Authorized officer
Mail Stop PCT, Attn: IPEA/US Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450 Facsimile No. (571) 273-3201	Scott Jones Telephone No. (571) 272-6788

Form PCT/IPEA/416 (January 2004)

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 247079-574WO	FOR FURTHER ACTION	See Form PCT/IPEA/416
International application No. PCT/US08/82776	International filing date *(day/month/year)* 07 November 2008 (07.11.2008)	Priority date *(day/month/year)* 09 November 2007 (09.11.2007)
International Patent Classification (IPC) or national classification and IPC IPC: **A63F 9/24**(2006.01) USPC: 463/16		
Applicant WMS GAMING INC.		

1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of 3 sheets, including this cover sheet.
3. This report is also accompanied by ANNEXES, comprising:
   a. ☐ *(sent to the applicant and to the International Bureau)* a total of ___ sheets, as follows:
      ☐ sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).
      ☐ sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.
   b. ☐ *(sent to the International Bureau only)* a total of (indicate type and number of electronic carrier(s)) _____ , containing a sequence listing and/or tables related thereto, in electronic form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).
4. This report contains indications relating to the following items:
   - ☒ Box No. I — Basis of the report
   - ☐ Box No. II — Priority
   - ☐ Box No. III — Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
   - ☐ Box No. IV — Lack of unity of invention
   - ☒ Box No. V — Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
   - ☐ Box No. VI — Certain documents cited
   - ☐ Box No. VII — Certain defects in the international application
   - ☐ Box No. VIII — Certain observations on the international application

Date of submission of the demand	Date of completion of this report
09 September 2009 (09.09.2009)	05 February 2010 (05.02.2010)
Name and mailing address of the IPEA/ US Mail Stop PCT, Attn: IPEA/US Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450 Facsimile No. (571) 273-3201	Authorized officer Scott Jones Telephone No. (571) 272-6788

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.
PCT/US08/82776

Box No. I Basis of the report

1. With regard to the **language**, this report is based on:

☒ the international application in the language in which it was filed.

☐ a translation of the international application into English, which is the language of a translation furnished for the purposes of:

☐ international search (under Rules 12.3(a) and 23.1(b))

☐ publication of the international application (under Rule 12.4(a))

☐ international preliminary examination (under Rules 55.2(a) and/or 55.3(a))

2. With regard to the **elements** of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:

☒ the international application as originally filed/furnished

☒ the description:
pages 1-19 as originally filed/furnished
pages* NONE received by this Authority on _____
pages* NONE received by this Authority on _____

☒ the claims:
pages 20-25 as originally filed/furnished
pages* NONE as amended (together with any statement) under Article 19
pages* NONE received by this Authority on _____
pages* NONE received by this Authority on _____

☒ the drawings:
pages 1/9-9/9 as originally filed/furnished
pages* NONE received by this Authority on _____
pages* NONE received by this Authority on _____

☐ a sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing.

3. ☐ The amendments have resulted in the cancellation of:

☐ the description, pages _____
☐ the claims, Nos. _____
☐ the drawings, sheets/figs _____
☐ the sequence listing (*specify*): _____
☐ any table(s) related to the sequence listing (*specify*): _____

4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

☐ the description, pages _____
☐ the claims, Nos. _____
☐ the drawings, sheets/figs _____
☐ the sequence listing (*specify*): _____
☐ any table(s) related to the sequence listing (*specify*): _____

5. ☐ This report has been established taking into account the **rectification of an obvious mistake** authorized by or notified to this Authority under Rule 91 (Rule 70.2(e)).

** If item 4 applies, some or all of those sheets may be marked "superseded."*

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.
PCT/US08/82776

Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims 1-20	YES
	Claims NONE	NO
Inventive Step (IS)	Claims 1-20	YES
	Claims NONE	NO
Industrial Applicability (IA)	Claims 1-20	YES
	Claims NONE	NO

2. Citations and Explanations (Rule 70.7)

Claims 1-20 meet the criteria set out in PCT Article 33(2)-(3), because the prior art does not teach or fairly suggest a wagering game comprising that in response to a special award being awarded to the player, (i) displaying a first set of player selectable elements without informing the player that a first award level has been awarded to the player; (ii) displaying another set of player selectable elements without informing the player that the first award level has been awarded to the player; or (iii) repeating certain steps until a cumulative result of revealed indicia correspond to a criteria for achieving the first award level as similarly recited in independent claims 1, 11 and 12.

Claims 1-20 meet the criteria set out in PCT Article 33(4), and thus have industrial applicability because the subject matter claimed can be made or used in industry.

REQUIRED DOCUMENT I(B)

The following document(s) include(s) a copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the corresponding PCT application

CLAIMS:

What is claimed is:

1. A method of playing a wagering game in which a special award may be awarded, the special award having at least a first award level and a second award level, the method comprising:

conducting the wagering game in response to receiving a wager from a player; and

in response to the special award being awarded to the player in the wagering game,

(i) displaying a first set of player-selectable elements without informing the player that the first award level has been awarded to the player, the player-selectable elements masking at least one indicium corresponding to all or a portion of criteria for achieving the first award level and at least one indicium corresponding to a portion of the criteria for achieving the second award level, at least one of the indicia being randomly determined;

(ii) receiving a player selection of one of the player-selectable elements from the first set of player-selectable elements and revealing the indicium for the player-selected element;

(iii) if the indicium for the player-selected element does not meet all the criteria corresponding to the first award level, displaying another set of player-selectable elements without informing the player that the first award level has been awarded to the player, the another set of player-selectable elements masking at least one indicium corresponding to all or a portion of the criterion for achieving the first award level and at least one indicium corresponding to a portion of the criteria for achieving the second award level;

(iv) receiving a player selection of one of the player-selectable elements from the another set of player-selectable elements and revealing the indicium for the player-selected element; and

(v) repeating steps (iii) and (iv) until a cumulative result of the revealed indicia corresponds to the criteria for achieving the first award level so as to inform the player that the first award level has been awarded to the player.

2. The method of claim 1, further including displaying the criteria for achieving the first award level and the second award level to the player and updating the portion of the

criteria for the first award level and second award level that has been achieved after each player selection.

3. The method of claim 1, further including revealing the indicia for the unselected player-selectable elements to inform the player what would have been achieved with a different selection.

4. The method of claim 1, wherein the wagering game includes a basic game and a bonus game, the displaying of player-selectable elements and receiving of player selections being associated with the bonus game.

5. The method of claim 1, wherein the wagering game includes a basic game and provides eligibility to a progressive game, the first award level and the second award level being, respectively, a first progressive jackpot and a second progressive jackpot, the displaying of player-selectable elements and receiving of player selections being associated with the progressive game.

6. The method of claim 1, wherein in response to a randomly selected outcome in the wagering game being a second-award-level triggering outcome,

(i) displaying a second set of player-selectable elements without informing the player that the player has been awarded the second award level, the second set of player-selectable elements masking indicia that correspond to at least a portion of a criteria for achieving the second award level;

(ii) receiving a player selection of one of the player-selectable elements from the second set of player-selectable elements and revealing the indicium for the player-selected element;

(iii) if the indicium for the player-selected element does not meet the criteria corresponding to the second award level, displaying another second set of player-selectable elements without informing the player that the player has been awarded the second award level, the player-selectable elements masking indicia that correspond to a portion of a criteria for achieving the second award level;

(iv) receiving a player selection of one of the player-selectable elements from the another second set of player-selectable elements and revealing the indicium for the player-selected element; and

(v) repeating steps (iii) and (iv) until a cumulative result of the revealed indicia corresponds to the criteria for achieving the second level award so as to inform the player that the player has been awarded the second award level.

7. The method of claim 1, wherein the displaying steps of (i) and (iii) are part of a scripted sequence of displaying steps that always cause the cumulative result of the revealed indicia to correspond to the criteria for achieving the first level award.

8. The method of claim 7, wherein the scripted sequence of displaying steps is altered depending on the player-selected elements.

9. The method of claim 7, wherein the scripted sequence of displaying steps is selected from a plurality of scripted sequences that always cause the cumulative result of the revealed indicia to correspond to the criteria for achieving the first level award.

10. The method of claim 1, wherein the conducting the wagering game is performed by a processor within a gaming machine at which the wagering game is being played.

11. A method of conducting a wagering game, comprising:

(i) providing at least a first award level and a second award level, each award level having at least one award associated therewith;

(ii) determining to award a player the first award level;

(iii) displaying at least two player-selectable elements, at least one of the player-selectable elements masking a first indicium associated with the first award level and at least a second of the player-selectable elements masking a second indicium associated with the second award level, at least one of the indicia being randomly determined;

(iv) requiring the selection of at least two player-selectable elements associated with the second award level to be selected for the second award level to be awarded;

(v) selecting, via player selection, one of the at least two player-selectable elements;

(vi) determining whether the selected element is associated with the first award level or the second award level;

(vii) revealing the masked indicia for each of the at least two player-selectable elements;

(viii) in response to the selected element being associated with the first award level,

a) repeating steps (iii) – (vii) at least one additional time; and

b) awarding the award associated with the first award level; and

(ix) in response to the selected element being associated with the second award level,

a) displaying at least two additional player-selectable elements, each of the at least two additional player-selectable elements masking an indicium associated with the first award level,

b) selecting, via player selection, one of the at least two additional player-selectable elements,

c) revealing only the masked indicium of the selected additional player-selectable element, and

d) awarding the award associated with the first award level.

12. A gaming system for conducting a wagering game in which a special award may be awarded, the special award having at least a first award level and a second award level, the system comprising:

a wager input device for receiving a wager from a player;

a display for displaying the wagering game in response to receiving the wager from the player;

a controller connected to the display and adapted to,

(a) in response to the special award being awarded to the player in the wagering game, display a first set of player-selectable elements without informing the player that the first award level has been awarded to the player, the player-selectable elements masking at least one indicium corresponding to all or a portion of criteria for achieving the first award level and at least one indicium corresponding to a portion of the criteria for achieving the second award level, at least one of the indicia being randomly determined;

(b) receive a player selection of one of the player-selectable elements from the first set of player-selectable elements and reveal the indicium for the player-selected element;

(c) if the indicium for the player-selected element does not meet all the criteria corresponding to the first award level, display another set of player-selectable elements without informing the player that the first award level has been awarded to the player, the another set of player-selectable elements masking at least one indicium corresponding to all or a portion of the criterion for achieving the first award level

and at least one indicium corresponding to a portion of the criteria for achieving the second award level;

(d) receive a player selection of one of the player-selectable elements from the another set of player-selectable elements and reveal the indicium for the player-selected element; and

(e) repeat steps (c) and (d) until a cumulative result of the revealed indicia corresponds to the criteria for achieving the first level award so as to inform the player that the first award level has been awarded to the player.

13. The system of claim 12, wherein the controller is further adapted to display the criteria for achieving the first award level and the second award level to the player and update the portion of the criteria for the first award level and second award level that has been achieved after each player selection.

14. The system of claim 12, wherein the controller is further adapted to reveal the indicia for the unselected player-selectable elements to inform the player what would have been achieved with a different selection.

15. The system of claim 12, wherein the wagering game includes a basic game and a bonus game, the displaying of player-selectable elements and receiving of player selections through the controller being associated with the bonus game.

16. The system of claim 12, wherein the wagering game includes a basic game and provides eligibility to a progressive game, the first award level and the second award level being, respectively, a first progressive jackpot and a second progressive jackpot, the displaying of player-selectable elements and receiving of player selections through the controller being associated with the progressive game.

17. The system of claim 12, wherein in response to a randomly selected outcome in the wagering game being a second-award-level triggering outcome, the controller is further adapted to:

(i) display a second set of player-selectable elements without informing the player that the player has been awarded the second award level, the second set of player-selectable elements masking indicia that correspond to at least a portion of a criteria for achieving the second award level;

(ii) receive a player selection of one of the player-selectable elements from the second set of player-selectable elements and reveal the indicium for the player-selected element;

(iii) if the indicium for the player-selected element does not meet the criteria corresponding to the second award level, display another second set of player-selectable elements without informing the player that the player has been awarded the second award level, the player-selectable elements masking indicia that correspond to a portion of a criteria for achieving the second award level;

(iv) receive a player selection of one of the player-selectable elements from the another second set of player-selectable elements and reveal the indicium for the player-selected element; and

(v) repeat steps (iii) and (iv) until a cumulative result of the revealed indicia corresponds to the criteria for achieving the second level award so as to inform the player that the player has been awarded the second award level.

18. The system of claim 12, wherein the display through the controller of steps of (a) and (c) are part of a scripted sequence of displaying steps that always cause the cumulative result of the revealed indicia to correspond to the criteria for achieving the first level award.

19. The system of claim 18, wherein the scripted sequence of displaying steps is altered depending on the player-selected elements.

20. The method of claim 18, wherein the scripted sequence of displaying steps is selected from a plurality of scripted sequences that always cause the cumulative result of the revealed indicia to correspond to the criteria for achieving the first level award.

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.
12/740,757	04/30/2010	Allon G. Englman	247079-000574USPX	1854

70243 7590 07/20/2011

NIXON PEABODY LLP
300 S. Riverside Plaza
16th Floor
CHICAGO, IL 60606

EXAMINER	
VO, PETER DUNG BA	
ART UNIT	**PAPER NUMBER**
3718	
MAIL DATE	**DELIVERY MODE**
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
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

NIXON PEABODY LLP
300 S. Riverside Plaza
16th Floor
CHICAGO IL 60606

In re Application of:
ENGLMAN, ALLON G.
Serial No.: 12/740757
Filed: April 30, 2010
Attorney Docket No. : 247079-000574USPX
Title: WAGERING GAME WITH PLAYER-SELECTABLE ELEMENTS PROVIDING A SCRIPTED OUTCOME

DECISION ON A REQUEST TO PARTICIPATE IN PCT/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 11, 2011 to make the above-identified application special.

The request and petition are **granted.**

A grantable request to participate in the PPH pilot program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more PCT applications filed in the JPO, EPO, KIPO, or USPTO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the PCT application(s) latest international work product (the written opinion or the IPER) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the PCT application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of the latest international work product from the PCT application containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate; and
(6) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

In light of the petition being properly submitted, the request to participate in the PPH program and the petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

The applicant is encouraged to cite and submit all relevant prior art references; if any, to facilitate examination in this application.

Response must be filed via EFS-Web. Telephone inquiries concerning this decision should be directed to Henry C. Yuen, at 571-272-4856.

Petition is **granted**.

/Henry C. Yuen/

Henry C. Yuen
Special Programs Examiner
Technology Center 3700
Tel: 571-272-4856

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

MILLEN, WHITE, ZELANO & BRANIGAN, P.C.
2200 CLARENDON BLVD.
SUITE 1400
ARLINGTON, VA 22201

MAILED

JAN 12 2011

PCT LEGAL ADMINISTRATION

In re Application of SHIRONO et al :
U.S. Application No.: 12/740,758 :
PCT Application No.: PCT/JP2008/069404 :
Int. Filing Date: 27 October 2008 :
Priority Date Claimed: 02 November 2007 : DECISION
Attorney Docket No.: HAYAK-0038 :
For: PHARMACEUTICAL COMPOSITION :
CONTAINING HUMAN MESENCHYMAL :
STEM CELL :

This is in response to applicant's correspondence filed 18 October 2010, which is being treated as a request for status under 37 CFR 1.42.

BACKGROUND

On 27 October 2008, applicant filed international application PCT/JP2008/069404, which claimed priority of an earlier Japan application filed 02 November 2007. A copy of the international application was communicated to the USPTO from the International Bureau on 07 May 2009. The thirty-month period for paying the basic national fee in the United States expired on 03 May 2010.

On 30 April 2010, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

On 18 August 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 18 October 2010, applicant filed the present request for status under 37 CFR 1.42 along with executed declarations.

DISCUSSION

The request for status states that joint inventor Hiroyuki Shirono is deceased.

37 CFR 1.42 provides, "In case of the death of the inventor, the legal representative (executor, administrator, etc.) of the deceased inventor may make the necessary oath or declaration, and apply for and obtain the patent."

Effective 07 November 2000, 37 CFR 1.497(b)(2) specifies that, where a person making the declaration is the legal representative of a deceased inventor, the declaration shall state the following: (1) the relationship of the person to the inventor, (2) the facts the inventor would have been required to state, upon information and belief, (3) that the person is the legal representative of the deceased inventor, and (4) the citizenship, residence, and mailing address of the legal representative.

The declarations filed on 18 October 2010 are improper. Specifically, the declaration executed by the three living inventors fails to state the name and citizenship of the deceased inventor as required by 37 CFR 1.497(a)(3). Furthermore, the declaration executed by the legal representative of the deceased inventor fails to state the citizenship of the deceased inventor as required by 37 CFR 1.497(a)(3).

CONCLUSION

For the reasons above, the request for status under 37 CFR 1.42 is DISMISSED without prejudice.

If reconsideration on the merits of the request is desired, a proper response must be filed within TWO (2) MONTHS from the mail date of this decision. Failure to timely file a proper response will result in ABANDONMENT of the application. Extensions of time are available under 37 CFR 1.136(a). Any reconsideration request should include a cover letter entitled "Renewed Request for Status Under 37 CFR 1.42".

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

Bryan Lin

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
www.uspto.gov

MAILED

JUL 27 2011

PCT LEGAL ADMINISTRATION

MILLEN, WHITE, ZELANO & BRANIGAN, P.C.
2200 CLARENDON BLVD.
SUITE 1400
ARLINGTON, VA 22201

In re Application of SHIRONO et al :
U.S. Application No.: 12/740,758 :
PCT Application No.: PCT/JP2008/069404 :
Int. Filing Date: 27 October 2008 :
Priority Date Claimed: 02 November 2007 : DECISION
Attorney Docket No.: HAYAK-0038 :
For: PHARMACEUTICAL COMPOSITION :
CONTAINING HUMAN MESENCHYMAL :
STEM CELL :

This is in response to applicant's renewed request for status under 37 CFR 1.42 filed 27 May 2011.

BACKGROUND

On 27 October 2008, applicant filed international application PCT/JP2008/069404, which claimed priority of an earlier Japan application filed 02 November 2007. A copy of the international application was communicated to the USPTO from the International Bureau on 07 May 2009. The thirty-month period for paying the basic national fee in the United States expired on 03 May 2010.

On 30 April 2010, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

On 18 August 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 18 October 2010, applicant filed a request for status under 37 CFR 1.42 along with executed declarations.

On 12 January 2011, this Office mailed a decision dismissing the 18 October 2010 request.

On 27 May 2011, applicant filed the instant renewed request for status under 37 CFR 1.42 along with a newly executed declaration.

DISCUSSION

The request for status states that joint inventor Hiroyuki Shirono 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 27 May 2011 is in compliance with 37 CFR 1.42 and 1.497.

CONCLUSION

For the reasons above, the renewed request for status under 37 CFR 1.42 is GRANTED.

The application has an International Filing Date under 35 U.S.C. 363 of 27 October 2008, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 27 May 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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

HKH LAW, LLC
1660 LINCOLN STREET, SUITE 3000
DENVER, CO 80264

MAILED

OCT 12 2011

OFFICE OF PETITIONS

In re Application of
Richard A. Morgal'et al
Application No. 12/740,760
Filed: April 30, 2010
Attorney Docket No. 506-003-USP

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed September 27, 2011.

The request is **APPROVED**.

The request was signed by Gregory W. O'Connor on behalf of the practitioners of record associated with Customer Number 45346.

Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to assignee Intrago Corporation at the address indicated below.

Telephone inquiries concerning this decision should be directed to Irvin Dingle at (571) 272-3210.

Irvin Dingle
Petitions Examiner
Office of Petitions

cc: Intrago Corporation
P.O. Box 51
Boulder, CO 80306

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/740,760	04/30/2010	Richard A. Morgal	506-003-USP

CONFIRMATION NO. 1880

45346
HKH Law, LLC
1660 LINCOLN STREET, SUITE 3000
DENVER, CO 80264

POWER OF ATTORNEY NOTICE

OC000000050317336

Date Mailed: 10/12/2011

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 09/27/2011.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/idingle/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/740,760	04/30/2010	Richard A. Morgal	506-003-USP

CONFIRMATION NO. 1880

Intrago Corporation
P.O. Box 51
Boulder, CO 80306

POA ACCEPTANCE LETTER

OC00000005031735 7

Date Mailed: 10/12/2011

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 09/27/2011.

The Power of Attorney in this application is accepted. Correspondence in this application will be mailed to the above address as provided by 37 CFR 1.33.

/idingle/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MAILED

NOV 10 2010

PCT LEGAL ADMINISTRATION

Pearl Cohen Zedek Latzer, LLP
1500 Broadway
12th Floor
New York NY 10036

In re Application of:
EMANUEL, Noam, et al.
U.S. Application No.: 12/740,764
PCT No.: PCT/IL2008/001435
International Filing Date: 02 November 2008
Priority Date: 31 October 2007
Attorney's Docket No.: P-70086-US
For: DEVICE, SYSTEM AND METHOD FOR IN-VIVO ANALYSIS

DECISION ON REQUEST UNDER 37 CFR 1.497(d)

This decision is issued in response to the "Petition To Add Inventors Under 37 C.F.R. § 1.48(a)" filed 20 October 2010, treated herein as a request under 37 CFR 1.497(d).[1] Applicants have paid the required processing fee.

BACKGROUND

On 02 November 2008, applicants filed international application PCT/IL2008/001435. The application claimed a priority date of 31 October 2007, and it designated the United States. On 07 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., 30 April 2010. The published international application identified two applicant/inventors for the United States.

On 30 April 2010, applicants filed a Transmittal Letter for entry into the national stage in the United States accompanied by, among other materials, payment of the basic national fee.

On 08 July 2010, the United States Designated/Elected Office (DO/EO/US) mailed a "Notification Of Missing Requirements" (Form PCT/DO/EO/905) requiring submission of an oath or declaration in compliance with 37 CFR 1.497 and the surcharge for filing the oath or declaration later than thirty months after the priority date.

On 20 October 2010, applicants filed a response to the Notification Of Missing Requirements (with required extension fee). The response included payment of the required

[1] The regulation cited by applicants, 37 CFR 1.48(a), applies only to non-provisional applications. 37 CFR 1.497(d) is the applicable regulation where an applicant seeks to correct the inventorship in a U.S. national stage application filed under 35 U.S.C. 371.

surcharge, a declaration that names and is executed by the two applicant/inventors of record and four additional persons, and the "Petition To Add Inventors Under 37 C.F.R. § 1.48(a)" treated herein as a request under 37 CFR 1.497(d).

DISCUSSION

Section 1893.01(e) of the MPEP states the following regarding changes in the inventorship of an international application entering the national stage (emphasis added):

> The inventorship of an international application entering the national stage under 35 U.S.C. 371 is that inventorship set forth in the international application, which includes any changes effected under PCT Rule 92*bis*. See 37 CFR 1.41(a)(4). Accordingly, **an oath or declaration that names an inventive entity different than that set forth in the international application will not be accepted for purposes of entering the U.S. national phase unless the requirements under 37 CFR 1.497(d) are satisfied.** These requirements include: (A) a statement from each person being added as an inventor and from each person being deleted as an inventor that any error in inventorship in the international application occurred without deceptive intention on his or her part; (B) the processing fee set forth in 37 CFR 1.17(i); and (C) the written consent of the assignee if an assignment has been executed by any of the original named inventors (see 37 CFR 3.73(b)).

As noted above, applicants have filed a declaration that names an inventive entity different than that set forth in the international application (specifically, Elena KHAZZANOV, Abraham RUBINSTEIN, Yechezkel BARENHOLZ and Abdel Kareem AZAB were added as additional inventors). Accordingly, applicants must satisfy the requirements of 37 CFR 1.497(d) before such declaration can be accepted.

The present petition under 37 CFR 1.497(d) includes the required statements of non-deceptive intent from the persons to be added as inventors, as well as the required processing fee. Requirements (A) and (B) are therefore satisfied.

With respect to requirement (C), applicants have submitted a document entitled "Assignee Consent" wherein an officer of Given Imaging Ltd indicates that the company is the assignee of the present application and that the assignee consents to the addition of the four inventors at issue. The statement of consent is accompanied by an executed "Statement under 37 CFR 3.73(b)" (Form PTO/SB/96). However, the "Statement under 37 CFR 3.73(b)" is not properly completed. Specifically, the statement does not indicate the reel and frame number where the assignment was recorded with the USPTO or, in the alternative, that a copy of the assignment is provided therewith and that an additional copy of the assignment has been submitted for recording in the USPTO (see 37 CFR 3.73(b)(1)). Because the consent of the assignee here has not been submitted in compliance with 37 CFR 3.73(b), the consent may not be accepted in satisfaction of the final element of a grantable request under 37 CFR 1.497(d).

Based on the above, applicants have failed to submit all the requirements of a grantable request under 37 CFR 1.497(d). Accordingly, the request to add Elena KHAZZANOV, Abraham RUBINSTEIN, Yechezkel BARENHOLZ and Abdel Kareem AZAB as additional inventors of record is appropriately dismissed on the present record.

CONCLUSION

Applicants' request to correct inventorship under 37 CFR 1.497(d) is **DISMISSED** without prejudice.

The inventorship of record herein remains that set forth in the international application, that is, Noam EMANUEL and Emil-Israel KATZ.

The declaration filed 20 October 2010, which includes four additional inventors, is defective on the present record for failure to properly identify and be executed by the inventors of record herein.

If reconsideration on the merits of the petition is desired, a proper response must be filed within **TWO (2) MONTHS** of the mail date of the present decision. Any request for reconsideration should include a cover letter entitled "Renewed Petition Request Under 37 CFR 1.497(d)" and must include the materials required to complete item (C) of a grantable request, as discussed above and in the MPEP, that is, an acceptable statement under 37 CFR 3.73(b).

Failure to file a proper response will result in abandonment of the application. Extensions of time are available under 37 CFR 1.136(a)

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

/RichardMRoss/

Richard M. Ross
Attorney Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3296
Facsimile: (571) 273-0459

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MAILED

JAN 07 2011

PCT LEGAL ADMINISTRATION

Pearl Cohen Zedek Latzer, LLP
1500 Broadway
12th Floor
New York NY 10036

In re Application of: EMANUEL, Noam, et al.
U.S. Application No.: 12/740,764
PCT No.: PCT/IL2008/001435
International Filing Date: 02 November 2008
Priority Date: 31 October 2007
Attorney's Docket No.: P-70086-US
For: DEVICE, SYSTEM AND METHOD FOR IN-VIVO ANALYSIS

DECISION ON RENEWED REQUEST UNDER 37 CFR 1.497(d)

This decision is issued in response to applicants' "Renewed Petition To Add Inventors Under 37 C.F.R. § 1.497(d)" filed 17 November 2010. Applicants have previously paid the required processing fee.

BACKGROUND

The procedural background for the present application was set forth in the decision mailed 10 November 2010. The decision dismissed without prejudice applicants' request to correct inventorship under 37 CFR 1.497(d), finding that applicants had failed to satisfy all the requirements of a grantable request. Specifically, applicants had failed to provide the consent of the assignee in the form required under 37 CFR 3.73(b).

On 17 May 2010, applicants filed the "Renewed Petition To Add Inventors Under 37 C.F.R. § 1.497(d)" considered herein.

DISCUSSION

The renewed petition again includes the "Assignee Consent" document wherein an officer of Given Imaging Ltd indicates that the company is the assignee of the present application and that the assignee consents to the addition of the four inventors at issue. Applicants have now also supplied copies of the relevant assignment and confirmation of the reel and frame number at which the assignment has been recorded with the USPTO.

In view of the above, applicants have now submitted the consent of the assignee in compliance with 37 CFR 3.73(b). Accordingly, applicants have now satisfied the final outstanding requirement for a grantable request to correct inventorship under 37 CFR 1.497(d). The requested addition of Elena KHAZZANOV, Abraham RUBINSTEIN, Yechezkel

BARENHOLZ and Abdel Kareem AZAB as additional inventors of record in the present application is therefore appropriately granted.

Based on the above correction, the declaration filed 20 October 2010 is now acceptable in compliance with 37 CFR 1.497(d).

CONCLUSION

Applicants' renewed request to correct inventorship under 37 CFR 1.497(d) is **GRANTED**.

The inventorship of record herein is corrected to add Elena KHAZZANOV, Abraham RUBINSTEIN, Yechezkel BARENHOLZ and Abdel Kareem AZAB as additional inventors of record.

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 20 October 2010.

/RichardMRoss/

Richard M. Ross
Attorney Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3296

UNITED STATES PATENT AND TRADEMARK OFFICE

24 SEP 2010

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Ronald E. Greigg
Greigg & Greigg P.L.L.C.
1423 Powhatan Street, Unit One
Alexandria VA 22314

In re Application of :
ZEMAN et al. :
U.S. Application No.: 12/740,772 :
PCT No.: PCT/EP2008/062825 : DECISION ON PETITION
Int. Filing Date: 25 September 2008 :
Priority Date: 30 October 2007 :
Attorney Docket No.:R.320656 :
For: POTENTIOMETER :

This decision is issued in response to applicants' "Declaration of Veronika Fiedor" filed 14 June 2010 treated herein as a Petition 37 CFR §1.182. Applicants are requesting to change the name of the third inventor from Veronika SKRICILOVA to Veronika FIEDOR due to marriage. The petition was accompanied by an affidavit signed by Veronika FIEDOR using both her former name and present name. The $400 petition fee will be charged to Deposit Account no 07-2100.

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 third inventor from Veronika SKRICILOVA to Veronika FIEDOR. Accordingly, the present submission has been treated as a petition under 37 CFR 1.182 to correct the name of the third 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, applicant's submission included the authorization to charge Deposit Account No. 07-2100 for required fees. (See Transmittal Letter dated 30 April 2010.) Based on this authorization, the Deposit Account will be charged the requisite petition fee of $400. As for

the affidavit requirement, applicants have submitted a "Declaration of Veronika Fiedor" regarding the name change. This affidavit states that the inventor's surname was changed, and that her name was legally changed to Veronika FIEDOR as a result of marriage

CONCLUSION

The petition under 37 CFR 1.182 to change the inventor's name from Veronika SKRICILOVA to Veronika FIEDOR is **GRANTED**.

Based on the above, the declaration filed 30 April 2010 is in compliance with 37 CFR 1.497.

This application is being referred to the National Stage Processing Branch of the Office Of PCT Operations for further processing in accordance with this decision.

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Telephone: 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

MAILED

SEP 23 2011

PCT LEGAL ADMINISTRATION

Danisco US Inc.
Attention: Legal Department
925 Page Mill Road
Palo Alto CA 94304

In re Application of :
ESTELL et al. :
U.S. App. No. 12/740,782 : DECISION ON PETITION
PCT No.: PCT/US2008/012276 : UNDER 37 CFR 1.137(b)
Int. Filing Date: 28 October 2008 :
Priority Date: 01 November 2007 :
Attorney Docket: 31056US :
For: PRODUCTION OF THERMOLYSIN AND VARIANTS THEREOF AND USE IN LIQUID DETERGENTS :

The petition to revive under 37 CFR 1.137(b) filed 03 August 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

UNITED STATES PATENT AND TRADEMARK OFFICE

16 AUG 2010

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MCKEE, VOORHEES & SEASE, P.L.C.
801 GRAND AVENUE
SUITE 3200
DES MOINES IA 50309-2721

In re Application of:	:	
NEGORO, Takanari, et al.	:	
U.S. Application No.: 12/740,804	:	DECISION
PCT No.: PCT/JP2008/070112	:	
International Filing Date: 05 November 2008	:	
Priority Date: 05 November 2007	:	
Attorney Docket No.: P09602US00	:	
For: TABLE	:	

This decision is issued in response to applicants' "Petition Under 37 CFR 1.181" filed 09 July 2010. No petition fee is required.

BACKGROUND

On 05 November 2008, applicants filed international application PCT/JP2008/070112. The international application claimed a priority date of 05 November 2007, and it designated the United States. On 14 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., 05 May 2010.

On 30 April 2010, applicants filed a Form PTO-1390 Transmittal Letter requesting entry into the national stage in the United States accompanied by, among other materials, an English translation of the international application, an application data sheet (ADS), and payment of the small entity basic national fee, search fee, examination fee, and late-declaration surcharge. Both the ADS and the Form PTO-1390 Transmittal Letter filed by applicants included an assertion of small entity status.

On 27 May 2010, applicants filed an executed declaration in compliance with 37 CFR 1.497 and a document entitled "Notification Of Error In Payment Of Fee(s) As Small Entity (37 CFR 1.28(c))" stating that applicants' assertion of small entity status had been in error. The submission was accompanied by a supplemental ADS in which the assertion of small entity status had been removed and payment of the $610 required to complete the large entity fees appropriately required herein.

On 25 June 2010, the United States Designated/Elected Office (DO/EO/US) mailed a "Notification Of Acceptance" (Form PCT/DO/EO/903) and a filing receipt. Both the

Notification Of Acceptance and the filing receipt indicated that the applicants were a small entity.

On 09 July 2010, applicants filed the "Petition Under 37 CFR 1.181" considered herein. The petition requests that USPTO records be updated to confirm applicants' large entity status and that a corrected filing receipt be issued without the incorrect indication of small entity status.

DISCUSSION

The record confirms applicants' submission on 27 May 2010 of correspondence retracting applicants' previous assertion of small entity status, including a supplemental ADS in which the small entity indication had been removed. The supplemental ADS is now present in the application file. The record also confirms that applicants have submitted the $610 in fees required to complete the large entity amounts for the fees previously paid herein as a small entity (specifically, an additional $165 for the basic national fee, $270 for the search fee, $110 for the examination fee, and $65 for the late-declaration surcharge, for a total of $610).

In view of the above, applicants' petition requesting that USPTO records be updated to confirm applicants' large entity status and that a corrected filing receipt be issued is appropriately granted.

CONCLUSION

Applicants' petition under 37 CFR 1.181 is **GRANTED**.

The application file has been updated to identify applicants as a large entity.

Accompanying this decision is a corrected filing receipt in which the indication of small entity status has been removed.

Richard M. Ross
Attorney Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3296
Facsimile: (571) 273-0459

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

RATNERPRESTIA
P.O. BOX 980
VALLEY FORGE PA 19482

MAILED
JAN 3 1 2011
OFFICE OF PETITIONS

In re Application of	:	
Michael WALTER et al.	:	
Application No. 12/740,806	:	DECISION ON PETITION
Filed: August 05, 2010	:	
Attorney Docket No. PTM81871US	:	

This is a decision on the petition under 37 CFR 1.182, filed, December 01, 2010, to change the name of inventor "Wladmir Hellman" to – Wladimir Klein --.

The petition is **GRANTED**.

Office records have been updated to reflect the inventor's change of name. A corrected Filing Receipt, which reflects the inventor's change of name, accompanies this decision on petition.

Any questions concerning this matter may be directed to Michelle R. Eason at (571) 272-4231. Any questions concerning the examination procedures or status of the application should be directed to the Technology Center.

This application is being referred to Technology Center AU 2624.

Thurman K. Page
Petitions Examiner
Office of Petitions

ATTACHMENT: Corrected Filing Receipt

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
12/740,806	08/05/2010	2624	1110	PTM81871US	14	2

CONFIRMATION NO. 1208

CORRECTED FILING RECEIPT

23122
RATNERPRESTIA
P.O. BOX 980
VALLEY FORGE, PA 19482

Date Mailed: 01/31/2011

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 Walter, Neuravensburg, GERMANY;
Wladimir Klein, Lindau, GERMANY;

Assignment For Published Patent Application

ADC Automotive Distance Control Systems GmbH, Lindau, GERMANY

Power of Attorney: The patent practitioners associated with Customer Number 23122

Domestic Priority data as claimed by applicant

This application is a 371 of PCT/DE08/01706 10/18/2008

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.)
GERMANY 10 2007 051 966.6 10/31/2007

If Required, Foreign Filing License Granted: 08/17/2010

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 12/740,806**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

METHOD AND DEVICE FOR DETECTING THE COURSE OF A TRAFFIC LANE

Preliminary Class

382

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at http://www.uspto.gov/web/offices/pac/doc/general/index.html.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, http://www.stopfakes.gov. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as

set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign AssetsControl, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MCKEE, VOORHEES & SEASE, P.L.C.
801 GRAND AVENUE
SUITE 3200
DES MOINES IA 50309-2721

MAILED

SEP 03 2010

OFFICE OF PETITIONS

In re Application of	:	
Tsukiji et al.	:	
Application No. 12/740,813	:	DECISION ON PETITION
Filed: May 21, 2010	:	
Attorney Docket No. P09603US00	:	

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 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.

Telephone inquires concerning this decision should be directed to the undersigned at (571) 272-7751.

Joan Olszewski
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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.
12/740,820	04/30/2010	Andrew Hedges	VWS-56US	1313

26875 7590 09/09/2010

WOOD, HERRON & EVANS, LLP
2700 CAREW TOWER
441 VINE STREET
CINCINNATI, OH 45202

EXAMINER	
ART UNIT	PAPER NUMBER
1783	

MAIL DATE	DELIVERY MODE
09/09/2010	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

SEP 9 2010

CT

In re application of Andrew Hedges et al Serial No. 12/740,820 Filed: April 30, 2010 For: STRUCTURAL MAT FOR REINFORCING A WIND TURBINE BLADE STRUCTURE	:	DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(d)

This is a decision on the request to participate in the PCT Patent Prosecution Highway (PCT-PPH) pilot program and the petition under 37 CFR 1.102(d), filed July 9, 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;

(7) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications; and

The request to participate in the PPH program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

The application is currently undergoing National Stage processing, and will be forwarded to the examiner for action on the merits upon completion of the processing.

Any inquiry regarding this decision should be directed to Christine Tierney, Quality Assurance Specialist, at (571) 272-1055.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc/index.html.

/Christine Tierney/

Christine Tierney
Quality Assurance Specialist
Technology Center 1700

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/740,848	04/30/2010	Ian Stewart	VWS-60US	1458

26875 7590 08/05/2010
WOOD, HERRON & EVANS, LLP
2700 CAREW TOWER
441 VINE STREET
CINCINNATI, OH 45202

EXAMINER	
ART UNIT	PAPER NUMBER
3745	

MAIL DATE	DELIVERY MODE
08/05/2010	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

WOOD, HERRON & EVANS, LLP
2700 CAREW TOWER
441 VINE STREET
CINCINNATI OH 45202

In re Application of	:
STEWART, IAN	: DECISION ON REQUEST TO
Application No. 12/740,848	: PARTICIPATE IN PATENT
Filed: April 30, 2010	: PROSECUTION HIGHWAY
Attorney Docket No. VWS-60US	: PILOT PROGRAM AND PETITION
For: WIND TURBINE BLADE AND METHOD FOR MANUFACTURING A WIND TURBINE BLADE	: TO MAKE SPECIAL UNDER :37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed July 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 JPO, EPO, KIPO or USPTO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the PCT application(s) latest international work product (the written opinion or the IPER) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the PCT application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of the latest international work product from the PCT application containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate; and
(6) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

In light of the petition being properly submitted, the request to participate in the PPH program and the petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

The applicant is encouraged to cite and submit all relevant prior art references, if any, to facilitate examination in this application.

All other inquiries concerning the examination or status of the application should be directed to Ed Look, the SPE of Art Unit 3745, and 571-272-4820 for Class 416/243 and also accessible in the PAIR system at http://www.uspto.gov/ebc.index.html.

All other inquiries concerning the examination or status of the application should be directed to the Patent Application Information Retrieval (PAIR) system.

The application will be docketed to an examiner for action on the merits commensurate with this decision.

Telephone inquiries concerning this decision should be directed to Henry C. Yuen, at 571-272-4856.

The petition is **granted.**

/Henry C. Yuen/

Henry C. Yuen, Special Programs Examiner
Technology Center 3700 – Mechanical Engineering,
Manufacturing and Products
571-272-4856

UNITED STATES PATENT AND TRADEMARK OFFICE

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.
12/740,883	04/30/2010	Kazuhiko Aoki	100637	1642

38834 7590 08/06/2010

WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP
1250 CONNECTICUT AVENUE, NW
SUITE 700
WASHINGTON, DC 20036

EXAMINER	
ART UNIT	PAPER NUMBER
3728	

NOTIFICATION DATE	DELIVERY MODE
08/06/2010	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patentmail@whda.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

WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP
1250 CONNECTICUT AVENUE, NW
SUITE 700
WASHINGTON DC 20036

In re Application of:
AOKI, KAZUHIKO et al
Serial No.: 12/740,883
Filed: April 30, 2010
Docket: 100637
Title: BIODEGRADABLE COMPOSITION, PROCESSED BIODEGRADABLE ARTICLE SUCH AS FOOD CONTAINER, AND METHOD OF PRODUCING THE SAME

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 May 17, 2010 to make the above-identified application special.

The request and petition are GRANTED.

A grantable request to participate in the PPH program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more corresponding application(s) filed in the JPO or to a PCT application that does not contain any priority claim, or the U.S. application must be a national stage entry of a PCT application that does not contain any priority claim;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of all the office actions from each of the JPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate; and

(6) Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO office action along with copies of documents except U.S. patents or U.S. patent application publications.

In light of the petition being properly submitted, the request to participate in the PPH program and the petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

The applicant is encouraged to cite and submit all relevant prior art references, if any, to facilitate examination in this application.

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 Mickey Yu, the SPE of Art Unit 3728, and 571-272-4562 for Class 206/524 and also accessible in the PAIR system at http://www.uspto.gov/ebc.index.html.

Petition is **granted**.

/Henry C. Yuen/

Henry C. Yuen, Special Programs Examiner
Technology Center 3700 – Mechanical Engineering,
Manufacturing and Products
571-272-4856

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

NIXON & VANDERHYE, PC
901 NORTH GLEBE ROAD, 11TH FLOOR
ARLINGTON, VA 22203

MAILED
MAR 30 2011
PCT LEGAL ADMINISTRATION

In re Application of DRAKULICH et al :
U.S. Application No.: 12/740,888 :
PCT Application No.: PCT/GB2008/003686 :
Int. Filing Date: 29 October 2008 : DECISION
Priority Date Claimed: 01 November 2007 :
Attorney Docket No.: MJK-45-338 :
For: REPAIR OF HEATING WALLS IN A :
REFRACTORY FURNACE :

This is in response to applicant's petition under 37 CFR 1.47(a) filed on 24 January 2011.

BACKGROUND

On 29 October 2008, applicant filed international application PCT/GB2008/003686, which claimed priority of an earlier United States application filed 01 November 2007. A copy of the international application was communicated to the USPTO from the International Bureau on 07 May 2009. The thirty-month period for paying the basic national fee in the United States expired on 03 May 2010.

On 30 April 2010, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

On 23 June 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 24 January 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 Dan Drakulich 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 inventor Drakulich and that inventor Drakulich received such papers (see affidavit of Ernie Goffi, ¶3, and Exhibit B). Furthermore, the petition sufficiently illustrates that inventor Drakulich refuses to sign. In particular, inventor Drakulich made an express written refusal to sign in an electronic mail message dated 03 May 2010. Thus, it can be concluded with reasonable certainty that inventor Drakulich 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 fails to state the last known home address of the nonsigning inventor.[1]

CONCLUSION

For the reasons above, the petition under 37 CFR 1.47(a) is DISMISSED without prejudice.

If reconsideration on the merits of the petition is desired, a proper response must be filed within TWO (2) MONTHS from the mail date of this decision. Failure to timely file a proper response will result in ABANDONMENT of the application. Extensions of time are available under 37 CFR 1.136(a). Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)". No additional petition fee is required.

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

Bryan Lin
PCT Legal Examiner
PCT Legal Office

Telephone: 571-272-3303
Facsimile: 571-273-0459

[1] In situations where an inventor does not execute the oath or declaration and the inventor is not deceased, such as in an application filed under 37 CFR 1.47, the inventor's most recent home address must be given to enable the Office to communicate directly with the inventor as necessary. MPEP 605.03.

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

NIXON & VANDERHYE, PC
901 NORTH GLEBE ROAD, 11TH FLOOR
ARLINGTON, VA 22203

MAILED
JUN 17 2011
PCT LEGAL ADMINISTRATION

In re Application of DRAKULICH et al :
U.S. Application No.: 12/740,888 :
PCT Application No.: PCT/GB2008/003686 :
Int. Filing Date: 29 October 2008 : DECISION
Priority Date Claimed: 01 November 2007 :
Attorney Docket No.: MJK-45-338 :
For: REPAIR OF HEATING WALLS IN A :
REFRACTORY FURNACE :

This is in response to applicant's renewed petition under 37 CFR 1.47(a) filed on 19 April 2011.

BACKGROUND

On 29 October 2008, applicant filed international application PCT/GB2008/003686, which claimed priority of an earlier United States application filed 01 November 2007. A copy of the international application was communicated to the USPTO from the International Bureau on 07 May 2009. The thirty-month period for paying the basic national fee in the United States expired on 03 May 2010.

On 30 April 2010, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

On 23 June 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 24 January 2011, applicant filed a petition under 37 CFR 1.47(a).

On 30 March 2011, this Office mailed a decision dismissing the 24 January 2011 petition.

On 19 April 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), (2), and (3) above.

With regard to item (4) above, the renewed petition states the last known home address of the nonsigning inventor.

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 29 October 2008, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 19 April 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

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

Dan Drakulich
8436 Miramar Way
Lakewood Ranch, FL 34202

MAILED
JUN 17 2011
PCT LEGAL ADMINISTRATION

In re Application of DRAKULICH et al
U.S. Application No.: 12/740,888
PCT Application No.: PCT/GB2008/003686
Int. Filing Date: 29 October 2008
Priority Date Claimed: 01 November 2007
For: REPAIR OF HEATING WALLS IN A REFRACTORY FURNACE

Dear Dan Drakulich:

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

Bryan Lin
PCT Legal Examiner
PCT Legal Office
Telephone: 571-272-3303
Facsimile: 571-273-0459

NIXON & VANDERHYE, PC
901 NORTH GLEBE ROAD, 11TH FLOOR
ARLINGTON, VA 22203
Attorney Docket No.: MJK-45-338

07 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

RATNERPRESTIA
P.O. BOX 980
VALLEY FORGE PA 19482

In re Application of	:	
WALTER et al	:	
Application No.: 12/740,889	:	
PCT No.: PCT/DE2008/001705	:	
Int. Filing Date: 18 October 2008	:	DECISION
Priority Date: 31 October 2007	:	
Attorney Docket No.: PTM81870US	:	
For: DETECTOR AND METHOD FOR IDENTIFYING A ROAD LANE BOUNDARY	:	

This decision is in response to applicants' submission filed 11 August 2010, which has properly been treated as a petition under 37 CFR 1.182.

BACKGROUND

On 18 October 2008, applicants filed international application PCT/DE2008/001705 which designated the United States and claimed a priority date of 31 October 2007. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 07 May 2009. The thirty-month period for paying the basic national fee in the United States expired at midnight on 30 April 2010.

On 30 April 2010, applicants filed a transmittal letter for entry into the national stage in the United States, which was accompanied by, *inter alia*, the basic national fee.

On 15 June 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/903) indicating, *inter alia*, that an oath or declaration of the inventors in compliance with 37 CFR 1.497(a)-(b) was required.

On 11 August 2010, applicants filed a response including, *inter alia*, a declaration of inventors.

DISCUSSION

The declaration of inventors filed 11 August 2010 is not in compliance with 37 CFR 1.497(a)-(b). There is a difference in names in the second-named inventor on the international application between the published international application and the declaration of the inventors. The declaration of inventors filed 11 August 2010 contains an initialed and dated alteration in ink regarding the second inventor's name, which has been changed from Waldimir HELLMAN to Waldimir KLEIN.

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 copy of the court order.

As to item (1), the petition fee of $400 has not been paid.

With regard to item (2), the required statement has not been provided.

Additionally, there is another difference in the name of the second-named inventor on the international application between the published international application (Wladimir) and the declaration of the inventor (Waldimer). If there was a typographical error in the first name of the inventor as indicated in the international application, an acceptable explanation is required.

A Supplemental Application Data Sheet is also necessary since the original Application Data Sheet filed 30 April 2010 indicates the name of the second-named inventor as Wladimer HELLMAN.

CONCLUSION

For the reasons set forth above, the petition under 37 CFR 1.182 is **DISMISSED** without prejudice.

Applicant is hereby given the time limit of **TWO (2) MONTHS** from the mail date of this communication in order to file a proper response. Extensions of time may be obtained under 37 CFR 1.136(a).

Failure to timely file a proper response to this decision in a timely manner will result in abandonment of the application with regards to national stage prosecution in the United States.

Any further correspondence with respect to this matter may be filed electronically via

EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

/Daniel Stemmer/
Daniel Stemmer
Legal Examiner
PCT Legal Affairs
Office of Patent Cooperation Treaty
Legal Administration
Telephone: (571) 272-3301

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MAILED

DEC 06 2010

PCT LEGAL ADMINISTRATION

RATNERPRESTIA
P.O. BOX 980
VALLEY FORGE PA 19482

In re Application of	:	
WALTER et al	:	
Application No.: 12/740,889	:	
PCT No.: PCT/DE2008/001705	:	
Int. Filing Date: 18 October 2008	:	DECISION
Priority Date: 31 October 2007	:	
Attorney Docket No.: PTM81870US	:	
For: DETECTOR AND METHOD FOR IDENTIFYING A ROAD LANE BOUNDARY	:	

This decision is in response to applicants' submission filed 27 October 2010, which has properly been treated as a petition under 37 CFR 1.182.

BACKGROUND

On 18 October 2008, applicants filed international application PCT/DE2008/001705 which designated the United States and claimed a priority date of 31 October 2007. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 07 May 2009. The thirty-month period for paying the basic national fee in the United States expired at midnight on 30 April 2010.

On 30 April 2010, applicants filed a transmittal letter for entry into the national stage in the United States, which was accompanied by, *inter alia*, the basic national fee.

On 15 June 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/903) indicating, *inter alia*, that an oath or declaration of the inventors in compliance with 37 CFR 1.497(a)-(b) was required.

On 11 August 2010, applicants filed a response including, *inter alia*, a declaration of inventors.

On 07 September 2010, a decision was mailed properly treating applicants' submission filed 11 August 2010 as a petition under 37 CFR 1.182 to change the second inventor's name from Wladimir HELLMAN to Wladimir KLEIN. The petition was dismissed without prejudice.

On 27 October 2010, applicants filed the instant renewed petition under 37 CFR 1.182.

DISCUSSION

Petition Under 37 CFR 1.182

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 copy of the court order.

As to item (1), the petition fee of $400 has been paid.

With regard to item (2), a copy of the court order whereby the change of name was effected has been provided.

First Name of Second-Named Inventor

There is a difference in the first name of the second-named inventor on the international application between the published international application (Wladimir) and the declaration of the inventor (Waldimer). The statement filed 27 October 2010 concerning the first name of the second inventor explains that the inventor's name in the declaration is inaccurate and that the spelling in the international application is accurate. This explanation of the difference in names between the international application and the declaration of inventors is accepted and noted for the record. A Supplemental Application Data Sheet with the correct name of the second-named inventor has been filed.

Declaration of Inventors

The declaration of inventors filed 11 August 2010 is in compliance with 37 CFR 1.497(a)-(b).

CONCLUSION

For the reasons set forth above, the petition under 37 CFR 1.182 is **GRANTED**.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application.

/Daniel Stemmer/

Daniel Stemmer
Legal Examiner
PCT Legal Affairs

Office of Patent Cooperation Treaty
Legal Administration
Telephone: (571) 272-3301

UNITED STATES PATENT AND TRADEMARK OFFICE

15 SEP 2010

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

TERADYNE, INC.
c/o WOLF, GREENFIELD & SACKS, P.C.
600 ATLANTIC AVENUE
BOSTON MA 02210-2206

In re Application of :
CONNER :
Application No.: 12/740,927 : DECISION ON PETITION
PCT No.: PCT/US2008/081685 :
Int. Filing Date: 30 October 2008 : UNDER 37 CFR 1.181
Priority Date: 30 October 2007 :
Atty docket no.: T0529.70097US00 :
For: PROTOCOL AWARE DIGITAL CHANNEL :
APPARATUS :

This is a decision on applicant's request for corrected notice of acceptance and official filing receipt filed 13 August 2010 and supplemented on 13 September 2010 in the United States Patent and Trademark Office (USPTO). The filing is being treated as a petition under 37 CFR 1.181. No petition fee is due.

BACKGROUND

On 30 April 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); a first preliminary amendment and an Application Data Sheet.

On 07 June 2010, applicant was mailed a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) informing applicant of the need to provide an 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 20 July 2010, applicant filed an executed declaration of the inventor.

On 10 August 2010, applicant was mailed a "Notification of Acceptance" (Form PCT/DO/EO/903) indicating a 371 date of receipt of the 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) requirements as 27 July 2010.

On 13 September 2010, applicant filed the present petition claiming that the 371 requirements were satisfied on 20 June 2010.

DISCUSSION

A review of the application file finds that applicant's declaration of the inventor was filed on 20 July 2010. As such, it is proper to grant applicant's petition at this time.

CONCLUSION

Applicant's petition under 37 CFR 1.181 is **GRANTED**.

The application will be given an international filing date of 30 October 2008 under 35 U.S.C. 363 and a date of **20 July 2010** under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).

The "Notification of Acceptance of Application Under 35 U.S.C. 371 and 37 CFR 1.494 or 1.495" (Form PCT/DO/EO/903) mailed 10 August 2010 is hereby **VACATED**.

This application is being returned to the United States Designated/Elected Office (US/DO/EO) for further processing in accordance with this decision, namely the issuance of a "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
www.uspto.gov

TERADYNE, INC.
c/o WOLF, GREENFIELD & SACKS, P.C.
600 ATLANTIC AVENUE
BOSTON, MA 02210-2206

MAILED

NOV 07 2011

OFFICE OF PETITIONS

In re Application of: George W. Conner
Application No. 12/740,927
Int'l Filing Date: October 30, 2008
Atty. Docket No. T0529.70097US00
Pub. No.: US 2010/0312516 A1
Pub. Date: December 9, 2010

Decision on Request

This is a decision on the request for a corrected patent application publication under 37 C.F.R. § 1.221(b) filed January 4, 2011.

The request is **dismissed**.

37 C.F.R. § 1.221(b) states,

> [Relief under 37 C.F.R. § 1.221 is warranted] only when the Office makes a material mistake which is apparent from Office records.... Any request for corrected publication or revised patent application publication other than provided in paragraph (a) of this section must be filed within two months from the date of the patent application publication. This period is not extendable.

A mistake is only a "material" mistake if the mistake affects the public's ability to appreciate the technical disclosure of the patent application publication, determine the scope of the patent application publication, or determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent.[1]

The mistakes identified in the request will not affect the public's ability to appreciate the technical disclosure of the patent application publication, to determine the scope of the patent application publication, or to determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent. *See* MPEP § 1130(B). Therefore, relief under 37 C.F.R. § 1.221(b) is unwarranted and the request is dismissed.

[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).

Applicant is advised that a "request for republication of an application previously published" may be filed under 37 C.F.R. § 1.221(a). The request must include a copy of the application, which complies with the Office's electronic filing system requirements set forth in 37 C.F.R. § 1.18(d), and include the required processing fee set forth in 37 C.F.R. § 1.17(i).

If the request for republication does not comply with the electronic filing system requirements, the republication will not take place and the publication fee set forth in 37 C.F.R. § 1.18(d) will be refunded. However, the processing fee will be retained.
Guidance for filing a request for a Pre-Grant Publication, such as a request for republication, may be found at the links below:

http://www.uspto.gov/patents/process/file/efs/guidance/index.jsp

http://www.uspto.gov/ebc/portal/efs/pgpub_quickstart.pdf

Any request for republication under 37 C.FR 1.221(a), must be submitted via the EFS system as a "Pre-Grant Publication"

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

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:	12/740,941	Filing date:	April 30, 2010
First Named Inventor:	Bonnie Hames		
Title of the Invention:	MATERIAL AND METHODS FOR USE IN BIOMASS PROCESSING		

THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT HTTP://WWW.USPTO.GOV/EBC/EFS_HELP.HTML

APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PROGRAM.

The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.

The corresponding PCT application number(s) is/are: PCT/US2008/082047

The international filing date of the corresponding PCT application(s) is/are: October 31, 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.:	12/740,941
First Named Inventor:	Bonnie Hames

d. **(1) An information disclosure statement listing the documents cited in the international work products (ISR, WO/ISA, WO/IPEA, IPER) of the corresponding PCT application.**

☒ Is attached

☐ Has already been filed in the above-identified U.S. application on _____

(2) Copies of all documents (except) for U.S. patents or U.S. patent application publications)

☒ Are attached.

☐ Have already been filed in the above-identified U.S. application on _____

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1-3 and 5	1-3 and 5	Claims are identical.

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature /Monica McCormick Graham/	Date January 13, 2011
Name (Print/Typed) Monica McCormick Graham	Registration Number 42,600

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/740,941	12/08/2010	Bonnie Hames	11696-0244US1	2126

26199 7590 06/13/2011

FISH & RICHARDSON P.C.
P.O. BOX 1022
MINNEAPOLIS, MN 55440-1022

EXAMINER	
ART UNIT	PAPER NUMBER
2123	

NOTIFICATION DATE	DELIVERY MODE
06/13/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PATDOCTC@fr.com

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

FISH & RICHARDSON P.C.
P.O. BOX 1022
MINNEAPOLIS MN 55440-1022

In re Application of: HAMES et al.
Application No. 12/740,941
Atty Docket #: 11696-0244US1
Filed: April 30, 2010
For: MATERIAL AND METHODS FOR USE IN BIOMASS PROCESSING

DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(a)

This is a decision on the request to participate in the PCT-Patent Prosecution Highway **(PCT-PPH)** pilot program and the petition under 37 CFR 1.102(a), filed January 13, 2011 to make the above- identified application special.

The petition is **GRANTED.**

A grantable request to participate in the PPH program and petition to make special require:

(1) The U.S. application is
(a) a 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

CHOATE, HALL & STEWART LLP
TWO INTERNATIONAL PLACE
BOSTON MA 02110

MAILED

DEC 06 2010

OFFICE OF PETITIONS

In re Application of :
James Andrew McLaughlin et al. :
Application No. 12/740,948 : DECISION ON PETITION
Filed: August 24, 2010 : TO WITHDRAW
Attorney Docket No. **2009363-0002 (ITS-002)** : FROM RECORD
:

This is a decision on the request to withdraw as attorney of record under 37 CFR § 1.36(b), filed November 24, 2010.

The request is **NOT APPROVED**.

The request cannot be approved because it lacks the name of the first inventor or the assignee of record that is associated with the address listed in the request. Therefore, the change of correspondence address is considered improper.

The Office will only accept correspondence address changes to the most current address information provided for the assignee of the entire interest *who properly became of record under 37 CFR 3.71,* or, if no assignee of the entire interest has properly been made of record, the most current address information provided for the first named inventor. 37 CFR 3.71(c) states:

> *An assignee becomes of record either in a national patent application or a reexamination proceeding by filing a statement in compliance with § 3.73(b) that is signed by a party who is authorized to act on behalf of the assignee.*

The assignee must establish its ownership of the patent to the satisfaction of the Director. In this regard, the statement under 37 CFR 3.73(b) must have either: (i) documentary evidence of a chain of title from the original owner to the assignee (*e.g.*, copy of an executed assignment), and a statement affirming that the documentary evidence of the chain of title from the original owner to

the assignee was or concurrently is being submitted for recordation pursuant to § 3.11; or (ii) a statement specifying where documentary evidence of a chain of title from the original owner to the assignee is recorded in the assignment records of the Office (*e.g.*, reel and frame number).

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to the undersigned at (571) 272-4584.

/JoAnne Burke/
JoAnne Burke
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/740,961	07/23/2010	Yuki Furumoto	1163-0797PUS1	2328

2292 7590 03/04/2011

BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH, VA 22040-0747

EXAMINER	
MARC-COLEMAN, MARTHE Y	
ART UNIT	PAPER NUMBER
3661	

NOTIFICATION DATE	DELIVERY MODE
03/04/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MAR - 4 2011

BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH VA 22040-0747

In re application of	:	**DECISION ON REQUEST TO**
Furomoto et al.	:	**PARTICIPATE IN PATENT**
Application No. 12/740,961	:	**PROSECUTION HIGHWAY**
Filed: July 23, 2010	:	**PROGRAM AND PETITION**
For: ON-VEHICLE GUIDANCE APPARATUS	:	**TO MAKE SPECIAL UNDER 37 CFR 1.102(a)**

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed January 21, 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 January 21, 2011 and 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: 03/03/11

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/740,968	08/03/2010	Geun Ho Kim	3449-1418PUS1	2379

2292 7590 11/10/2010
BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH, VA 22040-0747

EXAMINER	
ART UNIT	PAPER NUMBER
2811	

NOTIFICATION DATE	DELIVERY MODE
11/10/2010	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH VA 22040-0747

In re Application of
KIM et al.
Application No.: 12/740,968
Filed: 03 August 2010
Attorney Docket No.: 3449-1418PUS1
For: LIGHT EMITTING DEVICE PACKAGE AND METHOD FOR FABRICATING THE SAME

: DECISION ON REQUEST TO
: PARTICIPATE IN THE PATENT
: PROSECUTION HIGHWAY
: PROGRAM AND PETITION
: TO MAKE SPECIAL UNDER
: 37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed 14 July 2010, to make the above-identified application special.

The request and petition are **DISMISSED**.

Discussion

A grantable request to participate in the PPH program and petition to make special require:

1. The U.S. application is

    a. a Paris Convention application which either
        i. validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the KIPO, or
        ii. validly claims priority under 35 U.S.C. 119(a)/365(a) to a PCT application that contains no priority claims,

    or

    b. a national stage application under the PCT (an application which entered the national stage in the U.S. from a PCT international application after compliance with 35 U.S.C. 371), which PCT application
        i. validly claims priority under 35 U.S.C. 365(b) to an application filed in the KIPO, or
        ii. validly claims priority under 35 U.S.C. 365(b) to a PCT application that contains no priority claims, or
        iii. contains no priority claim,

    or

c. a so-called bypass application filed under 35 U.S.C. 111(a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application
    i. validly claims priority under 35 U.S.C. 365(b) to an application filed in the KIPO, or
    ii. validly claims priority under 35 U.S.C. 365(b) to a PCT application that contains no priority claims, or
    iii. contains no priority claim;

2. Applicant must submit a copy of:
    a. The allowable/patentable claim(s) from the KR application(s);
    b. An English translation of the allowable/patentable claim(s), and
    c. A statement that the English translation is accurate (if the claims were published in a language other than English);
3. Applicant must:
    a. Ensure that all (s), and
    b. Submit a claims correspondence table in English;
4. Examination of the U.S. application has not begun;
5. Applicant must submit:
    a. A copy of all the office actions (which are relevant to patentability), excluding "Decision to Grant a Patent" from each of the KR application(s) containing the allowable/patentable claim(s);
    b. An English language translation of the KIPO office action; and
    c. A statement that the English translation is accurate (if the office actions are not in the English language);
6. Applicant must submit:
    a. An IDS listing the documents cited by the KIPO examiner in the KIPO office action (unless already filed in this application); and
    b. Copies of all the documents cited in the KIPO office action, except U.S. patents or U.S. patent application publications (unless already filed in this application);

This request to participate in the PPH program and petition is assessed as follows:

Requirements 1, 2, and 4-6 above are considered to have been met.
However the request to participate in the PPH program fails to meet requirements 3.

Regarding requirement 3, applicant has failed to ensure that the claims in the U.S. application sufficiently correspond to the allowable/patentable claims in the KR application. For example only, claim 36 of the US application recites "a substrate" and "a first conductive type impurity region" while claim 1 of the KR application recites "a package body" and "a first conductive region." These limitations are not of the same scope. The claims are replete with differences.

Applicant is given **ONE** opportunity within a time period of **ONE MONTH or THIRTY DAYS**, whichever is longer, from the mailing date of this decision to correct the deficiencies. **NO EXTENSION OF TIME UNDER 37 CFR 1.136 IS PERMITTED.** If the deficiencies are not corrected with the time period given, the application will await action in its regular turn.

Response must be filed via the Electronic Filing System (EFS) with the Document Code PPH.PET.652. Any preliminary amendments and IDS submitted with the PPH documents must be separately indexed as a preliminary amendment and IDS, respectively.

Telephone inquiries concerning this decision should be directed to Lee W. Young at (571) 272-4549.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc.index.html.

Lee W. Young
TQAS
Technology Center 2800 – Semiconductors
Electrical & Optical Systems & Components

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.
12/740,968	08/03/2010	Geun Ho Kim	3449-1418PUS1	2379

2292 7590 12/15/2010
BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH, VA 22040-0747

EXAMINER	
ART UNIT	PAPER NUMBER
2811	

NOTIFICATION DATE	DELIVERY MODE
12/15/2010	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):

mailroom@bskb.com

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH VA 22040-0747

In re Application of
KIM et al.
Application No.: 12/740,968
Filed: 03 August 2010
Attorney Docket No.: 3449-1418PUS1
For: LIGHT EMITTING DEVICE PACKAGE AND METHOD FOR FABRICATING THE SAME

: DECISION ON REQUEST TO
: PARTICIPATE IN THE PATENT
: PROSECUTION HIGHWAY
: PROGRAM AND PETITION
: TO MAKE SPECIAL UNDER
: 37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed 14 July 2010 and renewed on 10 December 2010, to make the above-identified application special.

The request and petition are **GRANTED**.

Discussion

A grantable request to participate in the PPH program and petition to make special require:

1. The U.S. application is

   a. a Paris Convention application which either
      i. validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the KIPO, or
      ii. validly claims priority under 35 U.S.C. 119(a)/365(a) to a PCT application that contains no priority claims,

   or

   b. a national stage application under the PCT (an application which entered the national stage in the U.S. from a PCT international application after compliance with 35 U.S.C. 371), which PCT application
      i. validly claims priority under 35 U.S.C. 365(b) to an application filed in the KIPO, or
      ii. validly claims priority under 35 U.S.C. 365(b) to a PCT application that contains no priority claims, or
      iii. contains no priority claim,

   or

   c. a so-called bypass application filed under 35 U.S.C. 111(a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application

i. validly claims priority under 35 U.S.C. 365(b) to an application filed in the KIPO, or
ii. validly claims priority under 35 U.S.C. 365(b) to a PCT application that contains no priority claims, or
iii. contains no priority claim;

2. Applicant must submit a copy of:
   a. The allowable/patentable claim(s) from the KR application(s);
   b. An English translation of the allowable/patentable claim(s), and
   c. A statement that the English translation is accurate (if the claims were published in a language other than English);
3. Applicant must:
   a. Ensure that all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the KR application(s), and
   b. Submit a claims correspondence table in English;
4. Examination of the U.S. application has not begun;
5. Applicant must submit:
   a. A copy of all the office actions (which are relevant to patentability), excluding "Decision to Grant a Patent" from each of the KR application(s) containing the allowable/patentable claim(s);
   b. An English language translation of the KIPO office action; and
   c. A statement that the English translation is accurate (if the office actions are not in the English language);
6. Applicant must submit:
   a. An IDS listing the documents cited by the KIPO examiner in the KIPO office action (unless already filed in this application); and
   b. Copies of all the documents cited in the KIPO office action, except U.S. patents or U.S. patent application publications (unless already filed in this application);

The request to participate in the PPH program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Lee W. Young at 571-272-4549.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://uspto.gov/ebc/index.html.

Lee W. Young
TQAS
Technology Center 2800 – Semiconductors
Electrical & Optical Systems & Components

PATENT COOPERATION TREATY

TRANSLATION

From the
INTERNATIONAL SEARCHING AUTHORITY

To:

PCT

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43*bis*.1)

Date of mailing *(day/month/year)*	29.04.2009
Applicant's or agent's file reference	**FOR FURTHER ACTION** See paragraph 2 below

International application No.	International filing date *(day/month/year)*	Priority date *(day/month/year)*
PCT/RU2008/000714	21.11.2008	12.11.2007

International Patent Classification (IPC) or both national classification and IPC
H01G9/048

Applicant
OBSCHESTVO S OGRANICHENNOI OTVETSTVENNOSTYU 'VOSTOK'

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

CORRECTED VERSION

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/RU	Date of completion of this opinion	Authorized officer
Facsimile No.		Telephone No.

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/RU2008/000714

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/RU2008/000714

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	YES
	Claims		NO
Inventive step (IS)	Claims	1	YES
	Claims		NO
Industrial applicability (IA)	Claims	1	YES
	Claims		NO

2. Citations and explanations:

D1: RU 56709 U1

D2: RU 2005140610 A

D3: US 2007002525 A1

D4: DE 102004011567 A1

D5: DE 4127743 A1

D1 discloses a multi-layered anode for electrolytic capacitors, which multi-layered anode comprises a current-conducting foil substrate, which is made from a spray-coated metal and has a developed surface, on which a porous barrier metal, preferably aluminium, with an oxide coating is arranged. The substrate is connected to a film base via a nanocomposite barrier layer, which is a differentiated mixture of combined materials, with a reduction in the content therein of the material of the base to zero in relation to the growth of the layer thickness. The surface is formed with the metal of the substrate precipitated in a vacuum from the vapour phase using ion plasma technology. Furthermore, the barrier metal is in the form of a conformal layer of chemically active aluminium having a regulated volume porosity in the micrometre to nanometre range.

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**

The multi-layered anode according to claim 1 differs from the known multi-layered anode in that the substrate material used is a metal with a hardness of 2-4 times that of the barrier metal, preferably titanium, and the pores in the layer of barrier material are limited to a size in the range of $1-10^4$ nm, which increases the reliability and the fundamental characteristics of the multi-layered anode when used in electrolytic capacitors.

Therefore, claim 1 satisfies the criterion of novelty.

D2 discloses a multi-layered anode film for electrolytic capacitors, which film comprises a substrate with a developed surface and an oxide coating with porous aluminium with a regulated volume porosity in the micrometre to nanometre range, which oxide coating is joined to the substrate material by means of a heterojunction in a gas diffusion process.

D3 discloses a multi-layered anode film for a capacitor, which film comprises a planar aluminium base to which a porous layer is applied on both sides, said porous layer being formed from one or more metals selected from the group consisting of titanium, zirconium, niobium, hafnium and tantalum as well as aluminium. In the process, the application of the porous coating is performed by means of sputtering of an intermetallic compound with the aid of an inert gas flow along a moving aluminium foil.

D4 discloses an anodized foil electrode with layers of barrier metal and an oxide coating of bimodal morphology

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**

applied to the current-conducting substrate of said electrode, which substrate is fixed to a film base, with a transition region comprising the nanocomposite material of the substrate and the material of the barrier metal.

D5 discloses an aluminium foil with a highly porous surface, which aluminium foil comprises aluminium oxide which has been produced by a method involving the ion plasma evaporation of titanium, tantalum and other metals onto the surface of the aluminium foil.

None of documents D2-D5 discloses the features of claim 1 which distinguish the application from D1. Therefore, claim 1 satisfies the criteria of novelty and inventive step.

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/RU2008/000714

Box No. VIII Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

The claims state that the upper limit of the size range of the pores in the barrier material layer is 10 nm, whereas the description states that it is 10^4 nm.

Doc Code: PPH.PCT.652
Document Description: Petition to make special under PCT-Patent Pros Hwy

PTO/SB/20PCT-RU (10-10)
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 FEDERAL SERVICE ON INTELLECTUAL PROPERTY, PATENTS & TRADEMARKS OF RUSSIA (ROSPATENT) AND THE USPTO

Application No:	12/740,987	Filing date:	September 12, 2010
First Named Inventor:	IGOR SHCHERBAKOV		
Title of the Invention:	MULTILAYER ANODE		

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/RU2008/000714

The international filng date of the corresponding PCT application(s) is/are:
November 21, 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-RU (10-10)
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 ROSPATENT AND THE USPTO

(continued)

Application No.:	12/740,987
First Named Inventor:	IGOR SHCHERBAKOV

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

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature /Georgiy Khayet/	Date Feb 22, 2011
Name (Print/Typed) Georgiy L. Khayet	Registration Number 59595

ДОГОВОР О ПАТЕНТНОЙ КООПЕРАЦИИ

от
МЕЖДУНАРОДНОГО ПОИСКОВОГО ОРГАНА

Кому:

Щербакову И.В.
ООО "Восток"
ул. Генерала Ермолова, 2
Москва, 121170

PCT

ПИСЬМЕННОЕ СООБЩЕНИЕ
МЕЖДУНАРОДНОГО ПОИСКОВОГО ОРГАНА
(PCT Правило 43*bis*.1)

Дата отправки: 29 апреля 2009 (29.04.2009)
(день/месяц/год)

№ дела заявителя или агента:

ДЛЯ ДАЛЬНЕЙШИХ ДЕЙСТВИЙ
См. пункт 2 ниже

Номер международной заявки:	Дата международной подачи:	Самая ранняя дата приоритета:
PCT/RU 2008/000714	21 ноября 2008 (21.11.2008)	12 ноября 2007 (12.11.2007)

Международная патентная классификация (МПК) или национальная классификация и МПК:
H01G 9/048 *(2006.01)*

Заявитель:
ЩЕРБАКОВ Игорь Владимирович и др.

1. Данное сообщение содержит информацию, относящуюся к следующим разделам:

[X] Графа I Основа сообщения

[ ] Графа II Приоритет

[ ] Графа III Отсутствие мнения в отношении новизны, изобретательского уровня и промышленной применимости

[ ] Графа IV Нарушение единства изобретения

[X] Графа V Обоснованное утверждение в соответствии с Правилом 43 bis.1(a)(i) в отношении новизны, изобретательского уровня и промышленной применимости; ссылки и пояснения, подкрепляющие такое утверждение

[ ] Графа VI Некоторые процитированные документы

[ ] Графа VII Некоторые недостатки в международной заявке

[X] Графа VIII Некоторые замечания по международной заявке

2. **ДАЛЬНЕЙШИЕ ДЕЙСТВИЯ**
Если требование на проведение международной предварительной экспертизы будет подано, тогда данное сообщение будет рассматриваться как первое письменное сообщение от Органа международной предварительной экспертизы ("IPEA"). Данная норма не применяется в случае, когда заявитель выбирает другой Орган, отличный от данного, в качестве IPEA, и выбранный IPEA уведомил Международное бюро в соответствии с Правилом 66.1 bis(b), что письменные сообщения от данного Международного поискового органа не будут рассматриваться как таковые.

Если данное сообщение рассматривается в качестве первого письменного сообщения IPEA, как предусмотрено выше, заявителю предлагается представить в IPEA письменный ответ с изменениями, в случаях когда это целесообразно, до истечения 3-х месяцев с даты почтовой отправки Формы PCT/ISA/220 или до истечения 22-х месяцев с даты приоритета, в зависимости от того, какой срок истекает позднее.
Для дополнительной информации, см. Форму PCT/ISA/220.

3. Для дальнейших разъяснений см. Форму PCT/ISA/220.

Наименование и адрес Международного поискового органа: Федеральный институт промышленной собственности, РФ,123995, Москва, Г-59, ГСП-5, Бережковская наб., 30-1 Факс: (499) 243-3337, телетайп: 114818 ПОДАЧА	Дата завершения данного сообщения	Уполномоченное лицо:
	15 апреля 2009 (15.04.2009)	Н. Рыгалина Телефон № (499) 240-25-91

ПИСЬМЕННОЕ СООБЩЕНИЕ МЕЖДУНАРОДНОГО ПОИСКОВОГО ОРГАНА

Номер международной заявки: PCT/RU 2008/000714

Графа I Основа сообщения

1. Относительно **языка**, данное сообщение подготовлено на основе:

[X] международной заявки, на языке, на котором она была подана

[ ] перевода международной заявки на следующий язык _____, который является языком перевода, представленного для целей международного поиска (Правила 12.3(a) и 23.1(b)).

2. [ ] Данное сообщение подготовлено с учетом **исправления очевидной ошибки**, разрешенного данным Органом или доведенного до сведения данного Органа согласно Правилу 91 (Правило 43.6bis1(a))

3. Относительно любой **последовательности нуклеотидов и/или аминокислот**, раскрытой в международной заявке и необходимой для заявленного изобретения, данное сообщение подготовлено на основе:

a. тип материала

[ ] перечень последовательностей

[ ] таблицы, относящиеся к перечню последовательностей

b. формат материала

[ ] на бумажном носителе

[ ] в электронной форме

c. время подачи/предоставления

[ ] содержались в первоначально поданной заявке

[ ] первоначально поданы вместе с международной заявкой в электронной форме

[ ] представлены впоследствии в данный Орган для целей проведения поиска

4. [ ] Дополнительно, в случае, если более чем одна версия или копия перечня последовательности и/или соответствующая таблица, были поданы перваначально или были представлены впоследствии, требуется, чтобы информация в последующих или дополнительных копиях была идентична той, которая была в первоначально поданной заявке, или не выходила за рамки раскрытия первоначально поданной заявки.

5. Дополнительные комментарии:

ПИСЬМЕННОЕ СООБЩЕНИЕ
МЕЖДУНАРОДНОГО ПОИСКОВОГО ОРГАНА

Номер международной заявки:
PCT/RU 2008/000714

Графа V Обоснованное утверждение в соответствии с Правилом 43 *bis*.1(a)(i)в отношении новизны, изобретательского уровня и промышленной применимости; ссылки и пояснения, подкрепляющие такое утверждение

1. Утверждение

Новизна (N)	Пункты	1	ДА
	Пункты		НЕТ
Изобретательский уровень (IS)	Пункты	1	ДА
	Пункты		НЕТ
Промышленная применимость (IA)	Пункты	1	ДА
	Пункты		НЕТ

2. Ссылки и пояснения

D1 – RU 56709 U1
D2 – RU 2005140610 A
D3 – US 2007002525 A1
D4 – DE 102004011567 A1
D5 – DE 4127743 A1

Из D1 известен многослойный анод для электролитических конденсаторов, содержащий токоведущую фольговую подложку из напыленного металла, имеющую развитую поверхность, на которой размещен пористый вентильный металл, преимущественно алюминий, с оксидным покрытием. Подложка связана с пленочной основой через нанокомпозитный барьерный слой, представляющий собой дифференцированную смесь соединяемых материалов, при уменьшении содержания в ней материалов основы до нуля по мере роста толщины слоя. Поверхность образована металлом подложки, осаждаемым в вакууме из паровой фазы ионно-плазменной технологией. При этом вентильный металл сформирован в виде конформного слоя химически активного алюминия, имеющего регулируемую объемную пористость в диапазоне от микро- до нанометров.

Заявленный в п.1 многослойный анод отличается от известного многослойного анода тем, что в качестве материала подложки использован металл с твердостью в 2-4 раза выше, чем у вентильного металла, преимущественно титан, а поры слоя вентильного металла ограничены размером в диапазоне $1\text{-}10^4$ нм, что повышает надежность и основные характеристики многослойного анода при использовании в электролитических конденсаторах.

Таким образом, п.1 соответствует критерию «новизна».

Из D2 известна анодная многослойная пленка для электролитических конденсаторов, содержащая подложку с развитой поверхностью и оксидное покрытие с включениями пористого алюминия с регулируемой объемной пористостью в диапазоне от микро до нанометров, связанное с материалом подложки посредством гетероперехода в процессе газовой диффузии.

ПИСЬМЕННОЕ СООБЩЕНИЕ МЕЖДУНАРОДНОГО ПОИСКОВОГО ОРГАНА

Номер международной заявки: PCT/RU 2008/000714

Дополнительный лист

Из D3 известен многослойная анодная пленка для конденсатора, содержащая алюминиевое плоское основание, на которое с двух сторон нанесен пористый слой, сформированный из одного или более металлов, выбранных из группы, содержащей титан, цирконий, ниобий, гафний и тантал, и алюминий. Причем нанесение пористого покрытия происходит путем распыления межметаллического состава с помощью инертного газового потока вдоль перемещающейся алюминиевой фольги.

Из D4 известен фольгированный анодированный электрод, на токоведущей подложке которого, закрепленной на пленочной основе, нанесены слои вентильного металла и оксидного покрытия бимодальной морфологии с областью перехода, содержащей нанокомпозитные материала подложки и материала вентильного металла.

Из D5 известна алюминиевая фольга с высокопористой поверхностью, содержащая окись алюминия, которая получена методом ионно-плазменного испарения титана, тантала и других металлов на поверхность алюминиевой фольги.

Ни в одном из источников D2- D5 не раскрыты отличительные от D1 признаки п.1 формулы. Таким образом, п.1 формулы соответствую критерию новизна и изобретательский уровень.

ПИСЬМЕННОЕ СООБЩЕНИЕ
МЕЖДУНАРОДНОГО ПОИСКОВОГО ОРГАНА

Номер международной заявки:
PCT/RU 2008/000714

Графа VIII Некоторые замечания по международной заявке

Имеются следующие замечания, касающиеся ясности пунктов формулы, описания и чертежей или вопроса о том, полностью ли формула изобретения подкреплена описанием:

В формуле изобретения указана верхняя граница диапазона пор в слое вентильного металла - 10 нм, а в описании указано, что - 10^4 нм.

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.
12/740,987	09/12/2010	Igor Shcherbakov	1006.003US1	2640

85162 7590 03/23/2011

Patent Jurist
2225 East Bayshore Road
Suite 200
Palo Alto, CA 94303

EXAMINER	
ART UNIT	PAPER NUMBER
2835	

NOTIFICATION DATE	DELIVERY MODE
03/23/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

gkhayet@patentjurist.com
gkhayet@yahoo.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

Patent Jurist
2225 East Bayshore Road
Suite 200
Palo Alto CA 94303

In re Application of	**: DECISION ON REQUEST TO**
SCHHERBAKOV et al	**: PARTICIPATE IN THE PATENT**
Application No.: 12/740,987	**: PROSECUTION HIGHWAY**
Filed: 12 September 2010	**: PROGRAM AND PETITION**
Attorney Docket No.: 1006.003US1	**: TO MAKE SPECIAL UNDER**
For: MULTILAYER ANODE	**: 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 22 February 2011, to make the above-identified application special.

The request and petition are **DISMISSED**.

Discussion

A grantable request to participate in the PCT-PPH pilot program and petition to make special require:

(1) The U.S. application must have an eligible relationship to one or more PCT applications where the ISA or IPEA are the JPO, EPO, KIPO, IPAU, Russia, Spain, Finland, Austria, or USPTO;

(2) At least one claim in the PCT application has novelty, inventive step, and industrial applicability and must be free of any observations in Box VIII in the latest work product in the international stage or applicant must identify and explain why the claim(s) is/are not subject to the observation in Box VIII;

(3) Applicant must submit a copy of the claim(s) from the PCT application(s) that have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate, if the claims are not in the English language;

(4) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the claim(s) that have novelty, inventive step, and industrial applicability in the PCT application(s);

(5) Examination of the U.S. application has not begun;

(6) Applicant must submit a copy of the latest international work product from the PCT application indicating that the claim(s) have novelty, inventive step, and industrial applicability along with an English translation thereof 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.

Requirements (1) and (5-6) above are considered to have been met. However, the request to participate in the PPH pilot program and petition fails meet requirement (2-4) and (7).

Regarding the requirement of condition (2), applicant has failed to identify and explain why the claim(s) is/are not subject to the observation in Box VIII.

Regarding the requirement of condition (3), applicant has at least failed to submit a statement that the English translation of the claim is accurate.

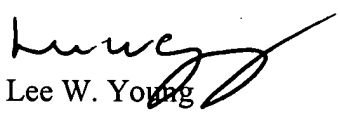
Regarding the requirement of condition (4), applicant has failed to ensure that all US claims sufficiently correspond the claim that has novelty, inventive step, and industrial applicability in the PCT application. Applicant has not provided a claims correspondence table to indicate how PCT claim 1 corresponds to US claims 1-20.

Regarding the requirement of condition (7), applicant has failed to submit an IDS listing all the documents cited by the PCT examiner in the international work product along with copies of documents.

Applicant is given **ONE** opportunity within a time period of **ONE MONTH or THIRTY DAYS**, whichever is longer, from the mailing date of this decision to correct the deficiencies. **NO EXTENSION OF TIME UNDER 37 CFR 1.136 IS PERMITTED.** If the deficiencies are not corrected with the time period given, the application will await action in its regular turn. Response must be filed via the Electronic Filing System (EFS) using the document description: Petition to make special under PCT – Patent Pros Hwy. Any preliminary amendments and IDS submitted with the PPH documents must be separately indexed as a preliminary amendment and IDS, respectively.

Telephone inquiries concerning this decision should be directed to Lee W. Young at 571-272-4549.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc/index.html.



Lee W. Young
TQAS Technology Center 2800 - Semiconductors,
Electrical & Optical Systems & Components

Doc Code: PPH.PCT.652
Document Description: Petition to make special under PCT-Patent Pros Hwy

PTO/SB/20PCT-RU (10-10)
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 FEDERAL SERVICE ON INTELLECTUAL PROPERTY, PATENTS & TRADEMARKS OF RUSSIA (ROSPATENT) AND THE USPTO

Application No:	12/740,987	Filing date:	September 12, 2010
First Named Inventor:	IGOR SHCHERBAKOV		
Title of the Invention:	MULTILAYER ANODE		

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/RU2008/000714

The international filng date of the corresponding PCT application(s) is/are:
November 21, 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-RU (10-10)
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 ROSPATENT AND THE USPTO

(continued)

Application No.:	12/740,987
First Named Inventor:	IGOR SHCHERBAKOV

d. **(1) An information disclosure statement listing the documents cited in the international work products (ISR, WO/ISA, WO/IPEA, IPER) of the corresponding PCT application.**

☑ Is attached

☐ Has already been filed in the above-identified U.S. application on _____

(2) Copies of all documents (except) for U.S. patents or U.S. patent application publications)

☑ Are attached.

☐ Have already been filed in the above-identified U.S. application on _____

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
21	1	Claim 21 in US Application is accurate translation of Claim 1 in PCT Application

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature /Georgiy Khayet/	Date Mar 30, 2011
Name (Print/Typed) Georgiy L. Khayet	Registration Number 59595

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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.
12/740,987	09/12/2010	Igor Shcherbakov	1006.003US1	2640

85162 7590 05/11/2011

Patent Jurist
2225 East Bayshore Road
Suite 200
Palo Alto, CA 94303

EXAMINER	
ART UNIT	PAPER NUMBER
2835	

NOTIFICATION DATE	DELIVERY MODE
05/11/2011	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):

gkhayet@patentjurist.com
nbalabanov@patentjurist.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

Patent Jurist
2225 East Bayshore Road
Suite 200
Palo Alto CA 94303

In re Application of	**: DECISION ON REQUEST TO**
SCHHERBAKOV et al	**: PARTICIPATE IN THE PATENT**
Application No.: 12/740,987	**: PROSECUTION HIGHWAY**
Filed: 12 September 2010	**: PROGRAM AND PETITION**
Attorney Docket No.: 1006.003US1	**: TO MAKE SPECIAL UNDER**
For: MULTILAYER ANODE	**: 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 22 February 2011 and renewed on 30 March 2011, to make the above-identified application special.

The request and petition are **DENIED**.

Discussion

A grantable request to participate in the PCT-PPH pilot program and petition to make special require:

(1) The U.S. application must have an eligible relationship to one or more PCT applications where the ISA or IPEA are the JPO, EPO, KIPO, IPAU, Russia, Spain, Finland, Austria, 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.

Requirements (1), (2), and (5-6) above are considered to have been met. However, the request to participate in the PPH pilot program and petition fails meet requirement (3-4) and (7).

Regarding the requirement of condition (3), applicant has failed to submit an accurate translation of the claim from the PCT application. Applicant has stated that pending claim 21 is an accurate translation of the PCT claim but claim 21 has been amended to overcome the Box VIII observations. Accordingly, claim 21 cannot be an accurate translation of the PCT claim.

Regarding the requirement of condition (4), it cannot be determined if the US claim sufficiently corresponds to the claim that has novelty, inventive step, and industrial applicability in the PCT application since condition (3) has not been met.

Regarding the requirement of condition (7), applicant has failed to submit an IDS listing all the documents cited by the PCT examiner in the international work product along with copies of documents. Specifically, applicant has failed to cite US 20070002525 assigned to Showa Denko KK. US 20070025253 was cited on the IDS.

No further consideration will be undertaken on the petition.

Telephone inquiries concerning this decision should be directed to Lee W. Young at 571-272-4549.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc/index.html.

Lee W. Young
TQAS Technology Center 2800 - Semiconductors,
Electrical & Optical Systems & Components

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

SUGHRUE MION, PLLC
2100 PENNSYLVANIA AVENUE, N.W.
SUITE 800
WASHINGTON DC 20037

MAILED

OCT 25 2011

PCT LEGAL ADMINISTRATION

In re Application of :
FROLOV, Yevgeniy Borisovich, et al. :
Application No.: 12/741,010 :
PCT No.: PCT/RU2007/000436 : DECISION
Int. Filing Date: 08 August 2007 :
Priority Date: 24 August 2006 :
Att. Docket No.: CA1946 :
For: SUBSTITUTED AZEPINO[4,3-B ... :

Applicant's petition under 37 CFR 1.137(b), filed in the United States Patent and Trademark Office on 30 April 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

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

In re Application of
Forrest James Brown

Application No. 12741013

Filed: April 30,2010

Attorney Docket No. 300047-00003US

:
:
:DECISION ON PETITION TO MAKE SPECIAL
:UNDER 37 CFR 1.102(c)(1)
:

This is a decision on the electronic petition under 37 CFR 1.102 (c)(1), filed 03-NOV-2010 to make the above-identified application special based on applicant's age as set forth in MPEP § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1), MPEP § 708.02, Section IV: Applicant's Age must include a statement by applicant or a registered practitioner having evidence that applicant is at least 65 years of age. No fee is required.

Accordingly, the above-identified application has been accorded "special" status and will be taken up for action by the examiner upon the completion of all pre-examination processing.

Telephone inquiries concerning this electronic decision should be directed to the Electronic Business Center at 866-217-9197.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

United States Patent and Trademark Office

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MAILED

NOV 03 2010

PCT LEGAL ADMINISTRATION

Kimberly A. Chasteen
PO Box 1243
Yorktown VA 23692

In re Application of :
Bats :
Application No. 12/741,026 :
PCT No.: PCT/IB2008/003237 :
Int. Filing Date: 24 October 2008 : DECISION
Priority Date: 31 October 2007 :
Atty. Docket No.: Akers-34 :
For: Method For Determining The Heating Value :
And The Relative Density Of A Hydrocarbon :
Fuel And Appatatus For The Same :

This is in response to the "petition to revive" filed on 23 August 2010.

BACKGROUND

This international application was filed on 24 October 2008, claimed an earliest priority date of 31 October 2007, and designated the U.S. The International Bureau transmitted a copy of the published international application to the USPTO on 22 May 2009. The 30 month time period for paying the basic national fee in the United States expired at midnight on 30 April 2010.

On 27 May 2010, a Notification of Abandonment (Form PCT/DO/EO/909) was mailed to counsel.

DISCUSSION

Counsel seeks withdrawal of the holding of abandonment because "the application was filed on April 30, 2010." Counsel also notes that no Notification of Missing Requirements was issued, despite the contrary indication on the Notification of Abandonment..

Review of the record reveals that the basic national fee was not paid prior to the elapse of 30 months from the priority date. Said fee was itemized on the Electronic Patent Application Fee Transmittal sheet dated 30 April 2010, but no payment appears to have been made. The Electronic Acknowledgment Receipt indicates "Submitted with Payment: no," and no fee authorization appears to have been present. Accordingly, notwithstanding the fact that no Notification of Missing Requirements (Form PCT/DO/EO/905) was issued, this international application stands **ABANDONED** with respect to the national stage in the United States for failure to timely pay the basic national fee. Applicants may wish to consider seeking relief pursuant to 37 CFR 1.137(b).

DECISION

The petition is **DISMISSED**, without prejudice.

Any request for reconsideration must be filed within **TWO (2) MONTHS** from the mailing date of this Decision. Extensions of time are available under 37 CFR 1.136(a). Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

/George Dombroske/
George Dombroske
PCT Legal Examiner
Office of PCT Legal Administration
Tel: (571) 272-3283

United States Patent and Trademark Office

MAILED

FEB 28 2011

PCT LEGAL ADMINISTRATION

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

VOLPE AND KOENIG, P.C.
UNITED PLAZA
30 SOUTH 17TH STREET
PHILADELPHIA PA 19103

In re Application of :
Walle et al. :
Application No.: 12/741,096 : DECISION
PCT No.: PCT/EP2008/008614 :
Int. Filing Date: 11 October 2008 : ON
Priority Date: 02 November 2007 :
Attorney Docket No.: LBP-PT114 (23 392) : PETITION
For: Exhaust-Gas Conduction Component :

This is in response to the petition under 37 CFR 1.47(a) filed on 30 August 2010.

BACKGROUND

This international application was filed on 11 October 2008, claimed an earlier priority date of 02 November 2007, and designated the U.S. The International Bureau transmitted a copy of the published international application to the USPTO on 07 May 2009. The 30 month time period for paying the basic national fee in the United States expired at midnight on 03 May 2010 (since 02 May 2010 was a Sunday). Applicants filed *inter alia* the basic national fee on 03 May 2010.

On 30 June 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

As a preliminary matter, the Filing Receipt and Notice of Acceptance (Form PCT/DO/EO/903) mailed on 01 December 2010 were issued prematurely, and both are hereby **VACATED**.

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)**, applicants have paid the $200.00 petition fee.

Regarding **requirement (2)**, applicants have provided a "Declaration of Randolph Huis," who introduces copies and translations of correspondence between Atty. Dr. Nubold and Mr. Walle. The documents provided tend to suggest that Mr. Walle was presented with a copy of the application and a declaration, but no first-hand statement by Dr. Nubold attesting to the circumstances of the transmission of the correspondence has been provided.

Regarding **requirement (3)**, the petition provides a statement of the last known address of the non-signing joint inventor.

Regarding **requirement (4)**, the declaration filed on 30 August 2010 names Walle and Pluschke as inventors, and has been signed by Pluschke. However, review of the record reveals that the published international application nominated only Walle as an inventor, and no Form PCT/IB/306 has been made of record. Accordingly, a grantable submission under 37 CFR 1.497(d) would be required in order for this declaration to be accepted.

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

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MAILED

AUG 02 2011

PCT LEGAL ADMINISTRATION

27389
NORRIS, MCLAUGHLIN & MARCUS
875 Third Ave., 8th Floor
New York, NY 10022

In re Application of :
BUTLER *et al* :
U.S. Application No.: 12/741,155 :
PCT No.: PCT/GB2008/003762 : **DECISION**
Int. Filing Date: 07 November 2008 :
Priority Date: 07 November 2007 :
Attorney Docket No.: 102792-1128(12107P1) :
For: ADAPTIVE EMANATOR OF A FLUID :

This decision is in response to the papers filed 25 May 2011 which are treated as a petition to withdraw the holding of abandonment based on failure to receive Office action under 37 CFR 1.181. No fee is required.

BACKGROUND

On 12 July 2010, the United States Designated/Elected Office (DO/EO/US) mailed a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that additional independent claim fees, an oath or declaration in compliance with 37 CFR 1.497(a) and (b), and a surcharge fee were required. A two-month time limit in which to respond was set with extensions of time available pursuant to 37 CFR 1.136(a).

On 12 May 2011, the DO/EO/US mailed a Notification of Abandonment (Form PCT/DO/EO/909) for failing to respond to the Form PCT/DO/EO/905.

On 25 May 2011, applicant filed the subject response which was accompanied by, *inter alia*, a petition to revive under 37 CFR 1.137(a); a $540.00 petition fee; a $130.00 surcharge fee; additional independent claim fees of $220.00; an executed declaration; an affidavit of Nanci Manfredi; and documentary evidence in support of the petition.

DISCUSSION

Applicants claim that the Form PCT/DO/EO/905 mailed 24 May 2010 was not received and filed a petition to revive an unavoidably abandoned application under 37 CFR 1.137(a). This response is treated as a petition to withdraw the holding of abandonment based on failure to receive Office action under 37 CFR 1.181(a). *See* MPEP § 711.03(c)(I)(A) MPEP. The $540.00 petition to revive fee has been credited back to Deposit Account No. 14-1263.

The showing required to establish the failure to receive an Office communication consists of: (1) a statement from the practitioner describing the system used for recording an Office action received at the correspondence address of record with the USPTO; (2) a statement that the Office action was not received at the correspondence address of record; (3) a statement that a search of the practitioner's record(s), including any file jacket or the equivalent, and the application contents, indicates that the Office action was not received; and, (4) a copy of the docket record where the nonreceived Office communication would have been entered had it been received and docketed is required.

The required statements were provided in the petition and the affidavit of Ms. Manfredi. Applicants provided a copy of the master docket record showing all responses due at the law firm for the period 07 - 17 September 2010. A review of the evidence verifies that there is no response due in the above-captioned application dated 12 September 2010.

This is sufficient evidence to meet the requirements required to establish nonreceipt of an Office action outlined in § 711.03(c)(I)(A) MPEP.

CONCLUSION

Applicants' petition to withdraw the holding of abandonment pursuant to 37 CFR 1.181 is hereby **GRANTED**.

The Form PCT/DO/EO/909 mailed 12 May 2011 is hereby **VACATED**.

The declaration provided with the subject petition is in compliance with 37 CFR 1.497(a) and (b).

Applicants have completed the requirements for acceptance under 35 U.S.C. 371(c). The application has an international filing date of 07 November 2008 under 35 U.S.C. 363 and a 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date of 25 May 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

EAST Search History

EAST Search History (Prior Art)

Ref #	Hits	Search Query	DBs	Default Operator	Plurals	Time Stamp
S1	367	(206/711).CCLS.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	OR	OFF	2010/11/01 16:02
S2	488	(206/710).CCLS.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	OR	OFF	2010/11/01 17:35
S3	2	("20060097693").PN.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	OR	OFF	2010/11/01 17:57
S4	3	("3110908").PN.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	OR	OFF	2010/11/01 17:58
S5	0	("elasticwithrope").PN.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	OR	OFF	2010/11/01 18:13
S6	5052	elastic with rope	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	OR	ON	2010/11/01 18:13
S7	1066300	220/245.1,345.3,348.8, "350", "351"	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	OR	ON	2010/11/01 18:13
S8	187	S6 and S7	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	OR	ON	2010/11/01 18:14
S9	1100	elastic adj rope	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	OR	ON	2010/11/01 18:14

S10	31	S7 and S9	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	OR	ON	2010/11/01 18:14
S11	0	7320402B2	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	OR	ON	2010/11/02 10:13
S12	2	"7320402"	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	OR	ON	2010/11/02 10:13
S13	18	"5711568"	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	OR	ON	2010/11/02 12:27
S14	0	"JP2005.11.17"	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	OR	ON	2010/11/02 15:03
S15	0	"JP20051117"	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	OR	ON	2010/11/02 15:03
S16	5944	"20051117"	JPO	OR	ON	2010/11/02 15:04
S17	1	"2005320028"	JPO	OR	ON	2010/11/02 15:04
S18	12	"2555705"	US-PGPUB; USPAT; JPO	OR	ON	2010/11/02 15:18
S19	15	"2555705"	US-PGPUB; USPAT; DERWENT	OR	ON	2010/11/02 15:19
S20	19	"2555705"	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	OR	ON	2010/11/02 15:23
S21	2	("0255705").PN.	USPAT; USOCR	OR	OFF	2010/11/02 15:23
S22	2	("2555705").PN.	USPAT; USOCR	OR	OFF	2010/11/02 15:23
S23	5	("2555705").PN.	USPAT; USOCR; DERWENT	OR	OFF	2010/11/02 15:25
S24	5	("2555705").PN.	US-PGPUB; USPAT; USOCR; DERWENT	OR	OFF	2010/11/02 15:26

S25	10	("2555705").URPN.	USPAT	OR	ON	2010/11/02 15:27
S26	11	"2555705"	USPAT	OR	ON	2010/11/02 15:28
S27	10	("2555705").URPN.	USPAT	OR	ON	2010/11/02 15:29
S28	2	("2555705").PN.	USPAT; USOCR	OR	OFF	2010/11/02 15:34
S29	10	("2555705").URPN.	USPAT	OR	ON	2010/11/02 15:35
S30	0	"20060097693"	USPAT	OR	ON	2010/11/02 15:38
S31	0	"20060097693"	USPAT	OR	ON	2010/11/02 15:38
S32	1	"20060097693"	US-PGPUB; USPAT	OR	ON	2010/11/02 15:38
S33	15	"5183177"	USPAT	OR	ON	2010/11/02 15:40
S34	0	("1891541927").PN.	USPAT; USOCR	OR	OFF	2010/11/02 15:49
S35	2	("0541927").PN.	USPAT; USOCR	OR	OFF	2010/11/02 15:49
S36	2	("0541927").PN.	US-PGPUB; USPAT; USOCR; DERWENT	OR	OFF	2010/11/02 15:50
S37	0	7290661B1	US-PGPUB; USPAT	OR	ON	2010/11/02 16:40
S38	0	7290661B1	US-PGPUB; USPAT; USOCR	OR	ON	2010/11/02 16:40
S39	1	"7290661"	US-PGPUB; USPAT; USOCR	OR	ON	2010/11/02 16:40
S40	11	("20060225383" | "20080173666" | "3890221" | "4319690" | "4394916" | "4460106" | "5197616" | "5433329" | "5720013" | "6021918" | "6039208").PN.	US-PGPUB; USPAT; USOCR	OR	ON	2010/11/02 18:11
S41	1	"20080173666"	USPAT	OR	ON	2010/11/02 18:16
S42	61	("0630452" | "0932983" | "20060225383" | "2610100" | "2828005" | "3162287" | "3227127" | "3339798" | "3394796" | "3495567" | "3722739" | "3895737" | "3921806" | "3926335" | "4124143" | "4319690" | "4454971" | "4460106" | "4572376" | "4572403" | "4611727" | "4838453" | "4939705" | "5005281" | "5392952" | "5575392" | "5603429" |	US-PGPUB; USPAT; USOCR	OR	ON	2010/11/02 18:16

		"5678712" | "6021918" | "6039208" | "6098835" | "6109252" | "6193103" | "6206216" | "6234343" | "6364155" | "6415202" | "6427865" | "6502717" | "6510668" | "6805258" | "6874652" | "7100793" | "7100797" | "7104417" | "D195734" | "D451666" | "D460897" | "D473786" | "D502801").PN. OR ("7735684").URPN.				
S43	0	"2005320028"	US-PGPUB; USPAT; USOCR	OR	ON	2010/11/03 13:48
S44	1	"JP2005320028"	JPO	OR	ON	2010/11/03 13:48
S45	0	JP2005320028	USPAT	OR	ON	2010/11/03 13:49
S46	1	JP2005320028	JPO	OR	ON	2010/11/03 13:49
S47	0	("JP2005320028").PN.	USPAT; USOCR	OR	OFF	2010/11/03 13:50
S48	0	("JP2005320028").PN.	JPO	OR	OFF	2010/11/03 13:51
S49	1	("2005320028").PN.	JPO	OR	OFF	2010/11/03 13:51
S50	369	(206/711).CCLS.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	OR	OFF	2010/11/09 15:22
S51	16	("20020106266" | "20020134784" | "20030047476" | "20050115865" | "4043451" | "4817799" | "5207324" | "5555981" | "5711427" | "5931512" | "5957292" | "6082540" | "6267245" | "6273261" | "6622883" | "7383955").PN. OR ("7726490").URPN.	US-PGPUB; USPAT; USOCR	OR	ON	2010/11/09 15:49
S52	675	206/711	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	OR	ON	2010/11/09 16:01
S53	833	206/710	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	OR	ON	2010/11/09 16:41

S54	1739	206/454	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	OR	ON	2010/11/09 16:55
S55	1	"20090158156"	US-PGPUB; USPAT	OR	ON	2010/11/10 11:38
S56	100	"4739882"	US-PGPUB; USPAT	OR	ON	2010/11/10 15:08
S57	101	"4739882"	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	OR	ON	2010/11/10 15:09
S58	833	206/710	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	OR	ON	2010/11/10 15:10
S59	33	("3918756" | "3930684" | "3949891" | "3961877" | "4532970" | "4582219" | "4684021" | "4705444" | "4709834" | "4715637" | "4739882" | "4752007" | "4815912" | "4848814" | "4859137" | "5025924" | "5042655" | "5054418" | "5061144").PN. OR ("5749469"). URPN.	US-PGPUB; USPAT; USOCR	OR	ON	2010/11/10 15:14
S60	1	7726490B2	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT	OR	ON	2010/11/16 16:32

EAST Search History (Interference)

< This search history is empty>

12/ 18/ 2010 7:50:09 PM
H:\ retainer and substrate storage container.wsp

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.
12/741,199	05/03/2010	Tsuyoshi Kodama	8111-220-999	4904

20583 7590 09/21/2010

JONES DAY
222 EAST 41ST ST
NEW YORK, NY 10017

EXAMINER	
ART UNIT	PAPER NUMBER
3651	

MAIL DATE	DELIVERY MODE
09/21/2010	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

SEP 21 2010

JONES DAY
222 EAST 41ST ST
NEW YORK NY 10017

In re application of
Kodama et al.
Application No. 12/741199
Filed: May 03, 2010
For: MEDICINE PACKING DEVICE

: **DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(d)**

This is a decision on the renewed request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed July 28, 2010, to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the EPO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the EPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the EPO application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of the latest Office action from each of the EPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;
(6) Applicant must submit an IDS listing the documents cited by the EPO examiner in the EPO Office action along with copies of documents except U.S. patents or U.S. patent application publications.

In light of renewed petition, filed on July 28, 2010, the request to participate in the PPH program complies with the above requirements. Therefore, the above-identified application has been accorded "special" status.

All other inquiries concerning the examination or status of the application should be directed to the Patent Application Information Retrieval (PAIR) system.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

Any inquiry regarding this decision should be directed to Mikado Buiz, Quality Assurance Specialist, at (571) 272-6578.

/ Mikado Buiz /

Mikado Buiz,
Quality Assurance Specialist
Technology Center 3600

BM/BM: 9/21/10

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

WINSTEAD PC
P.O. BOX 50784
DALLAS, TX 75201

MAILED
APR 26 2011
PCT LEGAL ADMINISTRATION

In re Application of BONNIN :
U.S. Application No.: 12/741,248 :
PCT Application No.: PCT/FR2007/001852 :
Int. Filing Date: 09 November 2007 : DECISION
Priority Date Claimed: none :
Attorney Docket No.: 51026-P020WOUS :
For: PACKAGING FOR A RECORDING :
MEDIUM IN THE FORM OF A DISC :

This is in response to applicant's correspondence filed 26 July 2010, which is being treated as a petition under 37 CFR 1.181. No petition fee is due.

BACKGROUND

On 09 November 2007, applicant filed international application PCT/FR2007/001852. A copy of the international application was communicated to the USPTO from the International Bureau on 14 May 2009. The thirty-month period for paying the basic national fee in the United States expired on 10 May 2010.

On 04 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 08 June 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 June 2010, applicant filed an executed declaration.

On 01 July 2010, the DO/EO/US mailed a Notice of Acceptance of Application Under 35 U.S.C. 371 (Form PCT/DO/EO/903).

On 26 July 2010, applicant filed the present petition under 37 CFR 1.181.

DISCUSSION

The Notice of Acceptance erroneously indicates a date under 35 U.S.C. 371(c)(2), (c)(2), and (c)(4) of 22 June 2010. As stated in the petition, the correct date should be 14 June 2010.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.181 is GRANTED.

The Notice of Acceptance of Application Under 35 U.S.C. 371 (Form PCT/DO/EO/903) and official filing receipt mailed 01 July 2010 are hereby VACATED.

The application has an International Filing Date under 35 U.S.C. 363 of 09 November 2007, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 14 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, including preparation and mailing of a corrected filing receipt and a corrected Notice of Acceptance of Application Under 35 U.S.C. 371 (Form PCT/DO/EO/903), which should indicate a date under 35 U.S.C. 371(c)(2), (c)(2), and (c)(4) and a date of 35 U.S.C. 371 completion of 14 June 2010.

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
www.uspto.gov

FOLEY & LARDNER LLP
975 PAGE MILL ROAD
PALO ALTO CA 94304

MAILED

JAN 3 1 2011

OFFICE OF PETITIONS

In re Application of :
BOOHER, et al :
Application No. 12/741,268 : DECISION ON PETITION
Filed: October 29, 2010 : TO MAKE SPECIAL UNDER
Attorney Docket No. 087503-0201 : 37 CFR 1.102(c)(1)
:

This is a decision on the petition under 37 CFR 1.102(c)(1), filed December 28, 2010, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a declaration statement signed by Applicant Jon Booher. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-6735.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center at (571) 272-3700.

The application is being forwarded to Technology Center Art Unit 3781 for action on the merits commensurate with this decision.

/Diane C. Goodwyn/
Diane C. Goodwyn
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

02 AUG 2010

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

NIXON & VANDERHYE, PC
901 NORTH GLEBE ROAD, 11TH FLOOR
ARLINGTON VA 22203

In re Application of SCHNEIDER	:	
Application No.: 12/741,273	:	DECISION ON
PCT No.: PCT/EP08/64291	:	
Int. Filing: 22 October 2008	:	PETITION TO WITHDRAW
Priority Date: 26 October 2007	:	
Attorney Docket No.: BHD-4664-1535	:	HOLDING OF ABANDONMENT
For: METHOD FOR PRODUCING SEAMS ON WEBBINGS FOR TECHNICAL PURPOSES	:	

On 09 June 2010, a Notification of Abandonment was mailed in the above referenced application. On 14 June 2010, applicant filed a request for withdrawal of the holding of abandonment.

In light of the 07 June 2010 decision granting applicant's petition to revive under 37 CFR 1.137(b) in the above captioned application, the Notification of Abandonment mailed on 09 June 2010 was mailed in error and is hereby **VACATED**.

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 04 May 2010.

/Cynthia M. Kratz/
Cynthia M. Kratz
Attorney Advisor
PCT Legal Office
Office of PCT Legal Administration
Telephone: (571) 272-3286

Doc Code: PPH.PCT.652
Document Description: Petition to make special under PCT-Patent Pros Hwy

PTO/SB/20PCT-US (09-10)
Approved for use through 01/31/2012. OMB 0651-0058
U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM IN A U.S. APPLICATION WHERE THE USPTO WAS THE ISA OR IPEA

Application No:	12/741,331	Filing date:	May 4, 2010
First Named Inventor:	Ronald JENSEN		
Title of the Invention:	LIGHTWEIGHT ABSORBENT BODY BAG		

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/US08/82525

The international date of the corresponding PCT application(s) is/are:

November 5, 2008

I. List of Required Documents:

a. **A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above–identified corresponding PCT application(s)**

☐ Is attached

☒ Is not attached because the document is already in the U.S. application.

b. **A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s).**

☐ Is attached.

☒ Is not attached because the document is already in the U.S. application.

c. **English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.**

This collection of information is required by 35 U.S.C. 119, 37 CFR 1.55, and 37 CFR 1.102(d). The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.

PTO/SB/20PCT-US (09-10)
Approved for use through 01/31/2012. OMB 0651-0058
U.S.Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM IN A U.S. APPLICATION WHERE THE USPTO WAS THE ISA OR IPEA (continued)

Application No.:	12/741,331
First Named Inventor:	Ronald JENSEN

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 4, 2010

(2) Copies of all documents (except) for U.S. patents or U.S. patent application publications)

☐ Are attached.

☒ Have already been filed in the above-identified U.S. application on May 4, 2010

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1 - 24	1 - 24	Claims 1 - 24 in the pending U.S. application are identical to claims 1 - 24 in the PCT application

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature /Charles N.J. Ruggiero/	Date August 23, 2011
Name (Print/Typed) Charles N.J. Ruggiero	Registration Number 28,468

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.

Best Available Copy

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.
12/741,331	05/04/2010	Ronald Jensen	2186.032USU	6111

27623 7590 11/25/2011

OHLANDT, GREELEY, RUGGIERO & PERLE, LLP
ONE LANDMARK SQUARE, 10TH FLOOR
STAMFORD, CT 06901

EXAMINER	
MILLER, WILLIAM L	

ART UNIT	PAPER NUMBER
3677	

MAIL DATE	DELIVERY MODE
11/25/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Best Available Copy

UNITED STATES PATENT AND TRADEMARK OFFICE

NOV 2 5 2011

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

OHLANDT, GREELEY, RUGGIERO & PERLE, LLP
ONE LANDMARK SQUARE, 10TH FLOOR
STAMFORD CT 06901

In re application of Jensen et al.	:	**DECISION ON REQUEST TO PARTICIPATE IN PATENT**
Application No. 12/741,331	:	**PROSECUTION HIGHWAY**
Filed: May 04, 2010	:	**PROGRAM AND PETITION**
For: LIGHTWEIGHT ABSORBENT BODY BAG	:	**TO MAKE SPECIAL UNDER 37 CFR 1.102(a)**

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed August 23, 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 disclose an eligible relationship to one or more PCT applications filed in the USPTO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the PCT application(s) latest international work product (the written opinion or the IPER) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the PCT application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of the latest international work product from the PCT application containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;
(6) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

Best Available Copy

(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);

(5) Applicant must submit a copy of the latest international work product from the PCT application containing the allowable/patentable claim(s).

Applicant is request to submit a copy of the latest PCT application to show that claims 1 – 24 have been allowed in the PCT application, and that these allowable claims 1- 24 in the PCT application are corresponding to US claims 1 – 24.
The documents applicant submitted on May 4, 2010 do not show that claims 1 – 24 have been allowed.

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: 11/23/11

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MAILED

DEC 09 2011

OFFICE OF PETITIONS

OHLANDT, GREELEY, RUGGIERO & PERLE, LLP
ONE LANDMARK SQUARE, 10TH FLOOR
STAMFORD CT 06901

In re Application of
Ronald JENSEN et al.
Application No.: 12/741,331
Filed: May 4, 2010
Attorney Docket No.: 2186.032USU

: 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 **corrected** 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 August 23, 2011, to make the above-identified application special. The decision mailed November 25, 2011 has been reconsidered and is vacated in favor of the decision herein.

The request and petition are **GRANTED**.

Discussion

A grantable request to participate in the PCT-PPH pilot program and petition to make special require:

(1) The U.S. application must have an eligible relationship to one or more PCT applications where the ISA or IPEA are the JPO, EPO, KIPO, NPI, NBPR, or USPTO;

(2) At least one claim in the PCT application has novelty, inventive step, and industrial applicability and must be free of any observations in Box VIII in the latest work product in the international stage or applicant must identify and explain why the claim(s) is/are not subject to the observation in Box VIII;

(3) Applicant must submit a copy of the claim(s) from the PCT application(s) that have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate, if the claims are not in the English language;

(4) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the claim(s) that have novelty, inventive step, and industrial applicability in the PCT application(s);

(5) Examination of the U.S. application has not begun;

(6) Applicant must submit a copy of the latest international work product from the PCT application indicating that the claim(s) have novelty, inventive step, and industrial applicability

along with an English translation thereof and a statement that the English translation is accurate if the latest international work product is not in the English language;

(7) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

The request to participate in the PCT-PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Ramesh Krishnamurthy at 571-272-4914.

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.

Anthony Knight
Director,
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

WOODCOCK WASHBURN LLP
CIRA CENTRE, 12TH FLOOR
2929 ARCH STREET
PHILADELPHIA PA 19104-2891

MAILED

JUL 08 2011

PCT LEGAL ADMINISTRATION

In re Application of :
DO, et al. :
PCT No.: PCT/US2009/04602 : DECISION ON PETITION
Application No.: 12/741,346 :
Int. Filing Date: 02 June 2009 : UNDER 37 CFR 1.47(a)
Priority Date: 03 June 2008 :
Atty. Docket No.: RSM082002 :
For: TIME, FREQUENCY AND LOCATION :
DETERMINATION FOR FEMTOCELLS :

This decision is in response to applicant's petition under 37 CFR § 1.47 filed 11 May 2011 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 02 June 2009, applicant filed international application PCT/US2009/04602 which claimed priority to an earlier application filed 03 June 2008. Pursuant to 37 CFR 1.495, the thirty-month period for paying the basic national fee in the United States expired at midnight on 03 December 2010.

On 04 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).

On 11 January 2011, applicant was mailed a "NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371" (Form PCT/DO/EO/905) informing applicant of the need to provide an oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. Applicant was afforded two months to file the proper reply and informed that this period could be extended pursuant to 37 CFR 1.136(a).

On 11 May 2011, applicant filed the present petition under 37 CFR 1.47(a) accompanied by a petition for a two-month extension of time and payment of the appropriate extension of time fee. Applicant's response is timely filed.

DISCUSSION

A petition under 37 CFR 1.47(a) must be accompanied by (1) the fee under 37 CFR 1.17(g), (2) factual proof that the missing joint investor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the missing inventor, and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and on behalf of the non-signing joint inventor. With the filing of the present petition and accompanying papers, applicant has satisfied all four items.

CONCLUSION

For the reasons above, applicant's petition under 37 CFR 1.47(a) is **GRANTED**.

The application has an international filing date of 02 June 2009 under 35 U.S.C. 363, and will be given a date of **11 May 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.

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. James J. Spilker, Jr.
19509 Cabrillo Highway South
Half Moon Bay, CA 94019-2527

MAILED

JUL 08 2011

PCT LEGAL ADMINISTRATION

In re Application of
DO, et al.
PCT No.: PCT/US2009/04602
Application No.: 12/741,346
Int. Filing Date: 02 June 2009
Priority Date: 03 June 2008
Atty. Docket No.: RSM082002
For: TIME, FREQUENCY AND LOCATION DETERMINATION FOR FEMTOCELLS

Dear Mr. Spilker:

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:
WOODCOCK WASHBURN LLP
CIRA CENTRE, 12TH FLOOR
2929 ARCH STREET
PHILADELPHIA PA 19104-2891

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Dr. Matthew Rabinowitz
130 Golden Hills Road
Portola Valley, CA 94028

MAILED
JUL 08 2011
PCT LEGAL ADMINISTRATION

In re Application of
DO, et al.
PCT No.: PCT/US2009/04602
Application No.: 12/741,346
Int. Filing Date: 02 June 2009
Priority Date: 03 June 2008
Atty. Docket No.: RSM082002
For: TIME, FREQUENCY AND LOCATION DETERMINATION FOR FEMTOCELLS

Dear Dr. Rabinowitz:

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:
WOODCOCK WASHBURN LLP
CIRA CENTRE, 12TH FLOOR
2929 ARCH STREET
PHILADELPHIA PA 19104-2891

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.
12/741,431	09/13/2010	Harold Jan Smelt	BHD-4662-1518	7331

23117 7590 07/14/2011
NIXON & VANDERHYE, PC
901 NORTH GLEBE ROAD, 11TH FLOOR
ARLINGTON, VA 22203

EXAMINER	
SHARMA, YASHITA	
ART UNIT	PAPER NUMBER
3774	

MAIL DATE	DELIVERY MODE
07/14/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

NIXON & VANDERHYE, PC
901 NORTH GLEBE ROAD, 11TH FLOOR
ARLINGTON VA 22203

In re Application of:
SMELT, HAROLD JAN
Serial No.: 12/741431
Filed: May 5, 2010
Attorney Docket No. : BHD-4662-1518
Title: PROCESS FOR PRODUCING HIGH MOLECULAR WEIGHT POLYETHYLENE

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 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 corresponding application(s) filed in the EPO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the EPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the EPO application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of all the office actions from each of the EPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate; and
(6) Applicant must submit IDS listing the documents cited by the EPO examiner in the EPO office action along with copies of documents except U.S. patents or U.S. patent application publications.

In light of the petition being properly submitted, the request to participate in the PPH program and the petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

The applicant is encouraged to cite and submit all relevant prior art references, if any, to facilitate examination in this application.

Response must be filed via EFS-Web. Telephone inquiries concerning this decision should be directed to Henry C. Yuen, at 571-272-4856.

Petition is **granted**.

/Henry C. Yuen/

Henry C. Yuen
Special Programs Examiner
Technology Center 3700
Tel: 571-272-4856

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450

MAILED

JAN 18 2012

OFFICE OF PETITIONS

OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P.
1940 DUKE STREET
ALEXANDRIA VA 22314

In re Application of	: DECISION ON REQUEST TO
Atsushi AYABE	: PARTICIPATE IN PPH PROGRAM
Application No. 12/741,443	: AND PETITION TO MAKE SPECIAL
Filed: May 5, 2010	: UNDER 37 CFR 1.102(a)
Atty. Docket No.: 358504US26PCT	:

For: CONTROL APPARATUS AND CONTROL METHOD FOR AUTOMATIC TRANSMISSION

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 14, 2011 to make the above-identified application special.

The petition is **GRANTED**.

A grantable request to participate in the PPH (patent prosecution highway) program and petition to make special require:

(1) the U.S. application is a Paris Convention application which either validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the JPO (Japanese Patent Office) or claims priority to a PCT application that contains no priority claims. Alternatively, it can be a national stage application under the PCT which validly claims priority to an application filed in the JPO or claims priority to a PCT application that contains no priority claims. It can also be a "bypass application" filed under 35 U.S.C. 111(a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application validly claims priority to an application filed in the JPO or claims priority to a PCT application that contains no priority claims, or contains no priority claim;

(2) applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation is accurate;

(3) all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);

(4) examination of the U.S. application has not begun;

(5) applicant must submit a copy of all the office actions from each of the JPO application(s) containing the allowability/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate; and

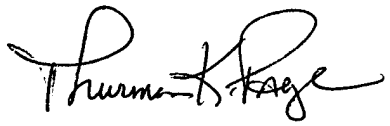
(6) applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO office action along with copies of documents except U.S. patents or U.S. patent application.

The request to participate in the PPH program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Robert DeWitty, Petition Attorney, Office of Petitions at 571-272-8427.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc/index.html.

This application will be forwarded to Technology Center Art Unit 3664 for action on the merits commensurate with this decision once this application's formality reviews have been completed.



David Bucci
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

31 AUG 2010

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

00466
YOUNG & THOMPSON
209 Madison Street, Suite 500
Alexandria, VA 22314

In re Application of
FORNASIER, Leandro
U.S. Application No.: 12/741,465
PCT No.: PCT/EP2008/010257
Int. Filing Date: 04 December 2008
Priority Date: 11 December 2007
Attorney Docket No.: 2506-1022
For: A TECHNIQUE FOR ENGRAFTING PLANTS AND A TOOL FOR IMPLEMENTING THE TECHNIQUE

DECISION

This decision is in response to the declaration filed on 05 May 2010 which is treated as a petition under 37 CFR 1.42.

BACKGROUND

On 05 May 2010, applicant submitted papers to enter the national stage of PCT/EP2008/010257 which was accompanied by, *inter alia*, a declaration executed by the legal representative of a deceased sole inventor.

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 submitted a declaration executed by Ida Fornasier as legal representative of deceased inventor, Leandro FORNASIER. The declaration lists the citizenship, residence and address of the legal representative required by 37 CFR 1.497(b)(2), as well as the information for the deceased inventor.

The declaration is in compliance with 37 CFR 1.497(a)-(b).

CONCLUSION

The papers filed under 37 CFR 1.42 are **ACCEPTED**.

This application is being forwarded to the United States Designated/Elected Office for further processing.

James Thomson

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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.
12/741,466	05/05/2010	Takahiro Okoge	RYM-5282-20	7589

23117 7590 04/22/2011

NIXON & VANDERHYE, PC
901 NORTH GLEBE ROAD, 11TH FLOOR
ARLINGTON, VA 22203

EXAMINER	
ART UNIT	PAPER NUMBER
2115	

MAIL DATE	DELIVERY MODE
04/22/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

NIXON & VANDERHYE, PC
901 NORTH GLEBE ROAD, 11TH FLOOR
ARLINGTON VA 22203

In re Application of: OKOGE et al.
Application No. 12/741,466
Attorney Docket #: **RYM-5282-20**
Filed: May 5, 2010
For: **INFORMATION STORAGE DEVICE, INFORMATION RECORDING/REPRODUCING DEVICE, AND POWER CONSUMPTION MANAGEMENT METHOD**

DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed March 4, 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

AUG 11 2011

PCT LEGAL ADMINISTRATION

LONDA, BRUCE S.
NORRIS MCLAUGHLIN & MARCUS, PA
875 THIRD AVE, 8TH FLOOR
NEW YORK NY 10022

In re Application of :
VON TIPPELSKIRCH, et al. :
Application No.: 12/741,470 :
PCT No.: PCT/EP2008/065010 :
Int. Filing Date: 05 November 2008 :
Priority Date: 07 November 2007 :
Attorney's Docket No.: 101215-372 :
For: AUTHENTICATION METHOD AND ... :
STORAGE MEDIUM :

DECISION

ON PETITIONS UNDER

37 CFR 1.181 and 1.137(b)

This is a decision on applicant's "Petition To Reset Period For Response, Or In The Alternative Conditional Petition To Revive Unintentionally Abandoned Application Pursuant to 37 CFR §1.137(b)," filed with the Office on 09 June 2011.

BACKGROUND

On 18 June 2010, the Office mailed Notification of Missing Requirements (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) and the surcharge for late filing of the oath or declaration were required.

On 03 September 2010, applicants supplied a declaration of the inventors. The fee for a one month extension of time was authorized, but not charged to deposit account no. 14-1263. That extension fee will now be charged.

On 01 April 2011, the Office mailed Notification of Defective Response (Form PCT/DO/EO/916) indicating that the declaration does not comply with 37 CFR 1.497(a)-(b) as the declaration contained non-initialed, non-dated alterations to the address of the first inventor.

On 09 June 2011, applicants submitted the petition under 37 CFR 1.181 as set forth in MPEP 710.06 to restart the period for reply due to late receipt of an office action or in the alternative to revive the application under 37 CFR 1.137(b).

DISCUSSION

MPEP §710.06 sets forth the requirements for resetting a period for reply due to late receipt of an office action. A petition to reset the time period for reply must be (1) filed within two weeks of receipt of the office action, (2) demonstrate significant delay, (3) present evidence, (4) state when the communication was received and (5) be signed.

Items (2)-(5) have been met. More than half of the time period set for reply had elapsed. Applicant has provided a copy of the original communication with the law office's receipt stamp attached to it and states that the communication was received on that date. Finally, the petition is signed by a practitioner registered to practice before the Office.

Item (1) has not been satisfied. The petition was filed on 09 June 2011, though the Notification of Missing Requirements was received 04 May 2011.

Further, even if this petition had been successful, the period for response would have been set to run from the date of receipt, 04 May 2011. The time limit was one month, expiring on 06 June 2011 (04 June 2011 was a Saturday). The petition and response were furnished on 09 June 2011. As such, the application is abandoned.

PETITION UNDER 37 CFR 1.137(b)

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 reply has been submitted. The petition fee will be charged to deposit account no. 14-1263, as authorized. A terminal disclaimer is not required as the application was filed on or after 08 June 1995. Accordingly, all requirements under 37 CFR 1.137(b) have been satisfied.

The 03 September 2010 declaration complies with 37 CFR 1.497(a)-(b). The 09 June 2011 declaration will remain in the file for compliance with 37 CFR 1.63.

CONCLUSION

For the above reasons, applicant's petition under 37 CFR 1.181 is **DISMISSED** without prejudice and the petition under 37 CFR 1.137(b) 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

17 AUG 2010

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

OLIFF & BERRIDGE, PLC
P.O. BOX 320850
ALEXANDRIA VA 22320-4850

In re Application of	:	DECISION
ARDITTY et al.	:	
Application No.: 12/741,519	:	
PCT No.: PCT/IB2008/055389	:	
Int. Filing Date: 17 December 2008	:	
Priority Date: 17 December 2007	:	
Attorney Docket No.: 145486	:	
For: COSMETIC COMPOSITION COMPRISING A SEMICRYSTALLINE POLYURETHANE/POLYESTER COPOLYMER	:	

This decision is in response to applicants' "REQUEST FOR CORRECTION OF NOTICE OF ACCEPTANCE AND PALM RECORDS," which has properly been treated as a petition under 37 CFR 1.181, filed in the United States Patent and Trademark Office (USPTO) on 15 July 2010.

BACKGROUND

On 17 December 2008, applicants filed international application PCT/IB2008/055389 which designated the US and claimed a priority date of 17 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 at midnight on 17 June 2010.

On 05 May 2010, applicants filed a transmittal letter for entry into the national stage in the United States, which was accompanied by, *inter alia*, the basic national fee.

On 15 June 2010, applicants filed a submission including an express request to begin national examination procedures under 35 U.S.C. 371(f) and a declaration of inventors.

On 18 June 2010, the United States Designated/Elected Office (DO/EO/US) issued a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating, *inter alia*, that a declaration of inventors in compliance with 37 CFR 1.497(a)-(b) identifying the application by the International application number and international filing date was required.

On 28 June 2010, applicants filed a response indicating that a declaration of inventors in compliance with 37 CFR 1.497(a)-(b) identifying the application by the International application number and international filing date had been filed on 15 June 2010.

On 12 July 2010, the United States Designated/Elected Office (DO/EO/US) issued a NOTICE OF ACCEPTANCE OF APPLICATION UNDER 35 U.S.C. 371 AN 37 CFR 1.495 (Form PCT/DO/EO/903) according the application a 35 U.S.C. § 371(c)(1), (c)(2), and (c)(4) date of 28 June 2010 and a 35 U.S.C. 371 date of 28 June 2010.

On 15 July 2010, applicants filed the instant petition under 37 CFR 1.181.

DISCUSSION

The petition requests that the 35 U.S.C. § 371(c)(1), (c)(2), and (c)(4) and 35 U.S.C. 371 date be changed from 28 June 2010 to 15 June 2010.

As noted by applicants, the declaration of inventors filed 15 June 2010 was in compliance with 37 CFR 1.497(a)-(b) and properly identified the application by the International application number and international filing date Accordingly, the NOTICE OF ACCEPTANCE OF APPLICATION issued 12 July 2010 contained the incorrect 35 U.S.C. § 371(c)(1), (c)(2), and (c)(4) date and 35 U.S.C. 371 date. Thus, the NOTICE OF ACCEPTANCE is hereby VACATED.

CONCLUSION

The petition under 37 CFR 1.181 is **GRANTED** for the reasons set forth above.

The NOTICE OF ACCEPTANCE issued 12 July 2010 is **VACATED**.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations for processing in accordance with this decision, that is for (1) mailing of a corrected NOTIFICATION OF ACCEPTANCE OF APPLICATION UNDER 35 U.S.C. 371 AND 37 CFR 1.494 OR 1.495 (Form PCT/DO/EO/903) indicating both the 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) and the 35 U.S.C. 371 dates as **15 June 2010** and (2) mailing of a corrected Filing Receipt.

/Daniel Stemmer/

Daniel Stemmer
Legal Examiner

PCT Legal Affairs
Office of Patent Cooperation Treaty
Legal Administration
Telephone: (571) 272-3301

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.
12/741,547	05/05/2010	Tomoyasu Ishikawa	Q118752	8071

23373 7590 11/16/2011

SUGHRUE MION, PLLC
2100 PENNSYLVANIA AVENUE, N.W.
SUITE 800
WASHINGTON, DC 20037

EXAMINER	
SHAFI, MUHAMMAD	

ART UNIT	PAPER NUMBER
3667	

NOTIFICATION DATE	DELIVERY MODE
11/16/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

USPTO@sughrue.com
sughrue@sughrue.com
PPROCESSING@SUGHRUE.COM

UNITED STATES PATENT AND TRADEMARK OFFICE

NOV 15 2011

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

SUGHRUE MION, PLLC
2100 PENNSYLVANIA AVENUE, N.W.
SUITE 800
WASHINGTON DC 20037

In re application of	:	**DECISION ON REQUEST TO**
Tomoyasu Ishikawa	:	**PARTICIPATE IN PATENT**
Application No. 12/741,547	:	**PROSECUTION HIGHWAY**
Filed: May 5, 2010	:	**PROGRAM AND PETITION**
For: VEHICLE INFORMATION	:	**TO MAKE SPECIAL UNDER**
STORAGE APPARATUS	:	**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 July 29, 2011, to make the above-identified application special.

The request and petition are **DISMISSED as MOOT.**

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 is not grantable as per item (4) above in that Examination of the U.S. application has already begun. A Non-Final Rejection was mailed on October 12, 2011.

No time period for reply to this decision is available since an Office action on the merits has already been mailed.

Any inquiry regarding this decision should be directed to Mikado Buiz, Quality Assurance Specialist, at (571) 272-6578.

/ Mikado Buiz /

Mikado Buiz,
Quality Assurance Specialist
Technology Center 3600

MB/MB: 11/15/11

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

LOUIS J. WILLE
BRISTOL-MYERS SQUIBB COMPANY
PATENT DEPARTMENT
P O BOX 4000
PRINCETON NJ 08543-4000

MAILED

JAN 31 2011

PCT LEGAL ADMINISTRATION

In re Application of :
DHAR :
Application No.: 12/741,597 :
PCT No.: PCT/US2008/081702 : DECISION ON PETITION
Int. Filing Date: 30 October 2008 :
Priority Date: 01 November 2007 : UNDER 37 CFR 1.137(b)
Atty. Docket No.: 10931 US PCT :
For: NONSTEROIDAL COMPOUNDS USEFUL AS :
MODULATORS OF GLUCOCORTICOID :
RECEPTOR AP-1 AND/OR NF-KAPPAB :
ACITIVITY AND USE THEREOF :

The renewed petition to revive under 37 CFR 1.137(b) filed 28 July 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 renewed petition of 28 July 2010 satisfies the requirement of 37 CFR 1.137(b)(3).

A review of the renewed petition reveals that applicant has now provided a statement of unintentional delay, as well as, payment of the U.S. Basic National fee and petition fee thus satisfying the requirements of 37 CFR 1.137(b). 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

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MAILED

FEB 09 2011

PCT LEGAL ADMINISTRATION

Entegris, Inc.
129 CONCORD ROAD
BILLERICA MA 01821-4600

In re Application of :
SUZUKI :
Application No.: 12/741,602 : DECISION ON PETITION
PCT No.: PCT/JP2008/069016 :
Int. Filing Date: 21 October 2008 :
Priority Date: 29 November 2007 :
Attorney's Docket No.: 200700094 :
For: FILTER UNIT AND FILTER CARTRIDGE :

This decision is issued in response to applicant's petition under 37 CFR 1.182 to excuse applicant's error upon filing filed 03 February 2011 in the United States Patent and Trademark Office (USPTO). Applicant has provided payment of the required $400 petition fee.

BACKGROUND

On 07 January 2011, applicant was mailed a communication detailing the discrepancy between the international application numbers provided during electronic filing and other filing papers such as the transmittal letter.

On03 February 2011, applicant filed the petition considered herein.

DISCUSSION

Applicant confirms that the correct international application is PCT/JP2008/069016. An examination of the originally filed papers finds that the correct international application number was listed on the transmittal letter filed 06 May 2010. Applicant's present submission included the required petition fee to correct applicant's clerical error. Accordingly, these materials satisfy the requirements for a grantable petition to correct applicant's error in the bibliographical data filed 06 May 2010 and to permit such materials to be treated as having been directed to international application PCT/JP2008/069016.

CONCLUSION

Applicant's petition under 37 CFR 1.182 is **GRANTED**.

As requested, the international application number, title of invention, and continuity data have been corrected and are now associated with PCT/JP2008/069016.

This application is being forwarded to the United States Designated/Elected Office for further processing.

Derek A. Putonen
Attorney-Advisor
Office of PCT Legal Administration
Tel.: 571-272-3294

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

HARRINGTON & SMITH
4 RESEARCH DRIVE, SUITE 202
SHELTON, CT 06484-6212

MAILED

DEC 06 2010

PCT LEGAL ADMINISTRATION

In re Application of RASTELLI et al :
U.S. Application No.: 12/741,648 :
PCT Application No.: PCT/EP2008/065146 :
Int. Filing Date: 07 November 2008 :
Priority Date Claimed: 09 November 2007 : DECISION
Attorney Docket No.: 863.0195.U1(US) :
For: METHOD, SYSTEM AND DEVICES FOR :
SUPPORTING HANDOVER IN MOBILE :
COMMUNICATION NETWORKS :

This is in response to applicant's petition under 37 CFR 1.47(b) filed 01 November 2010.

BACKGROUND

On 07 November 2008, applicant filed international application PCT/EP2008/065146, which claimed priority of an earlier European Patent Office application filed 09 November 2007. A copy of the international application was communicated to the USPTO from the International Bureau on 14 May 2009. The thirty-month period for paying the basic national fee in the United States expired on 10 May 2010.

On 06 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 27 May 2010, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905), which indicated that an oath or declaration in compliance with 37 CFR 1.497 must be filed.

On 01 November 2010, applicant filed the present petition under 37 CFR 1.47(b).

DISCUSSION

A petition under 37 CFR 1.47(b) must be accompanied by: (1) the fee under 37 CFR 1.17(i), (2) factual proof that the inventor refuses to execute the application or cannot be reached

after diligent effort, (3) a statement of the last known address of the 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. See 37 CFR 1.47(b).

With regard to item (1) above, the requisite fee has been provided.

With regard to item (2) above, MPEP 409.03(d) states in relevant part,

> Where inability to find or reach a nonsigning inventor "after diligent effort" is the reason for filing under 37 CFR 1.47, a statement of facts should be submitted that fully describes the exact facts which are relied on to establish that a diligent effort was made. . . . The statement of facts must be signed, where at all possible, by a person having firsthand knowledge of the facts recited therein. Statements based on hearsay will not normally be accepted. Copies of documentary evidence such as internet searches, certified mail return receipts, cover letters of instructions, telegrams, that support a finding that the nonsigning inventor could not be found or reached should be made part of the statement. The steps taken to locate the whereabouts of the nonsigning inventor should be included in the statement of facts. It is important that the statement contain facts as opposed to conclusions.
>
> * * *
>
> A refusal by an inventor to sign an oath or declaration when the inventor has not been presented with the application papers does not itself suggest that the inventor is refusing to join the application unless it is clear that the inventor understands exactly what he or she is being asked to sign and refuses to accept the application papers. A copy of the application papers should be sent to the last known address of the nonsigning inventor, or, if the nonsigning inventor is represented by counsel, to the address of the nonsigning inventor's attorney. . . . It is reasonable to require that the inventor be presented with the application papers before a petition under 37 CFR 1.47 is granted since such a procedure ensures that the inventor is apprised of the application to which the oath or declaration is directed. In re Gray, 115 USPQ 80 (Comm'r Pat. 1956).
>
> Where a refusal of the inventor to sign the application papers is alleged, the circumstances of the presentation of the application papers and of the refusal must be specified in a statement of facts by the person who presented the inventor with the application papers and/or to whom the refusal was made. Statements by a party not present when an oral refusal is made will not be accepted.
>
> Proof that a bona fide attempt was made to present a copy of the application papers (specification, including claims, drawings, and oath or declaration) to the nonsigning inventor for signature, but the inventor refused to accept delivery of the papers or expressly stated that the application papers should not be sent, may be sufficient. When there is an express oral refusal, that fact along with the time and place of the refusal must be stated in the statement of facts. When there is an express written refusal, a copy of the document evidencing that refusal must be made part of the statement of facts. The document may be redacted to remove material not related to the inventor's reasons for refusal.
>
> When it is concluded by the 37 CFR 1.47 applicant that a nonsigning inventor's conduct constitutes a refusal, all facts upon which that conclusion is based should be stated in the statement of facts in support of the petition or

> directly in the petition. If there is documentary evidence to support facts alleged in the petition or in any statement of facts, such evidence should be submitted. Whenever a nonsigning inventor gives a reason for refusing to sign the application oath or declaration, that reason should be stated in the petition.

Marco Rastelli

The petition states that Marco Rastelli refuses to sign the application papers. However, the petition is not accompanied by a statement of facts by the person who presented the inventor with the application papers and to whom the refusal was made. Furthermore, documentary evidence of inventor Rastelli's receipt of a copy of the application papers has not been provided.

Daniele Tortora

The petition fails to specify whether inventor Tortora refuses to sign or cannot be found. Furthermore, the petition does not establish whether the letter sent to inventor Tortora's last known address was successfully delivered. In the event petitioner alleges that inventor Tortora refuses to sign, it must be demonstrated that a copy of the application papers was successfully delivered to inventor Tortora. In the even petitioner alleges that inventor Tortora cannot be found, evidence of attempts to find inventor Tortora by other methods (e.g. by telephone, by electronic mail, by searching directories, and by contacting inventor Tortora's former co-workers) must be provided.

With regard to item (3) above, the petition states the last known addresses of the nonnsigning inventors.

With regard to item (4) above, an oath or declaration executed by the 37 CFR 1.47(b) applicant on behalf of and as agent for the nonsigning inventors has been provided.

With regard to item (5) above, the 37 CFR 1.47(b) applicant must prove that, as of the date the application was deposited in the Patent and Trademark Office, (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 filing of the application. MPEP 409.03(f).

The petition states that Nokia Siemens Network Oy ("Nokia") has proprietary interest in the present application. Therefore, petitioner must establish a chain of title from the inventors to Nokia. The petition states that inventor Rastelli made the present invention while employed by Azcom Technology SRL ("Azcom") and that Azcom was under contract to Siemens Networks S.p.A ("Siemens") at the time of the present invention. However, the petition is not accompanied by a statement from a person with firsthand knowledge of inventor Rastelli making the present invention during his employment with Azcom and during the time when Azcom was under contract to Siemens. Furthermore, the petition has not established that inventions made by inventor Rastelli during his employment with Azcom became property of Azcom. Additionally, the petition does not establish how Nokia obtained title to the present invention from Siemens. Regarding inventor Tortora, the petition makes no showing with respect to proprietary interest.

With regard to item (6) above, an adequate statement regarding preservation of the rights of the parties and/or prevention of irreparable damage has been provided.

CONCLUSION

For the reasons above, 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 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(b)". No additional petition fee is required.

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

Bryan Lin
PCT Legal Examiner
PCT Legal Office

Telephone: 571-272-3303
Facsimile: 571-273-0459

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

HARRINGTON & SMITH
4 RESEARCH DRIVE, SUITE 202
SHELTON, CT 06484-6212

MAILED

APR 14 2011

PCT LEGAL ADMINISTRATION

In re Application of RASTELLI et al :
U.S. Application No.: 12/741,648 :
PCT Application No.: PCT/EP2008/065146 :
Int. Filing Date: 07 November 2008 :
Priority Date Claimed: 09 November 2007 : DECISION
Attorney Docket No.: 863.0195.U1(US) :
For: METHOD, SYSTEM AND DEVICES FOR SUPPORTING HANDOVER IN MOBILE COMMUNICATION NETWORKS :

This is in response to applicant's renewed petition under 37 CFR 1.47(b) filed 08 February 2011.

BACKGROUND

On 07 November 2008, applicant filed international application PCT/EP2008/065146, which claimed priority of an earlier European Patent Office application filed 09 November 2007. A copy of the international application was communicated to the USPTO from the International Bureau on 14 May 2009. The thirty-month period for paying the basic national fee in the United States expired on 10 May 2010.

On 06 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 27 May 2010, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905), which indicated that an oath or declaration in compliance with 37 CFR 1.497 must be filed.

On 01 November 2010, applicant filed a petition under 37 CFR 1.47(b).

On 08 December 2010, this Office mailed a decision dismissing the 01 November 2010 petition.

On 08 February 2011, applicant filed the instant renewed petition under 37 CFR 1.47(b).

DISCUSSION

The renewed petition is accompanied by declarations executed by inventors Marco Rastelli and Daniele Tortora. The submission of declarations executed by the previously nonsigning inventors is a proper response to the decision mailed 08 December 2010.

CONCLUSION

For the reasons above, the renewed 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 07 November 2008, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 08 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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

00466
YOUNG & THOMPSON
209 Madison Street
Suite 500
Alexandria, VA 22314

MAILED

DEC 20 2010

PCT LEGAL ADMINISTRATION

In re Application of
FIGUERAS *et al*
U.S. Application No.: 12/741,655
PCT No.: PCT/EP2008/065100
Int. Filing Date: 07 November 2008
Priority Date: 07 November 2007
Attorney Docket No.: 0512-1607
For: SINGLE-STEP CATALYTIC PREPARATION OF PARA-AMINOPHENOL

DECISION ON PETITION UNDER 37 CFR 1.497(d)

This is a decision on the request for correction of inventorship filed 29 October 2010 which is treated as a petition under 37 CFR 1.497(d).

BACKGROUND

On 19 July 2010, a Notification of Missing Requirements (Form PCT/DO/EO/905) was mailed stating that an oath or declaration in compliance with 37 CFR 1.497(a) & (b) was required. Applicants were given two months to respond with extensions of time available under 37 CFR 1.136(a).

On 29 October 2010, applicants filed the subject request to correct inventorship which was accompanied by, *inter* alia, a statement from four inventors being removed, a $130.00 processing fee, a four-month extension and $490.00 extension fee, a consent by the assignee, and a certificate under 37 CFR 3.73(b).

DISCUSSION

Applicants request to remove Lakshmi Kantam MANNEPALLI, Jeeva Ratnam KATURI, Sudarshan Reddy RAGIREDDY, and Subrahmanya Sekhar NUJILLA as inventors in the above-captioned national stage application.

37 CFR 1.497(d) applies when the inventorship in a national stage application filed under 35 U.S.C. 371 differs from that set forth in the international application. 37 CFR 1.497(d) states, in part:

(d) If the oath or declaration filed pursuant to 35 U.S.C. 371(c)(4) and this

section names an inventive entity different from the inventive entity set forth in the international application, the oath or declaration must be accompanied by:

(1) A statement from each person being added as an inventor that any error in inventorship in the international application occurred without deceptive intention on his or her part;

(2) The processing fee set forth in § 1.17(I); and

(3) If an assignment has been executed by any of the original named inventors, the written consent of the assignee.

Applicants provided a statement of the four inventors being removed. Each inventor states that the error occurred without deceptive intent. The $130.00 processing fee has been paid. A consent of assignee signed by three assignees was provided. A certificate under 37 CFR 3.73(b) was also submitted. A review of the above-captioned application show that an assignment to Centre National De La Recherche Scientifique (C.N.R.S.), Council of Scientific & Industrial Research and Vinati Organics Ltd (V.O.L.) was recorded on 29 October 2010.

All items of 37 CFR 1.497(d) are complete.

CONCLUSION

Applicants' request to remove Lakshmi Kantam MANNEPALLI, Jeeva Ratnam KATURI, Sudarshan Reddy RAGIREDDY, and Subrahmanya Sekhar NUJILLA as inventors pursuant to 37 CFR 1.497(d) is **GRANTED**.

Applicants have completed the requirements for acceptance under 35 U.S.C. 371(c). The application has an international filing date of 07 November 2008 under 35 U.S.C. 363 and a 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date of 29 October 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

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

KEVIN J. MCNEELY, ESQ.
5335 WISCONSIN AVE, NW
SUITE 440
WASHINGTON, DC 20015

MAILED

OCT 06 2011

PCT LEGAL ADMINISTRATION

In re Application of: DONG, XIAOMING
U.S. Application No: 12/741,656
PCT Application No.: PCT/CN2008/72982
International Filing Date: 07 November 2008
Priority Date: 09 November 2007
Attorney's Docket No.: UPSC.1005.0001
For: METHOD FOR DETECTING THE EXPRESSION OF CYCLIN B2 GENE BY REAL-TIME QUANTITATIVE PCR

DECISION ON 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 CFR 1.137(b)" filed 15 September 2011. Applicant has paid the required petition fee.

BACKGROUND

On 07 November 2008, applicant filed international application PCT/CN2008/72982, which claimed priority of an earlier Chinese application filed 09 November 2007. A copy of the international application was communicated to the USPTO from the International Bureau on 04 June 2009. The thirty-month period for paying the basic national fee in the United States expired on 09 May 2010.

On 06 May 2010, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US).

On 25 June 2010, the DO/EO/US mailed a Notice to Comply With Requirements for Patent Applications Containing Nucleotide Sequence And/Or Amino Acid Sequence Disclosures Under 35 U.S.C. 371 (Form PCT/DO/EO/922), requiring the submission of an initial computer readable form (CRF) copy of the "Sequence Listing" as well as an amendment specifically directing its entry into the application and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact

disc) sequence listing and, where applicable, includes no new matter as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.821(b) or 1.821(d).

On 23 September 2010, applicant filed a Response to Notice to Comply With Requirements for Patent Applications Containing Nucleotide Sequence And/Or Amino Acid Sequence Disclosures, a copy of the sequence listings in computer readable form and a petition for extension of time along with the accompanying fee.

On 26 October 2010, the DO/EO/US mailed a Notification of Defective Response Under 35 U.S.C. 371 (Form PCT/DO/EO/916), notifying applicant that the CRF does not comply with the requirements of 37 CFR 1.822 and/or 1.823 and also requiring the submission of a substitute CRF copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.821(b) or 1.821(d).

On 14 July 2011, a Notification of Abandonment (Form PCT/DO/EO/909) was mailed, indicating that this international application had became abandoned with respect to the national stage in the U.S. for failure to timely reply to the Notification of Defective Response.

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 November 2008 and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 06 May 2010.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision.

Robert Hodge
PCT Legal Detailee
Office of PCT Legal Administration
United States Patent and Trademark Office

Bryan Lin
PCT Legal Examiner
Office of PCT Legal Administration
Telephone: (571) 272-3303

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MAILED

DEC 10 2010

PCT LEGAL ADMINISTRATION

WILMERHALE/DC
1875 PENNSYLVANIA AVE., NW
WASHINGTON DC 20006

In re Application of:
SANO, Takeshi, et al.
U.S. Application No.: 12/741,664
PCT No.: PCT/JP2008/067704
International Filing Date: 30 September 2008
Priority Date: 06 November 2007
Attorney Docket No.: 2201838.00134US1
For: SEMICONDUCTOR LIGHT EMITTING DEVICE, ...

DECISION ON PETITION
(37 CFR 1.47(a))

This decision is issued in response to applicants' "Petition Under 37 CFR § 1.47" filed 08 November 2010. Applicants have paid the required petition fee.

BACKGROUND

On 30 September 2008, applicants filed international application PCT/JP2008/067704. The international application claimed a priority date of 06 November 2007, and it designated the United States. On 14 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., 06 May 2010.

On 06 May 2010, applicants' filed materials to initiate the present national stage application including, among other materials, payment of the basic national fee and an English translation of the international application.

On 08 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.

On 08 November 2010, applicants filed a response to the Notification Of Missing Requirements (with required extension fee). The response included a partially executed declaration, and the petition under 37 CFR 1.47(a) considered herein. The petition requests acceptance of the declaration without the signature of non-signing co-inventor Kouji TSUKAGOSHI, whom applicants assert cannot be reached after diligent effort.

DISCUSSION

A grantable petition under 37 CFR 1.47(a) must be accompanied by: (1) the fee under 37 CFR 1.17; (2) a statement of the last known address of the non-signing inventor; (3) an oath or declaration executed by the other inventors on behalf of themselves and the non-signing inventor; and (4) factual proof that the inventor refuses to execute the application or cannot be reached after diligent effort.

Applicants here have provided the required petition fee. Item (1) is therefore satisfied.

Regarding item (2), the petition contains an express statement of the last known address of the non-signing inventor. Item (2) is therefore satisfied.

Regarding item (3), section 409.03(a) of the Manual of Patent Examining Practice (MPEP) states that:

> An oath or declaration signed by all the available joint inventors with the signature block of the nonsigning inventor(s) left blank may be treated as having been signed by all the joint inventors on behalf of the nonsigning inventor(s), unless otherwise indicated.

Here, applicants have filed a declaration executed by three of the four inventors of record, and the declaration includes an unsigned signature block for the non-signing inventor. This declaration may be accepted as having been executed by the signing inventors on their own behalf and on behalf of the non-signing inventor. Item (3) is therefore satisfied.

Regarding item (4), the petition asserts that the non-signing inventor cannot be reached. MPEP section 409.03(d)(I) sets forth the requirements for a showing that a non-signing inventor cannot be located after diligent effort:

> Where inability to find or reach a nonsigning inventor "after diligent effort" is the reason for filing under 37 CFR 1.47, a statement of facts should be submitted that fully describes the exact facts which are relied on to establish that a diligent effort was made. [...]
>
> The statement of facts must be signed, where at all possible, by a person having firsthand knowledge of the facts recited therein. Statements based on hearsay will not normally be accepted. Copies of documentary evidence such as internet searches, certified mail return receipts, cover letters of instructions, telegrams, that support a finding that the nonsigning inventor could not be found or reached should be made part of the statement. The steps taken to locate the whereabouts of the nonsigning inventor should be included in the statement of facts. It is important that the statement contain facts as opposed to conclusions.

The statement of Masaya Yamazaki and accompanying documents provided here indicates that applicants attempted to present the non-signing inventor with a signature request via email at his last-known email address and via regular mail at his last known residence address. However, the petition provides no indication that the addresses used are current and that the non-signing inventor has actually received any of the signature requests. Unsuccessful mailings to the inventor's last known email and residence addresses, on their own, are not sufficient to demonstrate a diligent effort to locate the inventor. A firsthand statement, with

supporting documents, setting forth the details of additional efforts made to obtain current contact information for the non-signing inventor and contact him at such current address, including, but not limited to, an internet search (with the results of such search being made of record herein) is required before it can be concluded that the non-signing inventor cannot be located after diligent effort.[1]

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.

/RichardMRoss/

Richard M. Ross
Attorney Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3296
Facsimile: (571) 273-0459

[1] If, in the alternative, applicants seek to show that the non-signing inventor has refused to execute the application, then an acceptable showing must be submitted demonstrating that a request for signature, accompanied by a copy of the complete application, has been provided to the non-signing inventor and that the inventor has not provided the requested signature in response to such requests. See MPEP 409.03(d)(II). The present record does not support such a conclusion in that, as discussed above, there is no evidence that the signature requests have been delivered to the non-signing inventor at a current address.

UNITED STATES PATENT AND TRADEMARK OFFICE

MAILED

APR 14 2011

PCT LEGAL ADMINISTRATION

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

WILMERHALE/DC
1875 PENNSYLVANIA AVE., NW
WASHINGTON DC 20006

In re Application of:	:	
SANO, Takeshi, et al.	:	DECISION ON RENEWED
U.S. Application No.: 12/741,664	:	PETITION
PCT No.: PCT/JP2008/067704	:	(37 CFR 1.47(a))
International Filing Date: 30 September 2008	:	
Priority Date: 06 November 2007	:	
Attorney Docket No.: 2201838.00134US1	:	
For: SEMICONDUCTOR LIGHT EMITTING DEVICE, ...	:	

In a decision mailed by this Office on 10 December 2010, applicants' petition under 37 CFR 1.47(a) for acceptance of the application without the signature of co-inventor Kouji TSUKAGOSHI was dismissed without prejudice based on applicants' failure to satisfy all the requirements of a grantable petition.

On 24 February 2010, applicants filed the "Renewed Petition Under 37 C.F.R. §1.47(a)" considered herein (with required one-month extension fee). The renewed petition was accompanied by a declaration executed by all four inventors of record, including the previously non-signing inventor who was the subject of the petition under 37 CFR 1.47(a), Kouji TSUKAGOSHI. This declaration is acceptable in compliance with 37 CFR 1.497.

In view of applicants' submission of a fully executed declaration, the 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 24 February 2011.

/RichardMRoss/

Richard M. Ross
Attorney Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3296

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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.
12/741,681	09/09/2010	Timothy James Kidd	BHD-4662-1519	9192

23117 7590 07/13/2011
NIXON & VANDERHYE, PC
901 NORTH GLEBE ROAD, 11TH FLOOR
ARLINGTON, VA 22203

EXAMINER	
ART UNIT	PAPER NUMBER
3733	

MAIL DATE	DELIVERY MODE
07/13/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

NIXON & VANDERHYE, PC
901 NORTH GLEBE ROAD, 11TH FLOOR
ARLINGTON VA 22203

In re Application of:
KIDD, TIMOTHY JAMES
Serial No.: 12/741681
Filed: May 6, 2010
Attorney Docket No. : BHD-4662-1519
Title: PROCESS FOR PRODUCING (ULTRA) HIGH MOLECULAR WEIGHT POLYETHYLENE

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 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 corresponding application(s) filed in the EPO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the EPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the EPO application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of all the office actions from each of the EPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate; and
(6) Applicant must submit IDS listing the documents cited by the EPO examiner in the EPO office action along with copies of documents except U.S. patents or U.S. patent application publications.

In light of the petition being properly submitted, the request to participate in the PPH program and the petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

The applicant is encouraged to cite and submit all relevant prior art references, if any, to facilitate examination in this application.

Response must be filed via EFS-Web. Telephone inquiries concerning this decision should be directed to Henry C. Yuen, at 571-272-4856.

Petition is **granted**.

/Henry C. Yuen/

Henry C. Yuen
Special Programs Examiner
Technology Center 3700
Tel: 571-272-4856

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MAILED

AUG 05 2011

OFFICE OF PETITIONS

GREER, BURNS & CRAIN
300 S WACKER DR
25TH FLOOR
CHICAGO, IL 60606

In re Application of :
Soon-Ok Shin :
Application No. 12/741,684 : ON PETITION
Filed: September 8, 2010 :
Attorney Docket No.: 0311.91866 :

This is a decision on the petition under 37 CFR 1.137(b) to revive the above-identified application, filed July 19, 2011.

The petition is **GRANTED**.

The application became abandoned for failure to timely pay the issue and publication fees on or before June 10, 2011, as required by the Notice of Allowance and Fee(s) Due mailed March 10, 2011. A Notice of Abandonment was mailed on June 23, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of the $755 issue fee and $300 publication fee; (2) the petition fee of $810; and (3) an adequate statement of unintentional delay.

The application is being referred to the Office of Data Management to be processed into a patent.

Telephone inquires related to this decision should be directed to the undersigned at (571) 272-3204. Telephone inquiries related to processing as a patent should be directed to (571) 272-4200.

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MCCORMICK PAULDING & HUBER
CITY PLACE II
185 ASYLUM STREET
HARTFORD CT 06103

MAILED
FEB 10 2012
OFFICE OF PETITIONS

In re Application of	:	DECISION
Ari Karkkainen	:	ON PETITION
Application No. 12/741,708	:	
Filed: May 6, 2010	:	
Attorney Docket Number: 7582-0008WOUS-1	:	

This is in response to the petition under 37 CFR 1.84(a)(2), filed May 6, 2010, for acceptance of color drawings.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled, "Renewed Petition under 37 CFR 1.84(a)(2)". No further petition fee is required for a renewed petition.

A grantable petition under 37 C.F.R. 1.84(a)(2) must be accompanied by the following:

(1) The fee set forth in 37 C.F.R. 1.17(h);

(2) Three (3) sets of color drawings, or one (1) set if filed via EFS, and

(3) The specification contains appropriate language referring to the color drawings as the first paragraph in that portion of the specification relating to the brief description of the drawings.

In addition, MPEP 608.02 states that a petition to accept color drawings will only be granted when the Office "has determined that a color drawing or photograph is the only practical medium by which to disclose in a printed utility patent the subject matter to be patented."

Here, the Office has determined that color drawings are not the only practical medium by which to disclose the subject matter. See, e.g. MPEP 608.02, Section IX, which states that drawing symbols can be used to indicate various materials where the material is an important feature of the invention.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petitions
Commissioner for Patents
PO Box 1450
Alexandria VA 22313-1450

By FAX: 571-273-8300
Attn: Office of Petitions

The application is being forwarded to Group Art Unit 2815.

Telephone inquiries regarding this decision should be directed to the undersigned at (571)272-3207.

Cliff Congo
Petitions Attorney
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:	12/741,748	Filing date:	05-06-2010
First Named Inventor:	Per Brath		
Title of the Invention:	DIAGNOSIS OF PITCH AND LOAD DEFECTS		

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/DK08/00395

The international date of the corresponding PCT application(s) is/are: 11-07-2008

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.:	
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 06-24-2010

(2) Copies of all documents (except) for U.S. patents or U.S. patent application publications)

☐ Are attached.

☑ Have already been filed in the above-identified U.S. application on 06-24-2010

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1	1	Same or similar in scope
2	2	Same or similar in scope
3	3	Same or similar in scope
4	4	Same or similar in scope; multiple dependency deleted
5	5	Same or similar in scope; multiple dependency deleted
6	6	Same or similar in scope; multiple dependency deleted
7	7	Same or similar in scope; multiple dependency deleted
8	8	Same or similar in scope; multiple dependency deleted

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature /William R. Allen/	Date 2010-09-17
Name (Print/Typed) William R. Allen	Registration Number 48,389

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/741,748	09/15/2010	Per Brath	VWS-62US	9526

26875 7590 11/30/2010

WOOD, HERRON & EVANS, LLP
2700 CAREW TOWER
441 VINE STREET
CINCINNATI, OH 45202

EXAMINER	
GONZALEZ, JULIO C	

ART UNIT	PAPER NUMBER
2839	

MAIL DATE	DELIVERY MODE
11/30/2010	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

WOOD, HERRON & EVANS, LLP
2700 CAREW TOWER
441 VINE STREET
CINCINNATI OH 45202

In re Application of
BRATH et al
Application No.: 12/741,748
Filed: 15 September 2010
Attorney Docket No.: VWS-62US
For: DIAGNOSIS OF PITCH AND LOAD DEFECTS

: 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 17 September 2010, to make the above-identified application special.

The request and petition are **DISMISSED**.

Discussion

A grantable request to participate in the PCT-PPH pilot program and petition to make special require:

(1) The U.S. application must have an eligible relationship to one or more PCT applications where the ISA or IPEA are the JPO, EPO, KIPO, or USPTO;

(2) At least one claim in the PCT application has novelty, inventive step, and industrial applicability and must be free of any observations in Box VIII in the latest work product in the international stage or applicant must identify and explain why the claim(s) is/are not subject to the observation in Box VIII;

(3) Applicant must submit a copy of the claim(s) from the PCT application(s) that have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate, if the claims are not in the English language;

(4) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the claim(s) that have novelty, inventive step, and industrial applicability in the PCT application(s);

(5) Examination of the U.S. application has not begun;

(6) Applicant must submit a copy of the latest international work product from the PCT application indicating that the claim(s) have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate

if the latest international work product is not in the English language;

(7) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

Conditions (1), (3) and (5-7) above are considered to have been met. However, the request to participate in the PPH pilot program and petition fails meet conditions (2) and (4).

Regarding the requirement of condition (2), applicant has failed to identify and explain why the claims are not subject to the observation in Box VIII raised in the IPEA/409.

Regarding the requirement of condition (4), applicant failed to ensure that all the claims in the U.S. application sufficiently correspond to the claims that have novelty, inventive step, and industrial applicability in the PCT application. For example only, amended claim 1 of the instant application requires the steps of at a desired azimuth angle, measuring the load at a set of pitch angles, and/or at a desired pitch angle, measuring the load at a set of azimuth angles, and then repeating measuring the load at a set of azimuth angles at one or more pitch reference angle whereas claim 1 of the PCT application requires the steps of running a pitch cycle and measuring the load, and then repeating the pitch cycle measurement steps at one or more azimuth angles, and/or running an azimuth cycle and measuring the load, and then repeating the azimuth cycle measurement steps at one or more pitch reference angles. Claim 1 of the instant application clearly does not correspond to claim 1 of the PCT application.

Applicant is given **ONE** opportunity within a time period of **ONE MONTH or THIRTY DAYS**, whichever is longer, from the mailing date of this decision to correct the deficiencies. **NO EXTENSION OF TIME UNDER 37 CFR 1.136 IS PERMITTED.** If the deficiencies are not corrected with the time period given, the application will await action in its regular turn.

Response must be filed via the Electronic Filing System (EFS) with the Document Code PPH.PCT.652. Any preliminary amendments and IDS submitted with the PPH documents must be separately indexed as a preliminary amendment and IDS, respectively.

Telephone inquiries concerning this decision should be directed to Lee W. Young at 571-272-4549.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc/index.html.

Lee W. Young
TQAS Technology Center 2800 - Semiconductors,
Electrical & Optical Systems & Components

42918PC01

CLAIMS
Amended under Art. 34 PCT

1. A method for diagnosis of blades and associated components, said method being characterized in that it is a method for diagnosis of at least one possible fault associated with pitch and/or load, the method comprising the steps of:

a) making load and pitch measurements by using any one or both of the following two procedures:

i) at a desired azimuth angle, measuring the load at a set of pitch angles (θ), and /or

ii) at a desired pitch angle, measuring the load at a set of azimuth (δ) angles, and then repeating measuring the load at a set of azimuth (δ) angles at one or more pitch reference angles (θref);

b) deriving a relation between the measurements of loads and pitch angles; and

c) comparing said load-pitch or pitch-load relation with an expected load-pitch or pitch-load relation in order to determine whether at least one possible fault with the blade (B1;B2;B3...) and/or the blade sensor(s) is present.

2. The method of claim 1, wherein procedure i) further comprises measuring the load at a set of pitch angles (θ) at one or more azimuth angles (δ).

3. The method of claim 1, wherein the measurements are made at low or zero wind speed(s).

4. The method of claim 1 or 2, wherein the measurements are made at stationary rotor conditions.

5. The method of anyone of claims 1 to 4, wherein said possible fault is at least one of: pitch gain fault, pitch offset fault, load offset fault, load gain fault, and/or other deviation from normal behaviour of the blade and/or the sensor(s).

6. The method of anyone of claims 1 to 5, wherein at least one mathematical method and/or algorithm is used for diagnosis of said at least one possible fault.

7. The method of anyone of claims 1 to 5, wherein the results are being used for diagnosis of the load and/or pitch fault(s), and/or for estimation of the magnitude of the fault(s) and/or for accommodation of the fault(s).

Received at the EPO on Apr 21, 2010 11:26:37. Page 3 of 9

Claim 7-11 as filed are deleted.

8. A computer readable and/or useable code on a computer readable and/or useable medium adapted to perform the method of any one of claims 1-7.

Received at the EPO on Apr 21, 2010 11:26:37. Page 4 of 9

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:	12/741,748	Filing date:	December 20, 2010
First Named Inventor:	Per Brath		
Title of the Invention:	DIAGNOSIS OF PITCH AND LOAD DEFECTS		

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/DK08/00395

The international date of the corresponding PCT application(s) is/are: 11-07-2008

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.:	
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 06-24-2010

(2) Copies of all documents (except) for U.S. patents or U.S. patent application publications)

☐ Are attached.

☑ Have already been filed in the above-identified U.S. application on 06-24-2010

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
13	1	Same or similar in scope
14	2	Same or similar in scope
15	3	Same or similar in scope
16	4	Same or similar in scope; multiple dependency deleted
17	5	Same or similar in scope; multiple dependency deleted
18	6	Same or similar in scope; multiple dependency deleted
19	7	Same or similar in scope; multiple dependency deleted
20	8	Same or similar in scope; multiple dependency deleted

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature /William R. Allen/	Date 2010-20-12
Name (Print/Typed) William R. Allen	Registration Number 48,389

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/741,748	09/15/2010	Per Brath	VWS-62US	9526

26875 7590 01/20/2011

WOOD, HERRON & EVANS, LLP
2700 CAREW TOWER
441 VINE STREET
CINCINNATI, OH 45202

EXAMINER	
NOORI, MAX H	
ART UNIT	PAPER NUMBER
2855	
MAIL DATE	DELIVERY MODE
01/20/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

WOOD, HERRON & EVANS, LLP
2700 CAREW TOWER
441 VINE STREET
CINCINNATI OH 45202

In re Application of
BRATH et al
Application No.: 12/741,748
Filed: 15 September 2010
Attorney Docket No.: VWS-62US
For: DIAGNOSIS OF PITCH AND LOAD DEFECTS

: 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 17 September 2010 and renewed on 20 December 2010, to make the above-identified application special.

The request and petition are **DENIED**.

Discussion

A grantable request to participate in the PCT-PPH pilot program and petition to make special require:

(1) The U.S. application must have an eligible relationship to one or more PCT applications where the ISA or IPEA are the JPO, EPO, KIPO, or USPTO;

(2) At least one claim in the PCT application has novelty, inventive step, and industrial applicability and must be free of any observations in Box VIII in the latest work product in the international stage or applicant must identify and explain why the claim(s) is/are not subject to the observation in Box VIII;

(3) Applicant must submit a copy of the claim(s) from the PCT application(s) that have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate, if the claims are not in the English language;

(4) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the claim(s) that have novelty, inventive step, and industrial applicability in the PCT application(s);

(5) Examination of the U.S. application has not begun;

(6) Applicant must submit a copy of the latest international work product from the PCT application indicating that the claim(s) have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate

if the latest international work product is not in the English language;

(7) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

Conditions (1-3) and (5-7) above are considered to have been met. However, the request to participate in the PPH pilot program and petition fails meet conditions (2) and (4).

Regarding the requirement of condition (4), applicant failed to ensure that all the claims in the U.S. application sufficiently correspond to the claims that have novelty, inventive step, and industrial applicability in the PCT application. The IPRP (IPEA/409 dated 04 March 2010) indicates the basis of the report as the claims filed 28 December 2009. The renewed petition provides claims which appear to have been amended after the IPRP was issued. Claim 13 of the instant application does not correspond to claim 1 of the PCT which was indicated as having novelty, inventive step, and industrial applicability. Specifically, claim 13 of the instant application requires the steps of at a desired azimuth angle, measuring the load at a set of pitch angles, and/or at a desired pitch angle, measuring the load at a set of azimuth angles, and then repeating measuring the load at a set of azimuth angles at one or more pitch reference angles whereas claim 1 of the PCT application requires the steps of running a pitch cycle and measuring the load, and then repeating the pitch cycle measurement steps at one or more azimuth angles, and/or running an azimuth cycle and measuring the load, and then repeating the azimuth cycle measurement steps at one or more pitch reference angles.

No further reconsideration will be undertaken on this matter and the application will be taken up for action in its regular turn.

Telephone inquiries concerning this decision should be directed to Lee W. Young at 571-272-4549.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc/index.html.

Lee W. Young
TQAS Technology Center 2800 - Semiconductors,
Electrical & Optical Systems & Components

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.
12/741,748	09/15/2010	Per Brath	VWS-62US	9526

26875 7590 03/01/2011

WOOD, HERRON & EVANS, LLP
2700 CAREW TOWER
441 VINE STREET
CINCINNATI, OH 45202

EXAMINER	
NOORI, MAX H	

ART UNIT	PAPER NUMBER
2855	

MAIL DATE	DELIVERY MODE
03/01/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

WOOD, HERRON & EVANS, LLP
2700 CAREW TOWER
441 VINE STREET
CINCINNATI OH 45202

In re Application of	
BRATH et al	**: DECISION ON REQUEST TO**
Application No.: 12/741,748	**: PARTICIPATE IN THE PCT PATENT**
Filed: 15 September 2010	**: PROSECUTION HIGHWAY PILOT**
Attorney Docket No.: VWS-62US	**: PROGRAM AND PETITION**
For: DIAGNOSIS OF PITCH AND	**: TO MAKE SPECIAL UNDER**
LOAD DEFECTS	**: 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 17 September 2010 and renewed on 20 December 2010, to make the above-identified application special.

The decision mailed 20 January 2011 is **VACATED**.

The request and petition are **GRANTED**.

Discussion

A grantable request to participate in the PPH pilot program and petition to make special require:

1. The U.S. application is

    a. a Paris Convention application which either
        i. validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the JPO, or
        ii. validly claims priority to a PCT application that contains no priority claims, or
    b. a national stage application under the PCT (an application which entered the national stage in the U.S. from a PCT international application after compliance with 35 U.S.C. 371), which PCT application
        i. validly claims priority to an application filed in the JPO, or
        ii. validly claims priority to a PCT application that contains no priority claims, or
        iii. contains no priority claim, or
    c. a so-called bypass application filed under 35 U.S.C. 111(a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application
        i. validly claims priority to an application filed in the JPO, or
        ii. validly claims priority to a PCT application that contains no priority claims, or

iii. contains no priority claim;

2. Applicant must submit a copy of:
   a. The allowable/patentable claim(s) from the JPO application(s);
   b. An English translation of the allowable/patentable claim(s) and
   c. A statement that the English translation is accurate;
3. Applicant must:
   a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s) and
   b. Submit a claims correspondence table in English;
4. Examination of the U.S. application has not begun;
5. Applicant must submit:
   a. Documentation of prior office action:
      i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claim(s) or
      ii. if the allowable/patentable claims(s) are from a "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
      iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form;
   b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above
   c. A statement that the English translation is accurate;
6. Applicant must submit:
   a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application)
   b. Copies of the documents except U.S. patents or U.S. patent application publications (unless already submitted in this application);

The request to participate in the PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

The supplemental International Preliminary Report on Patentability mailed 29 April 2010 has now been received. The pending claim correspond to the claims examined in this report.

Inquiries concerning this decision should be directed to Lee W. Young at 571-272-4549.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc.index.html.

This application will be forwarded to the examiner for action on the merits commensurate with this decision once this application's formality reviews have been completed.

Lee W. Young
TQAS, Technology Center 2800 – Semiconductors
Electrical & Optical Systems & Components

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/741,754	05/06/2010	Toshio Nakamura	Q118792	9563

23373 7590 12/23/2010

SUGHRUE MION, PLLC
2100 PENNSYLVANIA AVENUE, N.W.
SUITE 800
WASHINGTON, DC 20037

EXAMINER
SHTERENGARTS, SAMANTHA L

ART UNIT	PAPER NUMBER
1626	

NOTIFICATION DATE	DELIVERY MODE
12/23/2010	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):

sughrue@sughrue.com
PPROCESSING@SUGHRUE.COM
USPTO@SUGHRUE.COM

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

DEC 2 3 2010

SUGHRUE MION, PLLC
2100 PENNSYLVANIA AVENUE, N.W.
SUITE 800
WASHINGTON DC 20037

In re Application of	:	
NAKAMURA, TOSHIO et al	:	DECISION ON REQUEST TO
Application No. 12/741,754	:	PARTICIPATE IN PATENT
Filed: May 06, 2010	:	PROSECUTION HIGHWAY
Attorney Docket No. Q118792	:	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 September 20, 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; and
(6) Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO office action along with copies of documents except U.S. patents or U.S. patent application publications.

The request to participate in the PPH program and petition fails to comply with the requirement because:

The examination of the application has already begun.

Applicant is given a time period of **ONE MONTH or THIRTY DAYS**, whichever is longer, to correct the deficiencies. **NO EXTENSION OF TIME UNDER 37 CFR 1.136 IS PERMITTED.** If the deficiencies are not corrected with the time period given, the application will await action in its regular turn.

Response must be submitted via EFS-Web with the document description: Petition to make special under Patent Pros Hwy. Information regarding EFS-Web is available at http://www.uspto.gov/ebc/efs_help.html.

Telephone inquiries concerning this decision should be directed to 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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

WITHROW & TERRANOVA, P.L.L.C.
100 REGENCY FOREST DRIVE
SUITE 160
CARY NC 27518

MAILED

JAN 06 2011

PCT LEGAL ADMINISTRATION

In re Application of: VRZIC, Sophie, et al.
U.S. Application No.: 12/741,774
PCT No.: PCT/IB2008/003008
International Filing Date: 07 November 2008
Priority Date: 09 November 2007
Attorney Docket No.: 7000-638-1A
For: UPLINK POWER CONTROL WITH INTERFERENCE-OVER-THERMAL LOAD CONTROL

DECISION ON PETITION
(37 CFR 1.47(a))

This decision is issued in response to applicants' "Petition Under 37 C.F.R. 1.47 For Nonsigning Inventor" filed 09 November 2010, treated herein under 37 CFR 1.47(a). Applicants have paid the required petition fee.

BACKGROUND

On 07 November 2008, applicants filed international application PCT/IB2008/003008. The international application claimed a priority date of 09 November 2007, and it designated the United States. On 14 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., 09 May 2010.

On 06 May 2010, applicants' filed materials to initiate the present national stage application including, among other materials, payment of the basic national fee and an executed declaration document.

On 09 July 2010, the United States Designated/Elected Office (DO/EO/US) mailed a "Notification Of Missing Requirements" (Form PCT/DO/EO/905) requiring submission of an oath or declaration in compliance with 37 CFR 1.497 and the surcharge for filing the oath or declaration later than thirty months after the priority date. The Notification indicated that the declaration filed on 06 may 2010 was not acceptable because it contained non-dated, non-initialed hand-written alterations.

On 09 November 2010, applicants filed a response to the Notification Of Missing Requirements (the required two-month extension fee will be charged to applicants' Deposit Account). The response included payment of the required surcharge and the "Petition Under 37 C.F.R. 1.47 For Nonsigning Inventor" considered herein. The petition requests acceptance of the

declaration without the signature of co-inventor Mo-Han FONG, whom applicants assert cannot be located.

DISCUSSION

A grantable petition under 37 CFR 1.47(a) must be accompanied by: (1) the fee under 37 CFR 1.17; (2) a statement of the last known address of the non-signing inventor; (3) an oath or declaration executed by the other inventors on behalf of themselves and the non-signing inventor; and (4) factual proof that the inventor refuses to execute the application or cannot be reached after diligent effort.

Applicants here have provided the required petition fee. Item (1) is therefore satisfied.

Regarding item (2), the petition contains an express statement of the last known address of the non-signing inventor. Item (2) is therefore satisfied.

Regarding item (3), section 409.03(a) of the Manual of Patent Examining Practice (MPEP) states that:

> An oath or declaration signed by all the available joint inventors with the signature block of the nonsigning inventor(s) left blank may be treated as having been signed by all the joint inventors on behalf of the nonsigning inventor(s), unless otherwise indicated.

Here, applicants have not filed a declaration executed by inventor Sophie VRZIC containing an unsigned signature block for co-inventor Mo-Han FONG that can be interpreted as having been executed by Ms. VRZIC on her own behalf and on behalf of now non-signing co-inventor Mo-Han FONG (the unacceptable declaration filed herein was executed by the now non-signing inventor, Mo-Han FONG, and therefore cannot be interpreted as having been executed on his behalf by co-inventor Sophie VRZIC). Item (3) is therefore not satisfied on the present record.

Regarding item (4), MPEP section 409.03(d) sets forth the requirements for a showing that a non-signing inventor cannot be located after diligent effort:

> Where inability to find or reach a nonsigning inventor "after diligent effort" is the reason for filing under 37 CFR 1.47, a statement of facts should be submitted that fully describes the exact facts which are relied on to establish that a diligent effort was made. [...]
>
> The statement of facts must be signed, where at all possible, by a person having firsthand knowledge of the facts recited therein. Statements based on hearsay will not normally be accepted. Copies of documentary evidence such as internet searches, certified mail return receipts, cover letters of instructions, telegrams, that support a finding that the nonsigning inventor could not be found or reached should be made part of the statement. The steps taken to locate the whereabouts of the nonsigning inventor should be included in the statement of facts. It is important that the statement contain facts as opposed to conclusions.

The declaration of Michelle Fitzsimmons and accompanying documents provided here indicate that signature requests were forwarded to the last known email and residence addresses

of the non-signing inventor, without reply. In addition, an internet search was conducted and a signature request was forwarded to a different address obtained through the internet search (the correspondence was returned as undeliverable). However, while the statement notes that the non-signing inventor's current employer has been identified, it does not appear that any effort has been made to contact the non-signing inventor through his current employer. Having identified the inventor's employer and obtained contact information for such employer, an attempt to contact the inventor via this employer would appear to be appropriate. Applicants must act upon this information, obtained via their internet search, before it can be concluded that the non-signing inventor cannot be located after diligent effort.

Based on the above, item (4) of a grantable petition under 37 CFR 1.47(a) is not satisfied on the present record.

CONCLUSION

Applicants' petition under 37 CFR 1.47(a) is **DISMISSED** without prejudice.

If reconsideration on the merits of the petition is desired, a proper response must be filed within **TWO (2) MONTHS** of the mail date of the present decision. Any request for reconsideration should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)" and must include the additional materials required to satisfy items (3) and (4) of a grantable petition, as discussed above and in the MPEP. No additional petition fee is required.

Failure to file a proper response will result in abandonment of the application. Extensions of time are available under 37 CFR 1.136(a)

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

/RichardMRoss/

Richard M. Ross
Attorney Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3296
Facsimile: (571) 273-0459

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MAILED

AUG 08 2011

PCT LEGAL ADMINISTRATION

WITHROW & TERRANOVA, P.L.L.C.
100 REGENCY FOREST DRIVE
SUITE 160
CARY NC 27518

In re Application of: VRZIC, Sophie, et al.
U.S. Application No.: 12/741,774
PCT No.: PCT/IB2008/003008
International Filing Date: 07 November 2008
Priority Date: 09 November 2007
Attorney Docket No.: 7000-638-1A
For: UPLINK POWER CONTROL WITH INTERFERENCE-OVER-THERMAL LOAD CONTROL

DECISION ON RENEWED PETITION UNDER 37 CFR 1.47(a)

This decision is issued in response to applicants' "Renewed Petition Under 37 C.F.R. 1.47 For Nonsigning Inventor" filed 06 June 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 06 January 2011. The decision dismissed without prejudice applicants' petition under 37 CFR 1.47(a), finding that applicants had not satisfied all the requirements of a grantable petition. Specifically, applicants had not provided a declaration executed by the cooperating inventor that could be accepted as having been executed on behalf of the non-signing inventor and an acceptable showing that the non-signing inventor refuses to execute the application or cannot be located after diligent effort.

On 06 June 2011, applicants filed the renewed petition considered herein, with required three-month extension fee.

DISCUSSION

With respect to the required declaration, the present renewed petition indicates that a copy of the complete declaration executed by inventor Sophie VRZIC is attached as Exhibit 2 to the petition; however, there is no "Exhibit 2" attached to the renewed petition, and the 06 June 2011 submission does not include a copy of an acceptable declaration executed by Sophie VRZIC, as required. Accordingly, the declaration requirement of a grantable petition remains unsatisfied on the present record.

With respect to the showing that the non-signing inventor refuses to execute the application or cannot be located after diligent effort, the renewed petition includes a

supplemental statement from Michelle Fitzsimmons regarding the efforts made to obtain the non-signing inventor's signature. The statement indicates that the non-signing inventor has now been located, but has still failed to provide the requested signed declaration. Under these circumstances, the petition must now be considered under the criteria for a showing that the inventor has refused to execute the application. MPEP section 409.03(d)(II) states that, before it can be concluded that an inventor has refused to execute the application papers, "[a] copy of the application papers should be sent to the last known address of the nonsigning inventor, or, if the nonsigning inventor is represented by counsel, to the address of the nonsigning inventor's attorney." The MPEP also states the following:

> Where a refusal of the inventor to sign the application papers is alleged, the circumstances of the presentation of the application papers and of the refusal must be specified in a statement of facts by the person who presented the inventor with the application papers and/or to whom the refusal was made. Statements by a party not present when an oral refusal is made will not be accepted.

Here, applicants have provided a firsthand statement, with supporting documents, indicating that a request for signature (accompanied by a copy of the application) was forwarded to the non-signing inventor, that the inventor orally confirmed receipt of the signature request, and that the inventor subsequently failed to respond to numerous phone messages and an additional written request seeking the signed declaration from the inventor. These materials provide an acceptable showing that the non-signing inventor has refused to execute the application. This element of a grantable petition under 37 CFR 1.47(a) is therefore satisfied.

Based on the above, applicants' renewed petition satisfies one of the two outstanding elements for a grantable petition. However, because the declaration element of a grantable petition remains unsatisfied, the renewed petition is appropriately dismissed.

CONCLUSION

Applicants' renewed petition under 37 CFR 1.47(a) is **DISMISSED** without prejudice.

If reconsideration on the merits of the petition is desired, a proper response must be filed within **TWO (2) MONTHS** of the mail date of the present decision. Any request for reconsideration should include a cover letter entitled "Second Renewed Petition Under 37 CFR 1.47(a)" and must include the additional materials required to satisfy the final outstanding element of a grantable petition, that is, an acceptable declaration executed by the co-operating inventor, Sophie VRZIC, with such declaration containing an unsigned signature box for the non-signing inventor, Mo-Han FONG. 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

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MAILED

NOV 22 2011

PCT LEGAL ADMINISTRATION

WITHROW & TERRANOVA, P.L.L.C.
100 REGENCY FOREST DRIVE
SUITE 160
CARY NC 27518

In re Application of: VRZIC, Sophie, et al.
U.S. Application No.: 12/741,774
PCT No.: PCT/IB2008/003008
International Filing Date: 07 November 2008
Priority Date: 09 November 2007
Attorney Docket No.: 7000-638-1A
For: UPLINK POWER CONTROL WITH INTERFERENCE-OVER-THERMAL LOAD CONTROL

DECISION ON SECOND RENEWED PETITION UNDER 37 CFR 1.47(a)

This decision is issued in response to applicants' "Second Renewed Petition Under 37 C.F.R. 1.47 For Nonsigning Inventor" filed 10 October 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 06 January 2011 and 08 August 2011. The 08 August 2011decision dismissed without prejudice applicants' first renewed petition under 37 CFR 1.47(a), finding that applicants had not satisfied all the requirements of a grantable petition. Specifically, applicants had not provided an acceptable declaration executed by the cooperating inventor on her own behalf and on behalf of the non-signing inventor.

On 10 October 2011, applicants filed the second renewed petition considered herein.

DISCUSSION

The present renewed petition includes a declaration executed by co-inventor Sophie VRZIC, and the declaration contains an unsigned signature block for the non-signing inventor, Mo-Han FONG. This declaration may be accepted as having been executed by the inventor on her own behalf and on behalf of the non-signing inventor.

The declaration filed with the present renewed petition satisfies the final requirement of a grantable petition under 37 CFR 1.47(a). The petition is therefore appropriately granted.

CONCLUSION

Applicants' second renewed petition under 37 CFR 1.47(a) is **GRANTED**.

The application is accepted without the signature of non-signing co-inventor Mo-Han FONG.

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 in accordance with this decision. The date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) is 10 October 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
www.uspto.gov

MAILED
NOV 22 2011
PCT LEGAL ADMINISTRATION

Mo-Han FONG
95 Beech Street, Apt. 205
Ottawa, Ontario K1S 3J7
CANADA

In re Application of: VRZIC, Sophie, et al.
U.S. Application No.: 12/741,774
PCT No.: PCT/IB2008/003008
International Filing Date: 07 November 2008
Priority Date: 09 November 2007
Attorney Docket No.: 7000-638-1A
For: UPLINK POWER CONTROL WITH INTERFERENCE-OVER-THERMAL LOAD CONTROL

Dear Mo-Han FONG:

You are identified as an inventor in the above identified United States patent application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor.

As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

/RichardMRoss/

Richard M. Ross
Attorney Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3296

Counsel Of Record:
John R. Witcher, III
WITHROW & TERRANOVA, P.L.L.C.
100 REGENCY FOREST DRIVE
SUITE 160
CARY NC 27518

MAILED

OCT 13 2010

PCT LEGAL ADMINISTRATION

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

PERKINS COIE LLP
PATENT-SEA
P.O. BOX 1247
SEATTLE WA 98111-1247

In re Application of	:	
KUNG et al.	:	
Application No.: 12/741,809	:	DECISION
PCT No.: PCT/CH2007/000624	:	
Int. Filing Date: 11 December 2007	:	
Priority Date: 06 November 2007	:	
Attorney Docket No.: 36474.8364US	:	
For: RFID NETWORK AND METHOD FOR OPERATING THE RFID NETWORK	:	

This is a decision on applicants' petition under 37 CFR 1.47(a) filed 13 August 2010 in the United States Patent and Trademark Office (USPTO). The petition is **GRANTED**.

BACKGROUND

On 11 December 2007, applicants filed international application PCT/CH2007/000624, which designated the United States and claimed a priority date of 06 November 2007. A copy of the international application was communicated from the International Bureau to the USPTO on 14 May 2009. The thirty-month period for paying the basic national fee in the United States expired at midnight on 06 May 2010.

On 06 May 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 14 June 2010, the United States Designated/Elected Office (DO/EO/US) issued a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating, *inter alia*, that an oath or declaration of the inventors in compliance with 37 CFR 1.497(a)-(b) was required. The NOTIFICATION set a two-month extendable period for response.

On 13 August 2010, applicants filed the instant petition under 37 CFR 1.47(a) which was accompanied by, *inter alia*, a declaration of inventors and a declaration of facts by Paula Quinanola with documents in support thereof.

DISCUSSION

A petition under 37 CFR 1.47(a) must be accompanied by: (1) the fee under 37 CFR 1.17(h); (2) factual proof that the missing joint inventor refuses to execute the application or cannot be reached after diligent effort; (3) a statement of the last known address of the missing inventor; and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and on behalf of the non-signing joint inventor.

Items (1), (3), and (4) have been met.

Item (2) has also been met. It has been established that the non-signing inventor Mr. Gerhard Gangl has been presented with the application papers including the specification, claims, and drawings and that he refuses to execute the application.

CONCLUSION

For the reasons set forth above, applicants' renewed petition under 37 CFR 1.47(a) is **GRANTED**.

As provided in 37 CFR 1.47(a), a notice of the filing of this application will be forwarded to each of the non-signing inventors at their respective last known address of record.

A notice of the filing of the application under 37 CFR 1.47(a) will be published in the Official Gazette.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application, including the accordation of a 35 U.S.C. §§371(c)(1), (c)(2), and (c)(4) date of **13 August 2010**.

/Daniel Stemmer/

Daniel Stemmer
Legal Examiner
PCT Legal Affairs
Office of Patent Cooperation Treaty
Legal Administration
Telephone: (571) 272-3301

MAILED

OCT 13 2010

PCT LEGAL ADMINISTRATION

UNITED STATES 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. Gerhard Gangl
Pichla 104
A-8355 Tieschen
AUSTRIA

In re Application of
KUNG et al.
Application No.: 12/741,809
PCT No.: PCT/CH2007/000624
Int. Filing Date: 11 December 2007
Priority Date: 06 November 2007
Attorney Docket No.: 364748364US
For: RFID NETWORK AND METHOD FOR OPERATING THE RFID NETWORK

Dear Mr. Gangl:

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
Legal Administration
Telephone: (571) 272-3301

PERKINS COIE LLP
PATENT-SEA
P.O. BOX 1247
SEATTLE WA 98111-1247

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MORRISON & FOERSTER LLP
755 PAGE MILL RD
PALO ALTO CA 94304-1018

MAILED

JAN 04 2011

OFFICE OF PETITIONS

In re Application of :
David Dornan, et al. :
Application No. 12/741,814 : DECISION ON PETITION
Effective Date: May 6, 2010 :
Attorney Docket No. 146392001700 :

This is a decision on the petition under 37 CFR 1.182, filed, November 9, 2010, to change the name of inventor "Bruce Burington" to – Bart Burington --.

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 the Office of Patent Application Processing for further processing.

/Terri Johnson/
Terri Johnson
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

HUSCH BLACKWELL LLP
190 CARONDELET PLAZA
SUITE 600
ST. LOUIS MO 63105

MAILED
MAR 08 2012
OFFICE OF PETITIONS

In re Application of:
Hyungeun Jo
Application No. 12/741,824
Filed: May 6, 2010
Attorney Docket No. 502167.15

: 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 January 10, 2012, to make the above-identified application special.

The request and petition are **DISMISSED**.

Discussion

A grantable request to participate in the PPH program and petition to make special require:

1. The U.S. application is

   a. a Paris Convention application which either
      i. validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the KIPO, or
      ii. validly claims priority under 35 U.S.C. 119(a)/365(a) to a PCT application that contains no priority claims,

   or

   b. a national stage application under the PCT (an application which entered the national stage in the U.S. from a PCT international application after compliance with 35 U.S.C. 371), which PCT application
      i. validly claims priority under 35 U.S.C. 365(b) to an application filed in the KIPO, or

      ii. validly claims priority under 35 U.S.C. 365(b) to a PCT application that contains no priority claims, or
      iii. contains no priority claim,

   or

   c. a so-called bypass application filed under 35 U.S.C. 111(a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application
      i. validly claims priority under 35 U.S.C. 365(b) to an application filed in the KIPO, or
      ii. validly claims priority under 35 U.S.C. 365(b) to a PCT application that contains no priority claims, or
      iii. contains no priority claim;
2. Applicant must submit a copy of:
   a. The allowable/patentable claim(s) from the KR application(s);
   b. An English translation of the allowable/patentable claim(s), and
   c. A statement that the English translation is accurate (if the claims were published in a language other than English);
3. Applicant must:
   a. Ensure that all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the KR application(s), and
   b. Submit a claims correspondence table in English;
4. Examination of the U.S. application has not begun;
5. Applicant must submit:
   a. A copy of all the office actions (which are relevant to patentability), excluding "Decision to Grant a Patent" from each of the KR application(s) containing the allowable/patentable claim(s);
   b. An English language translation of the KIPO office action; and
   c. A statement that the English translation is accurate (if the office actions are not in the English language);
6. Applicant must submit:
   a. An IDS listing the documents cited by the KIPO examiner in the KIPO office action (unless already filed in this application); and
   b. Copies of all the documents cited in the KIPO office action, except U.S. patents or U.S. patent application publications (unless already filed in this application);

This request to participate in the PPH program and petition is assessed as follows:

Conditions (1), (4) and (6) above are considered to have been met. However, the request to participate in the PPH pilot program and petition does not appear to meet conditions (2), (3) and (5).

Regarding the requirement of condition (2), applicant has previously submitted a copy of those claims for PCT/KR2008/006472 on May 6, 2010 including 22 claims. Currently, petitioner has submitted a copy of "Claims of Issued Korean Patent No. 0840023". It is unknown how this second set of claims pertains to PCT/KR2008/006472. Currently, the record is unclear as to what claims petitioner is submitting with the current petition.

Regarding the requirement of condition (3), without requirement (2) being met applicant has failed to ensure that all the claims in the U.S. application sufficiently correspond to the allowable/patentable claims in the KR application. Additionally, petitioner's Claims Correspondence Table lists 23 claims in the KIPO application while the copy of PCT/KR208/006472 claims list 22 claims.

Regarding the requirement of condition (5), the Examination Result detailing the Reason for Refusal does not identify the application being refused and thus cannot be accepted.

Further, the requirement of conditions (2) and (5) additionally require a statement that the English translations are 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 Joan Olszewski at 571-272-7751.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc/index.html.

/dab/
David Bucci
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

HISCH BLACKWELL, LLP
190 CARONDELET PLAZA
SUITE 600
ST LOUIS, MO 63105

MAILED

MAR 15 2012

OFFICE OF PETITIONS

In re Application of
Tae-Hoon Kim, et al.
Application No.: 12/741,827
Filed: 06 May 2010
Attorney Docket No.: 502167.16
For: METHOD AND SYSTEM FOR PROVIDING INFORMATION BASED ON LOGO INCLUDED IN DIGITAL CONTENTS

: 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 06 January 2012, to make the above-identified application special.

The request and petition are **DISMISSED**.

DISCUSSION

A grantable request to participate in the PPH program and petition to make special require:

1. The U.S. application is

   a. a Paris Convention application which either
      i. validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the KIPO, or
      ii. validly claims priority under 35 U.S.C. 119(a)/365(a) to a PCT application that contains no priority claims,

   or

   b. a national stage application under the PCT (an application which entered the national stage in the U.S. from a PCT international application after compliance with 35 U.S.C. 371), which PCT application
      i. validly claims priority under 35 U.S.C. 365(b) to an application filed in the KIPO, or

ii. validly claims priority under 35 U.S.C. 365(b) to a PCT application that contains no priority claims, or
iii. contains no priority claim,

or

c. a so-called bypass application filed under 35 U.S.C. 111(a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application
   i. validly claims priority under 35 U.S.C. 365(b) to an application filed in the KIPO, or
   ii. validly claims priority under 35 U.S.C. 365(b) to a PCT application that contains no priority claims, or
   iii. contains no priority claim;

2. Applicant must submit a copy of:
   a. The allowable/patentable claim(s) from the KR application(s);
   b. An English translation of the allowable/patentable claim(s), and
   c. A statement that the English translation is accurate (if the claims were published in a language other than English);
3. Applicant must:
   a. Ensure that all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the KR application(s), and
   b. Submit a claims correspondence table in English;
4. Examination of the U.S. application has not begun;
5. Applicant must submit:
   a. A copy of all the office actions (which are relevant to patentability), excluding "Decision to Grant a Patent" from each of the KR application(s) containing the allowable/patentable claim(s);
   b. An English language translation of the KIPO office action; and
   c. A statement that the English translation is accurate (if the office actions are not in the English language);
6. Applicant must submit:
   a. An IDS listing the documents cited by the KIPO examiner in the KIPO office action (unless already filed in this application); and
   b. Copies of all the documents cited in the KIPO office action, except U.S. patents or U.S. patent application publications (unless already filed in this application);

This request to participate in the PPH program and petition is assessed as follows:

Requirements (3-6) above are considered to have been met. However the request to participate in the PPH program fails to meet requirements (1) and (2).

Regarding requirement (2), applicant has failed to submit a Korean language copy of the allowed/patentable claims from KR 10-2007-0122147 and a statement that the translation of the claims filed 06 May 2010 is accurate (assuming the claims are a translation of the claims from KR 10-2007-0122147).

Regarding requirement (1), applicant has failed to state how Korean patent No. 0851435 is related to the applications listed in this patent.

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 April M. Wise at (571) 272-1642.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc.index.html.

/dab/
David Bucci
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/741,869	05/07/2010	Kyung Il Jung	KPG20101002US	1480

66390 7590 08/02/2010

LEXYOUME IP GROUP, LLC
5180 PARKSTONE DRIVE, SUITE 175
CHANTILLY, VA 20151

EXAMINER	
ART UNIT	PAPER NUMBER
3781	

MAIL DATE	DELIVERY MODE
08/02/2010	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

LEXYOUME IP GROUP, LLC
5180 PARKSTONE DRIVE, SUITE 175
CHANTILLY VA 20151

In re Application of:
JUNG, KYUNG IL
Application No.: 12/741,869
Filed: May 7, 2010
Docket: KPG20101002US
Title: BOTTLE

DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PILOT PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) pilot program and the petition under 37 CFR 1.102(d), filed June 21, 2010 to make the above-identified application special. The required petition fee under 37 CFR 1.17(h) was charged to the deposit account as authorized.

The request and petition are **dismissed**

A grantable request to participate in the PPH pilot program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the KIPO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the KIPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the KIPO application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of all the office actions from each of the KIPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate; and
(6) Applicant must submit an IDS listing the documents cited by the KIPO examiner in the KIPO office action along with copies of documents except U.S. patents or U.S. patent application publications.

The request to participate in the PPH pilot program and petition do not comply with the above requirements. The request to participate in the PPH program and petition fails to include Item #3.

With regard to Item #3, the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claims in the KIPO application. The Claims Correspondence Table in the petition is deficient. First, it is unclear how pending claims can sufficiently correspond to allowable claims if those claims are deleted. Furthermore, twelve claims are currently pending in the U.S. application (Amendment of May 7, 2010) while the petition only accounts for seven. Thus, Item #3 is not satisfied and for this reason the petition can not be granted.

Regarding item #5, in the office action with a forwarding date of May 26, 2010, KIPO rejected claims 5 in the KIPO application as unpatentable over prior art. Please verify the allowability of the claim in the KIPO application/patent, with reference to sources, as a claim in the U. S. application sufficiently corresponds to this claim.

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. Currently, the application is undergoing pre-examination processing. Once it is released for examination, the application will be forwarded to the examiner for action in its regular turn.

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

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.
12/741,869	05/07/2010	Kyung Il Jung	KPG20101002US	1480

66390 7590 08/19/2010

LEXYOUME IP GROUP, LLC
5180 PARKSTONE DRIVE, SUITE 175
CHANTILLY, VA 20151

EXAMINER	
COLLADO, CYNTHIA FRANCISCA	
ART UNIT	PAPER NUMBER
3781	
MAIL DATE	DELIVERY MODE
08/19/2010	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

LEXYOUME IP GROUP, LLC
5180 PARKSTONE DRIVE, SUITE 175
CHANTILLY VA 20151

In re Application of:
JUNG, KYUNG IL
Application No.: 12/741,869
Filed: May 7, 2010
Docket: KPG20101002US
Title: BOTTLE

DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PILOT PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(d)

This is a decision on the renewed request to participate in the Patent Prosecution Highway (PPH) pilot program and the petition under 37 CFR 1.102(d), filed August 17, 2010 to make the above-identified application special. The required petition fee under 37 CFR 1.17(h) was charged to the deposit account as authorized.

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 KIPO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the KIPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the KIPO application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of all the office actions from each of the KIPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate; and
(6) Applicant must submit an IDS listing the documents cited by the KIPO examiner in the KIPO office action along with copies of documents except U.S. patents or U.S. patent application publications.

In light of the petition being properly submitted, the request to participate in the PPH program and the petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

The applicant is encouraged to cite and submit all relevant prior art references, if any, to facilitate examination in this application.

All other inquiries concerning the examination or status of the application should be directed to Anthony Stashick, the SPE of Art Unit 3781, and 571-272-4561 for Class 215/382 and also accessible in the PAIR system at http://www.uspto.gov/ebc.index.html.

All other inquiries concerning the examination or status of the application should be directed to the Patent Application Information Retrieval (PAIR) system.

The application will be docketed to an examiner for action on the merits commensurate with this decision.

Telephone inquiries concerning this decision should be directed to Henry C. Yuen, at 571-272-4856.

The petition is **granted.**

/Henry C. Yuen/

Henry C. Yuen, Special Programs Examiner
Technology Center 3700 – Mechanical Engineering,
Manufacturing and Products
571-272-4856

UNITED STATES PATENT AND TRADEMARK OFFICE

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.
12/741,869	05/07/2010	Kyung Il Jung	082382-0390890	1480

909 7590 02/14/2011

PILLSBURY WINTHROP SHAW PITTMAN, LLP
P.O. BOX 10500
MCLEAN, VA 22102

EXAMINER	
COLLADO, CYNTHIA FRANCISCA	
ART UNIT	**PAPER NUMBER**
3781	

NOTIFICATION DATE	DELIVERY MODE
02/14/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

docket_ip@pillsburylaw.com
margaret.drosos@pillsburylaw.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

PILLSBURY WINTHROP SHAW PITTMAN, LLP
P.O. BOX 10500
MCLEAN VA 22102

In re Application of:
JUNG, KYUNG IL
Serial No. 12/741,869
Filed: May 7, 2010
Docket: 082382-0390890
Title: BOTTLE

DECISION ON PETITION
UNDER 37 CFR § 1.181

This is a decision on the petition filed on Jan. 3, 2011 requesting acknowledgment and updating the Request for Participation of the Patent Prosecution Highway between the KIPO and the USPTO filed on June 21, 2010 and August 17, 2010 regarding the correct priority claim document of KR 10-2008-0123344.

The petition is **Granted.**

In the petition, petitioner indicates that the basis for participation of PPH programs was the allowability of claims from the corresponding KR 10-2008-0123344. Since the claims as presented were in fact from the correct priority claim document, then, the clarification with the update priority information is hereby acknowledged and accepted.

The application is being forwarded to the examiner via the Supervisory Patent Examiner for further processing. Any inquiry regarding this decision should be directed to Henry C. Yuen, Special Programs Examiner, at (571) 272-4856.

Petition granted.

Angela D. Sykes

Angela D. Sykes, Director
Technology Center 3700

Doc Code: PPH.PCT.652
Document Description: Petition to make special under PCT-Patent Pros Hwy

PTO/SB/20PCT-US (09-10)
Approved for use through 01/31/2012. OMB 0651-0058
U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM IN A U.S. APPLICATION WHERE THE USPTO WAS THE ISA OR IPEA

Application No:	12/741,886	Filing date:	May 7, 2010
First Named Inventor:	Allon G. Englman		
Title of the Invention:	Wagering Game With Community Event Poker Game		

THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT HTTP://WWW.USPTO.GOV/EBC/EFS_HELP.HTML

APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PROGRAM.

The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.

The corresponding PCT application number(s) is/are: PCT/US2008/082222

The international date of the corresponding PCT application(s) is/are:

November 3, 2008

I. List of Required Documents:

a. **A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above–identified corresponding PCT application(s)**

☒ Is attached

☐ Is not attached because the document is already in the U.S. application.

b. **A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s).**

☒ Is attached.

☐ Is not attached because the document is already in the U.S. application.

c. **English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.**

This collection of information is required by 35 U.S.C. 119, 37 CFR 1.55, and 37 CFR 1.102(d). The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.

PTO/SB/20PCT-US (09-10)
Approved for use through 01/31/2012. OMB 0651-0058
U.S.Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM IN A U.S. APPLICATION WHERE THE USPTO WAS THE ISA OR IPEA (continued)

Application No.:	12/741,886
First Named Inventor:	Allon G. Englman

d. **(1) An information disclosure statement listing the documents cited in the international work products (ISR, WO/ISA, WO/IPEA, IPER) of the corresponding PCT application.**

☒ Is attached

☐ Has already been filed in the above-identified U.S. application on _____

(2) Copies of all documents (except) for U.S. patents or U.S. patent application publications)

☒ Are attached.

☐ Have already been filed in the above-identified U.S. application on _____

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1-20	1-20	Identical
26-35	26-35	Identical

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature /Jason S. Kray, Reg. No. 66,926/	Date 7/12/11
Name (Print/Typed) Jason S. Kray	Registration Number 66,926

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.

REQUIRED DOCUMENT I(A)

The following document(s) include(s) a copy of the latest international work product in the corresponding PCT application

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 247079-573WO	FOR FURTHER ACTION	See Form PCT/IPEA/416
International application No. PCT/US08/82222	International filing date *(day/month/year)* 03 November 2008 (03.11.2008)	Priority date *(day/month/year)* 08 November 2007 (08.11.2007)
International Patent Classification (IPC) or national classification and IPC IPC: **A63F 9/24**(2006.01) USPC: 463/27		
Applicant WMS GAMING INC.		

1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of 4 sheets, including this cover sheet.
3. This report is also accompanied by ANNEXES, comprising:
   a. ☒ *(sent to the applicant and to the International Bureau)* a total of 7 sheets, as follows:
      ☒ sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).
      ☐ sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.
   b. ☐ *(sent to the International Bureau only)* a total of (indicate type and number of electronic carrier(s)) _____ , containing a sequence listing and/or tables related thereto, in electronic form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).
4. This report contains indications relating to the following items:

☒	Box No. I	Basis of the report
☐	Box No. II	Priority
☒	Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
☐	Box No. IV	Lack of unity of invention
☒	Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
☐	Box No. VI	Certain documents cited
☐	Box No. VII	Certain defects in the international application
☐	Box No. VIII	Certain observations on the international application

Date of submission of the demand	Date of completion of this report
08 September 2009 (08.09.2009)	03 February 2010 (03.02.2010)
Name and mailing address of the IPEA/ US Mail Stop PCT, Attn: IPEA/US Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450 Facsimile No. (571) 273-3201	Authorized officer Scott Jones Telephone No. (571) 272-6788

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.
PCT/US08/82222

Box No. I Basis of the report

1. With regard to the **language**, this report is based on:

☒ the international application in the language in which it was filed.

☐ a translation of the international application into English, which is the language of a translation furnished for the purposes of:

☐ international search (under Rules 12.3(a) and 23.1(b))

☐ publication of the international application (under Rule 12.4(a))

☐ international preliminary examination (under Rules 55.2(a) and/or 55.3(a))

2. With regard to the **elements** of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:

☐ the international application as originally filed/furnished

☒ the description:
pages 1-40 as originally filed/furnished
pages* NONE received by this Authority on _____
pages* NONE received by this Authority on _____

☒ the claims:
pages NONE as originally filed/furnished
pages* NONE as amended (together with any statement) under Article 19
pages* 41-47 received by this Authority on 08 September 2009 (08.09.2009)
pages* NONE received by this Authority on _____

☒ the drawings:
pages 1/13-13/13 as originally filed/furnished
pages* NONE received by this Authority on _____
pages* NONE received by this Authority on _____

☐ a sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing.

3. ☐ The amendments have resulted in the cancellation of:

☐ the description, pages _____
☐ the claims, Nos. _____
☐ the drawings, sheets/figs _____
☐ the sequence listing (*specify*): _____
☐ any table(s) related to the sequence listing (*specify*): _____

4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

☐ the description, pages _____
☐ the claims, Nos. _____
☐ the drawings, sheets/figs _____
☐ the sequence listing (*specify*): _____
☐ any table(s) related to the sequence listing (*specify*): _____

5. ☐ This report has been established taking into account the **rectification of an obvious mistake** authorized by or notified to this Authority under Rule 91 (Rule 70.2(e)).

* *If item 4 applies, some or all of those sheets may be marked "superseded."*

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.
PCT/US08/82222

Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability

The questions whether the claimed invention appears to be novel, to involve an inventive step (to be non obvious), or to be industrially applicable have not been examined in respect of:

☐ the entire international application

☒ claims Nos. 21-25

because:

☐ the said international application, or the said claim Nos. ____ relate to the following subject matter which does not require an international preliminary examination *(specify)*:

☐ the description, claims or drawings *(indicate particular elements below)* or said claims Nos. ____are so unclear that no meaningful opinion could be formed *(specify)*:

☐ the claims, or said claims Nos. ____ are so inadequately supported by the description that no meaningful opinion could be formed *(specify)*:

☒ no international search report has been established for said claims Nos. 21-25

☐ a meaningful opinion could not be formed without the sequence listing; the applicant did not, within the prescribed time limit:

- ☐ furnish a sequence listing on paper complying with the standard provided for in Annex C of the Administrative Instructions, and such listing was not available to the International Preliminary Examining Authority in a form and manner acceptable to it.
- ☐ furnish a sequence listing in electronic form complying with the standard provided for in Annex C of the Administrative Instructions, and such listing was not available to the International Preliminary Examining Authority in a form and manner acceptable to it.
- ☐ pay the required late furnishing fee for the furnishing of a sequence listing in response to an invitation under Rules 13*ter*.1(a) or (b) and 13*ter*.2.

☐ a meaningful opinion could not be formed without the tables related to the sequence listings; the applicant did not, within the prescribed time limit, furnish such tables in electronic form complying with the technical requirements provided for in Annex C-*bis* of the Administrative Instructions, and such tables were not available to the International Preliminary Examining Authority in a form and manner acceptable to it.

☐ the tables related to the nucleotide and/or amino acid sequence listing, if in electronic form only, do not comply with the technical requirements provided for in Annex C-*bis* of the Administrative Instructions.

☐ See Supplemental Box for further details

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.
PCT/US08/82222

Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims 1-20 and 26-35	YES
	Claims NONE	NO
Inventive Step (IS)	Claims 1-20 and 26-35	YES
	Claims NONE	NO
Industrial Applicability (IA)	Claims 1-20 and 26-35	YES
	Claims NONE	NO

2. Citations and Explanations (Rule 70.7)

Claims 1-20 and 26-35 meet the criteria set out in PCT Article 33(2)-(3), because the prior art does not teach or fairly suggest "a display for displaying a base game of the wagering game in response to receiving a wager input from a player; and a controller coupled to the display and programmed to randomly increment during game play a player's bonus-time eligibility counter for a community bonus game, decrement the player's bonus-time eligibility counter as real time progresses, and render a player eligible to play the community bonus game if the player's bonus-time eligibility counter is greater than zero when a community bonus game is triggered," as recited in claim 1; "randomly incrementing, during game play of the first base wagering game at the first gaming machine, a first gaming machine's community event bonus-time eligibility counter for a community event bonus game, a first gaming machine's community event bonus multiplier, or both the first gaming machine's bonus-time eligibility counter for the community event bonus game and the first gaming machine's community event bonus multiplier," "decrementing the first gaming machine bonus-time eligibility counter in real time," and "rendering a player at the first gaming machine eligible to play the community event bonus game if the bonus-time eligibility counter of the first gaming machine is greater than zero when a community event bonus game is triggered," as recited in claim 13; "increment the gaming machine bonus-time eligibility counter for a community bonus game responsive to the wager input, increment during game play at least one of the gaming machine bonus-time eligibility counter for a community bonus game or a benefit associated with a community bonus game conducted on the gaming machine responsive to an occurrence of a community bonus game symbol in the array of randomly determined symbols, decrement the gaming machine bonus-time eligibility counter as real time progresses, render a gaming machine eligible to play the community bonus game if the gaming machine bonus-time eligibility counter is greater than zero when a community bonus game is triggered, and modify any award realized via the gaming machine during the community bonus game by any benefit associated with the community bonus game conducted on the gaming machine," as recited in independent claim 26.

Claims 1-20 and 26-35 meet the criteria set out in PCT Article 33(4), and thus have industrial applicability because the subject matter claimed can be made or used in industry.

REQUIRED DOCUMENT I(B)

The following document(s) include(s) a copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the corresponding PCT application

Claims 1, 3, 4, 5, 6, 8, 10, 11, 13, 14 and 26 have been amended

What is claimed is:

1. A gaming system for playing a wagering game, comprising:

a display for displaying a base game of the wagering game in response to receiving a wager input from a player; and

a controller coupled to the display and programmed to

randomly increment during game play a player's bonus-time eligibility counter for a community bonus game,

decrement the player's bonus-time eligibility counter as real time progresses, and

render a player eligible to play the community bonus game if the player's bonus-time eligibility counter is greater than zero when a community bonus game is triggered.

2. The gaming system of claim 1, wherein the controller is further programmed to:

provide a community bonus multiplier associated with the eligibility time, and

award the community bonus multiplier if the player wins an award during the community bonus game.

3. The gaming system of claim 1, wherein, in response to filling an initial level of a plurality of levels of the player's bonus-time eligibility counter, the controller is further programmed to increment eligibility time into a subsequently higher level of the plurality of levels, the subsequently higher level being associated with an incrementally higher community bonus multiplier than a bonus multiplier associated with the initial level.

4. The gaming system of claim 1, wherein the controller is further programmed to:

add time to a first segment of the player's bonus-time eligibility counter, the first segment having a corresponding first community bonus multiplier; and

add time to a second segment of the player's bonus-time eligibility counter if the first segment is full, the second segment having a second community bonus multiplier that is larger than the first community bonus multiplier.

5. The gaming system of claim 4, wherein the controller is further programmed to multiply a community bonus award with the second community bonus multiplier to increase the community bonus award when the community bonus is triggered during the second segment of the player's bonus-time eligibility counter.

6. The gaming system of claim 1, wherein the display further includes an indicator for the player's bonus-time eligibility counter.

7. The gaming system of claim 1, wherein the eligibility time includes time units that are incremented and decremented in real time.

8. The gaming system of claim 1, wherein the controller is programmed to further increment eligibility time to the player's bonus-time eligibility counter responsive to an extra wager input.

9. The gaming system of claim 1, further comprising:

a plurality of networked gaming terminals having a master gaming terminal, the master gaming terminal randomly determining if the community bonus game is triggered.

10. The gaming system of claim 1, wherein the controller is programmed to increment eligibility time to the player's bonus-time eligibility counter responsive to a player's purchase of additional eligibility time.

11. The gaming system of claim 1, wherein the base game is a card based game and wherein the controller is programmed to randomly increment during game play a player's bonus-time eligibility counter for a community bonus game by randomly associating an extra time increment with a dealt card.

12. The gaming system of claim 11, wherein the extra time increment is between about one second and about sixty seconds.

13. A method of conducting a wagering game on a gaming system, the method comprising:

conducting a first base wagering game having a first EV at a first gaming machine in response to receiving a wager input from a player;

randomly incrementing, during game play of the first base wagering game at the first gaming machine, a first gaming machine's community event bonus-time eligibility counter for a community event bonus game, a first gaming machine's community event bonus multiplier, or both the first gaming machine's bonus-time eligibility counter for the community event bonus game and the first gaming machine's community event bonus multiplier;

decrementing the first gaming machine bonus-time eligibility counter in real time; and

rendering a player at the first gaming machine eligible to play the community event bonus game if the bonus-time eligibility counter of the first gaming machine is greater than zero when a community event bonus game is triggered.

14. The method of conducting a wagering game on a gaming system according to claim 13, further comprising:

conducting a second base wagering game having a second EV at a second gaming machine in response to receiving a wager input from a player;

randomly incrementing, during game play of the second base wagering game at the second gaming machine, a second gaming machine's community event bonus-time eligibility counter for a community event bonus game, the second gaming machine's community event bonus multiplier, or both the second gaming machine's bonus-time eligibility counter for the community event bonus game and the second gaming machine's community event bonus multiplier;

decrementing the second gaming machine bonus-time eligibility counter in real time; and

rendering a player at the second gaming machine eligible to play the community event bonus game if the bonus-time eligibility counter of the second gaming machine is greater than zero when a community event bonus game is triggered.

15. The method of conducting a wagering game on a gaming system according to claim 14, wherein the first EV and the second EV are substantially equal, and wherein the act of randomly incrementing is at least substantially equally applied to each of the first base wagering game and the second base wagering game.

16. The method of conducting a wagering game on a gaming system according to claim 14, wherein the first EV and the second EV are different, and wherein the act of randomly incrementing is at least substantially equally applied to each of the first base wagering game and the second base wagering game.

17. The method of conducting a wagering game on a gaming system according to claim 14, wherein the first EV is higher than the second EV, and wherein the act of randomly incrementing for the second base wagering game is executed at a higher frequency than the act of randomly incrementing for the first base wagering game.

18. The method of conducting a wagering game on a gaming system according to claim 14, wherein the first EV is higher than the second EV, and wherein the act of randomly incrementing for the second base wagering game is configured to award, on average, higher incremental values for the second gaming machine community event bonus-time eligibility counter.

19. The method of conducting a wagering game on a gaming system according to claim 14, wherein the first EV is higher than the second EV, and wherein the act of randomly

incrementing for the second base wagering game is configured to award, on average, higher community event bonus multipliers for the second gaming machine.

20. The method of conducting a wagering game on a gaming system according to claim 14, wherein the first EV is higher than the second EV, and wherein the act of randomly incrementing is configured to award, on average, for the second base wagering game, higher incremental values for the second gaming machine community event bonus-time eligibility counter and higher community event bonus multipliers.

21. A method of conducting a wagering game on a gaming system, the method comprising:

conducting a community event bonus game; and

awarding one or more awards to each eligible player,

wherein the act of awarding one or more awards comprises awarding, a first value of awards to players who obtained eligibility for the community event bonus game on a first base wagering game having a first EV and awarding a second value of awards to players who obtained eligibility for the community event bonus game on a second base wagering game having a second EV lower than the first EV, and

wherein the first value of awards is statistically lower than the second value of awards.

22. A method of conducting a wagering game on a gaming system according to claim 21,

wherein the act of awarding one or more awards comprises providing awards consistent with a first pay table for players obtaining eligibility for the community event bonus game on the first base wagering game having the first EV and providing awards consistent with a second pay table for players obtaining eligibility for the community event bonus game on the second base wagering game having the second EV, and

wherein the first pay table provides a lower payout than the second pay table.

23. A method of conducting a wagering game on a gaming system according to claim 21,

wherein the act of awarding one or more awards comprises providing a greater number of plays of the community event bonus game for players obtaining eligibility for the community event bonus game on the second base wagering game having the second EV.

24. A method of conducting a wagering game on a gaming system according to claim 21,

wherein the act of awarding one or more awards comprises awarding, during play of one of or both of the base wagering game and the community event bonus game, higher community event bonus multipliers to players obtaining eligibility for the community event game on the second base wagering game having the second EV.

25. A method of conducting a wagering game on a gaming system, the method comprising:

conducting a community event bonus game; and

awarding one or more awards to each eligible player,

wherein the act of awarding one or more awards to each eligible player comprises

discriminating between players of base wagering games having different EVs,

applying a first community event bonus EV to players of base wagering games having a first EV, and

applying a second community event bonus EV to players of base wagering games having a second EV,

wherein the first community event bonus EV is lower than the second community event bonus EV,

wherein the first EV is higher than the second EV, and

wherein the sum of the EVs of the first community event bonus EV and the first EV is at least substantially the same as the sum of the EVs of the second community event bonus EV and the second EV.

26. A gaming system for playing a wagering game, comprising:

a gaming machine comprising a display, the gaming machine being configured to display an outcome of a wagering game conducted on the gaming machine in response to a wager input from a player, the outcome of the wagering game comprising the display of an array of randomly determined symbols; and

a controller coupled to the display and programmed to

increment the gaming machine bonus-time eligibility counter for a community bonus game responsive to the wager input,

increment during game play at least one of the gaming machine bonus-time eligibility counter for a community bonus game or a benefit associated with a community bonus game conducted on the gaming machine responsive to an occurrence of a community bonus game symbol in the array of randomly determined symbols,

decrement the gaming machine bonus-time eligibility counter as real time progresses,

render a gaming machine eligible to play the community bonus game if the gaming machine bonus-time eligibility counter is greater than zero when a community bonus game is triggered, and

modify any award realized via the gaming machine during the community bonus game by any benefit associated with the community bonus game conducted on the gaming machine.

27. A gaming system for playing a wagering game according to claim 26,

wherein the wagering game comprises a bonus game,

wherein the game play comprises bonus game play, and

wherein the controller coupled to the display is programmed to increment during bonus game play at least one of the bonus-time eligibility counter for the community bonus game or the benefit associated with the community bonus game benefit responsive to an occurrence of the community bonus game symbol in an array of randomly determined symbols displayed during the bonus game.

28. A gaming system for playing a wagering game according to claim 26,

wherein the wagering game comprises a bonus game,

wherein the game play comprises bonus game play, and

wherein the controller coupled to the display is programmed to increment during bonus game play at least one of the bonus-time eligibility counter for the community bonus game or the benefit associated with the community bonus game benefit responsive to a selection of a player-selectable element associated with a community bonus game symbol from an array of player-selectable elements.

29. A gaming system for playing a wagering game according to claim 26, wherein the gaming system is configured to increment during game play the at least one of the bonus-time eligibility counter for the community bonus game or the benefit associated with the community bonus game responsive to an occurrence of a community bonus game symbol in the array of randomly determined symbols and responsive to the occurrence of a winning outcome in the array of randomly determined symbols along an active payline, the winning outcome being associated with an award exceeding a minimum win threshold.

30. A gaming system for playing a wagering game according to claim 26, wherein the gaming system is configured to increment during game play the at least one of the bonus-time eligibility counter for the community bonus game or the benefit associated with the

community bonus game responsive to an occurrence of a community bonus game symbol in the array of randomly determined symbols and responsive to the occurrence of a wager exceeding a minimum threshold.

31. A gaming system for playing a wagering game according to claim 30, wherein the minimum threshold is a max bet wager.

32. A gaming system for playing a wagering game according to claim 30, wherein the minimum threshold is an extra wager placed on top of a max bet wager.

33. A gaming system for playing a wagering game according to claim 26, wherein the gaming system is configured to increment during game play the at least one of the bonus-time eligibility counter for the community bonus game or the benefit associated with the community bonus game only responsive to an occurrence of a community bonus game symbol along an active payline in the array of randomly determined symbols.

34. A gaming system for playing a wagering game according to claim 26, wherein the gaming system is configured to increment during game play the at least one of the bonus-time eligibility counter for the community bonus game or the benefit associated with the community bonus game only responsive to an occurrence of a community bonus game symbol along an active payline in the array of randomly determined symbols.

35. A gaming system for playing a wagering game according to claim 26, wherein the gaming system is configured to increment during game play the at least one of the bonus-time eligibility counter for the community bonus game or the benefit associated with the community bonus game only responsive to an occurrence of a community bonus game symbol along an active payline in the array of randomly determined symbols and an occurrence of a winning outcome along that active payline.

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.
12/741,886	05/07/2010	Allon G. Englman	247079-000573USPX	1584

70243 7590 07/19/2011

NIXON PEABODY LLP
300 S. Riverside Plaza
16th Floor
CHICAGO, IL 60606

EXAMINER	
VO, PETER DUNG BA	

ART UNIT	PAPER NUMBER
3718	

MAIL DATE	DELIVERY MODE
07/19/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

NIXON PEABODY LLP
300 S. Riverside Plaza
16th Floor
CHICAGO IL 60606

In re Application of: ENGLMAN, ALLON G. Serial No.: 12/741886 Filed: May 7, 2010 Attorney Docket No. : 247079-000573USPX Title: WAGERING GAME WITH COMMUNITY EVENT POKER GAME	DECISION ON A REQUEST TO PARTICIPATE IN PCT/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 13, 2011 to make the above-identified application special.

The request and petition are **granted.**

A grantable request to participate in the PPH pilot program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more PCT applications filed in the JPO, EPO, KIPO, or USPTO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the PCT application(s) latest international work product (the written opinion or the IPER) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the PCT application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of the latest international work product from the PCT application containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate; and
(6) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

In light of the petition being properly submitted, the request to participate in the PPH program and the petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

The applicant is encouraged to cite and submit all relevant prior art references, if any, to facilitate examination in this application.

Response must be filed via EFS-Web. Telephone inquiries concerning this decision should be directed to Henry C. Yuen, at 571-272-4856.

Petition is **granted**.

/Henry C. Yuen/

Henry C. Yuen
Special Programs Examiner
Technology Center 3700
Tel: 571-272-4856

UNITED STATES PATENT AND TRADEMARK OFFICE

MAILED

FEB 14 2011

PCT LEGAL ADMINISTRATION

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

TAYLOR IP, P.C.
P.O. Box 560
142. S Main Street
Avilla IN 46710

In re Application of	:	
LINDOERFER et al.	:	DECISION
Application No.: 12/741,899	:	
PCT No.: PCT/EP2008/007724	:	
Int. Filing Date: 16 September 2008	:	
Priority Date: 09 November 2007	:	
Attorney's Docket No.: WEI0045.US	:	
For: PILOT-OPERATED DIRECTIONAL CONTROL VALVE, PARTICULARLY FOR CONTROLLING AN ACTUATING CYLINDER OF A TURBO-MACHINE	:	

This decision is in response to applicants' petition under 37 CFR 1.181 to withdraw the holding of abandonment filed in the United States Patent and Trademark Office (USPTO) on 21 December 2010.

BACKGROUND

On 16 September 2008, applicants filed international application PCT/EP2008/007724 which claimed a priority date of 09 November 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 14 May 2009. The thirty-month period for paying the basic national fee in the United States expired at midnight on 10 May 2010 (09 May 2010 being a Sunday).

On 07 May 2010, applicants filed a transmittal letter for entry into the national stage in the United States accompanied by, *inter alia*, the basic national fee.

On 14 June 2010, the United States Designated/Elected Office (DO/EO/US) mailed a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating, *inter alia*, that a translation of the application into English and an oath or declaration of inventors in compliance with 37 CFR 1.497(a)-(b) were required.

On 22 June 2010, applicants submitted, *inter alia*, a declaration of inventors and "a copy of the English Translation as was previously filed with the application on May 7, 2010."

On 19 October 2010, the DO/EO/US mailed a NOTIFICATION OF DEFECTIVE RESPONSE (Form PCT/DO/EO/916) indicating, *inter alia*, that a translation of the application into English was still required.

On 02 November 2010, applicants filed a response stating again that the English Translation was previously filed with the application on May 7, 2010 as evidenced by item 10 on the Electronic Acknowledgement Receipt (EAR) for that submission.

On 15 November 2010, the DO/EO/US mailed a NOTIFICATION OF ABANDONMENT indicating that the application is abandoned as to the United States of America for failure to respond to the NOTIFICATION OF MISSING REQUIREMENTS mailed 14 June 2010.

On 16 November 2010, the DO/EO/US mailed a second NOTIFICATION OF ABANDONMENT indicating that the application is abandoned as to the United States of America for failure to respond to the NOTIFICATION OF MISSING REQUIREMENTS mailed 14 June 2010.

On 21 December 2010, applicants filed the instant petition under 37 CFR 1.181.

DISCUSSION

The petition requests that the eighteen page document submitted on 07 May 2010 and indicated as item 10 on the EAR dated 07 May 2010 be accepted as the English translation of the international application.

The document referred to by applicants includes a one page cover page indicating that it is the "ENGLISH TRANSLATION OF **FOREIGN PRIORITY** APPLICATION" (emphasis added) and that "THIS IS NOT THE APPLICATION FOR FILING PURPOSES" (emphasis in original). The document was coded by applicants on 07 May 2010 and again on 22 June 2010 as "Translation of Foreign Priority Documents." The foreign priority application is DE 10 2007 053 877.6 filed 09 November 2007. 35 U.S.C. 371(c)(2) requires "a translation into English of **the international application**, if it was filed in another language" (emphasis added). Accordingly, from an inspection of the application file, it appears that a translation of the international application had not been filed but rather only a translation of the priority application had been filed. Neither the response filed 22 June 2010 nor the response filed 02 November 2010 indicated that this translation was a translation of the international application as filed rather than a translation of the foreign priority application. The petition filed 21 December 2010 refers to this translation as both "the English Translation of the foreign priority application" (last sentence of paragraph numbered (8)) and as the "English Translation of the international application" (fourth full paragraph of page 2).

CONCLUSION

For the reasons set forth above, the petition under 37 CFR 1.181 is **DISMISSED** without prejudice.

The application remains abandoned for the reasons set forth in the NOTIFICATION OF ABANDONMENT mailed 15 November 2010.

Applicants may wish to consider filing a petition under 37 CFR 1.182, including the petition fee set forth in 37 CFR 1.17(f), to correct the inconsistent and possibly contradictory labeling of the translation filed 07 May 2010.

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

MAILED

MAY 09 2011

PCT LEGAL ADMINISTRATION

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

TAYLOR IP, P.C.
P.O. Box 560
142 S Main Street
Avilla IN 46710

In re Application of	:	
LINDOERFER et al.	:	DECISION
Application No.: 12/741,899	:	
PCT No.: PCT/EP2008/007724	:	
Int. Filing Date: 16 September 2008	:	
Priority Date: 09 November 2007	:	
Attorney's Docket No.: WEI0045.US	:	
For: PILOT-OPERATED DIRECTIONAL CONTROL VALVE, PARTICULARLY FOR CONTROLLING AN ACTUATING CYLINDER OF A TURBO-MACHINE	:	

This decision is in response to applicants' petition under 37 CFR 1.182 filed in the United States Patent and Trademark Office (USPTO) on 08 March 2011 to accept the translation of the international application filed 07 May 2010 and withdraw the holding of abandonment.

BACKGROUND

On 16 September 2008, applicants filed international application PCT/EP2008/007724 which claimed a priority date of 09 November 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 14 May 2009. The thirty-month period for paying the basic national fee in the United States expired at midnight on 10 May 2010 (09 May 2010 being a Sunday).

On 07 May 2010, applicants filed a transmittal letter for entry into the national stage in the United States accompanied by, *inter alia*, the basic national fee.

On 14 June 2010, the United States Designated/Elected Office (DO/EO/US) mailed a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating, *inter alia*, that a translation of the application into English and an oath or declaration of inventors in compliance with 37 CFR 1.497(a)-(b) were required.

On 22 June 2010, applicants submitted, *inter alia*, a declaration of inventors and "a copy of the English Translation as was previously filed with the application on May 7, 2010."

On 19 October 2010, the DO/EO/US mailed a NOTIFICATION OF DEFECTIVE RESPONSE (Form PCT/DO/EO/916) indicating, *inter alia*, that a translation of the application into English was still required.

On 02 November 2010, applicants filed a response stating again that the English Translation was previously filed with the application on May 7, 2010 as evidenced by item 10 on the Electronic Acknowledgement Receipt (EAR) for that submission.

On 15 November 2010, the DO/EO/US mailed a NOTIFICATION OF ABANDONMENT indicating that the application is abandoned as to the United States of America for failure to respond to the NOTIFICATION OF MISSING REQUIREMENTS mailed 14 June 2010.

On 16 November 2010, the DO/EO/US mailed a second NOTIFICATION OF ABANDONMENT indicating that the application is abandoned as to the United States of America for failure to respond to the NOTIFICATION OF MISSING REQUIREMENTS mailed 14 June 2010.

On 21 December 2010, applicants filed a petition under 37 CFR 1.181 requesting that the eighteen page document submitted on 07 May 2010 and indicated as item 10 on the EAR dated 07 May 2010 be accepted as the English translation of the international application.

On 14 February 2011, a decision was mailed dismissing without prejudice applicants' petition under 37 CFR 1.181. The decision also indicated that applicants may wish to consider filing a petition under 37 CFR 1.182, including the petition fee set forth in 37 CFR 1.17(f), to correct the inconsistent and possibly contradictory labeling of the translation filed 07 May 2010.

On 08 March 2011, applicants filed the instant petition under 37 CFR 1.182.

DISCUSSION

The petition requests that the eighteen page document submitted on 07 May 2010 and indicated as item 10 on the EAR dated 07 May 2010 be accepted as the English translation of the international application and that the abandonment be withdrawn.

The document referred to by applicants includes a one page cover page indicating that it is the "ENGLISH TRANSLATION OF **FOREIGN PRIORITY** APPLICATION" (emphasis added) and that "THIS IS NOT THE APPLICATION FOR FILING PURPOSES" (emphasis in

original). The document was coded by applicants on 07 May 2010 and again on 22 June 2010 as "Translation of Foreign Priority Documents." The foreign priority application is DE 10 2007 053 877.6 filed 09 November 2007. 35 U.S.C. 371(c)(2) requires "a translation into English of **the international application**, if it was filed in another language" (emphasis added).

Petitioner's comments in the instant petition as well as the previous petition suggest that petitioner considers the terms "foreign priority application" and "international application" as equivalent. However, the terms refer to different documents. An international application designating the United States has the effect of a national application for patent regularly filed in the USPTO except for the purposes of 35 U.S.C. 102(e). 35 U.S.C. 363. Thus, the international application, whether in English or some other language, is not a "foreign priority application." Rather, the foreign priority application is a foreign application to which the international application claims priority. In this case, that foreign priority application is DE 10 2007 053 877.6 filed 09 November 2007. It has been construed that the documents labeled "ENGLISH TRANSLATION OF FOREIGN PRIORITY APPLICATION" are in fact the English translation of the international application and that no English translation of the foreign priority application--DE 10 2007 053 877.6 filed 09 November 2007--has been provided. **If this interpretation is incorrect, applicants must notify the Office of PCT Legal Administration immediately.** The document codes have been changed in the USPTO's electronic file "Specification". Both documents have also been annotated "Eng. Trans. of IA as filed". (See the parenthetical below.)

It is proper under 37 CFR 1.182 to accept the eighteen page document submitted on 07 May 2010 and indicated as item 10 on the EAR dated 07 May 2010 as the English translation of the international application. The processing fee under 37 CFR 1.492(i) of $130 for providing the English translation of the application later than thirty months from the priority date is not required.

(For future reference, it is noted that the translation filed by applicants on 07 May 2010 is a translation of the international application. Additionally, contrary to applicants' cover letter, this translation is required for filing purposes. (An English translation of the international application as filed is required. 35 U.S.C. 371(c)(2) and 37 CFR 1.495(c)(1)(i)). Petitioner's preference is that the substitute specification filed on the same date be used as the specification for examination purposes. However, petitioner is cautioned that entry of the substitute specification is not guaranteed.)

CONCLUSION

For the reasons set forth above, the petition under 37 CFR 1.182 is **GRANTED**. The eighteen page document submitted on 07 May 2010 and indicated as item 10 on the EAR dated 07 May 2010 is accepted as the English translation of the international application. Accordingly,

both the NOTIFICATION OF ABANDONMENT mailed 15 November 2010 and the second NOTIFICATION OF ABANDONMENT mailed 16 November 2010 are hereby VACATED.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application.

/Daniel Stemmer/

Daniel Stemmer
Legal Examiner
PCT Legal Affairs
Office of Patent Cooperation Treaty
Legal Administration
Telephone: (571) 272-3301

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

39820
Edward M. Livingston, PA
963 Trail Terrace Drive
Naples, FL 34103

MAILED

FEB 23 2011

PCT LEGAL ADMINISTRATION

In re Application of :
FAUPEL *et al* :
U.S. Application No.: 12/741,905 :
PCT No.: PCT/DE2008/067696 :
Int. Filing Date: 04 November 2008 :
Priority Date: 08 November 2007 :
Attorney Docket No.: 10-7676 :
For: METHOD FOR PRODUCING NANOSTRUCTURES BY MEANS OF SPINODAL DECROSSLINKING :

DECISION

This decision is in response to applicants' petition under 37 CFR 1.47(a) filed 13 December 2010.

BACKGROUND

On 13 July 2010, a Notification of Missing Requirements (Form PCT/DO/EO/905) was mailed requesting an oath or declaration in compliance with 37 CFR 1.497(a) and (b) and a surcharge fee. Applicants were given two months to respond with extensions of time available under 37 CFR 1.136(a).

On 13 December 2010, applicants filed the subject petition which was accompanied by, *inter alia*, a $65.00 surcharge fee; a $200.00 petition fee; a three-month extension and $555.00 extension fee; and a declaration signed on behalf of the nonsigning inventor.

DISCUSSION

Applicants claim that co-inventor, Khaled HIRMAS, is "not reachable" and have filed the subject petition under 37 CFR 1.47(a).

A petition under 37 CFR 1.47(a) requires: (1) the petition fee; (2) factual proof that the missing joint inventor cannot be located or refuses to cooperate; (3) a statement of the last known address of the nonsigning joint inventor; (4) and an oath or declaration executed by the signing joint inventor on their behalf and on behalf of the nonsigning joint inventor.

Items (1), (3) and (4) of 37 CFR 1.47(a) are satisfied in the initial petition.[1]

Regarding item (2) of 37 CFR 1.47(a), applicants claim that Mr. HIRMAS cannot be located and state that "a diligent effort has been made" to find the nonsigning inventor. Applicants claim that the nonsigning inventor was not reachable at his last known address as he is currently in the country of Libya. No corroborating evidence was provided.

Section 409.03(d)(I) of the MPEP discusses situations where an inventor cannot be reached and states, in part:

> Where inability to find or reach a nonsigning inventor "after diligent effort" is the reason for filing under 37 CFR 1.47, a statement of facts should be submitted that fully describes the exact facts which are relied on to establish that a diligent effort was made . . .
>
> The statement of facts must be signed, where at all possible, by a person having firsthand knowledge of the facts recited therein. Statements based on hearsay will not normally be accepted. Copies of documentary evidence such as internet searches, certified mail return receipts, cover letters of instructions, telegrams, that support a finding that the nonsigning inventor could not be found or reached should be made part of the statement. The steps taken to locate the whereabouts of the nonsigning inventor should be included in the statement of facts. It is important that the statement contain facts as opposed to conclusions.

Applicants have not shown that a diligent effort was made to locate Mr. HIRMAS. Applicants did not provide a statement of facts to establish that a diligent effort was made as required. Applicants also provided no documentary evidence to support their claim that Mr. HIRMAS is living in Libya. Further, applicants provided no evidence showing that any effort was made to locate Mr. HIRMAS. A statement of facts and corroborating evidence are required for a grantable petition.

For these reasons, item (2) of 37 CFR 1.47(a) is not satisfied.

CONCLUSION

Applicants' petition under 37 CFR 1.47(a) is **DISMISSED** without prejudice.

---

[1] Applicants submitted the $200.00 petition fee. The last known address of the nonsigning inventor was provided in the petition. A declaration signed by three of the four named inventors was provided. This declaration complies with 37 CFR 1.497(a) and (b) and meets the requirements of MPEP § 409.03(a)(A).

If reconsideration on the merits of this petition is desired, a proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are available.

Failure to timely respond will result in the abandonment of the application.

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

39820
Edward M. Livingston, PA
963 Trail Terrace Drive
Naples, FL 34103

MAILED

JUN 09 2011

PCT LEGAL ADMINISTRATION

In re Application of :
FAUPEL *et al* :
U.S. Application No.: 12/741,905 :
PCT No.: PCT/DE2008/067696 :
Int. Filing Date: 04 November 2008 :
Priority Date: 08 November 2007 :
Attorney Docket No.: 10-7676 :
For: METHOD FOR PRODUCING :
NANOSTRUCTURES BY MEANS OF :
SPINODAL DECROSSLINKING :

DECISION

This decision is in response to applicants' renewed petition under 37 CFR 1.47(a) filed 15 April 2011.

BACKGROUND

On 23 February 2011, a decision dismissing applicants' petition under 37 CFR 1.47(a) was mailed. Applicants were given two months to respond with extensions of time available.

On 15 April 2011, applicants filed the subject response which was accompanied by a declaration executed by the nonsigning inventor.

DISCUSSION

In the renewed petition, applicants submitted a declaration executed by the nonsigning inventor, Khaled HIRMAS. This declaration is in compliance with 37 CFR 1.497(a) & (b).

No further action on the petition under 37 CFR 1.47(a) is required.

CONCLUSION

For the reason discussed above, the petition under 37 CFR 1.47(a) is **DISMISSED** as **MOOT**.

Applicants have completed the requirements for acceptance under 35 U.S.C. 371(c). The application has an international filing date of 04 November 2008, under 35 U.S.C. 363 and a 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date of 15 April 2011.

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

1 - SEP 2010
UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

23973
DRINKER BIDDLE & REATH
Attn: Intellectual Property Group
One Logan Square, Suite 2000
Philadelphia, PA 19103-6996

In re Application of :
LIN *et al* :
U.S. Application No.: 12/741,965 :
PCT No.: PCT/CN2007/071071 :
Int. Filing Date: 16 November 2007 : **DECISION ON**
Priority Date: 09 November 2007 : **PETITION UNDER**
Docket No.: 205333-0002-00-US : **37 CFR 1.137(b)**
For: AN EPSP SYNTHASE WITH HIGH :
GLYPHOSATE RESISTANCE AND ITS :
ENCODED SEQUENCE :

Applicants' petition to revive under 37 CFR 1.137(b) filed on 14 July 2010 is hereby **GRANTED** as follows:

The proper fees and the petition fee for a small entity have been paid. Applicants made the required statement pursuant to 37 CFR 1.137(b)(3). A terminal disclaimer is not required. Accordingly, all requirements under 37 CFR 1.137(b) have been satisfied.

This application is being forwarded to the United States Designated/Elected Office for further processing.

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

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:	12/742,024	Filing date:	May 7, 2010
First Named Inventor:	Toshiko Tsuchiya		
Title of the Invention:	KEY MANAGEMENT DEVICE AND INFORMATION TRANSMISSION SYSTEM USING THE SAME		

THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT HTTP://WWW.USPTO.GOV/EBC/EFS_HELP.HTML

APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PROGRAM.

The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.

The corresponding PCT application number(s) is/are: PCT/JP2008/003247

The international date of the corresponding PCT application(s) is/are: November 10, 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.:	12/742,024
First Named Inventor:	Toshiko Tsuchiya

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 7, 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 7, 2010

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
29	1	
30	2	
31	3	
32	4	
33	5	
34	6	
35	7	
36	8	
37	9	
38	10	
39	11	
40	12	
41	13	
42	14	

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature	Date 3/10/2011
Name (Print/Typed) Josué A. Villalta	Registration Number 54,511

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

Doc Code: 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:	12/742,024	Filing date:	May 7, 2010
First Named Inventor:	Toshiko Tsuchiya		
Title of the Invention:	KEY MANAGEMENT DEVICE AND INFORMATION TRANSMISSION SYSTEM USING THE SAME		

THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT HTTP://WWW.USPTO.GOV/EBC/EFS_HELP.HTML

APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PROGRAM.

The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.

The corresponding PCT application number(s) is/are: PCT/JP2008/003247

The international date of the corresponding PCT application(s) is/are: November 10, 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.:	12/742,024
First Named Inventor:	Toshiko Tsuchiya

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 7, 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 7, 2010

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
29	1	
30	2	
31	3	
32	4	
33	5	
34	6	
35	7	
36	8	
37	9	
38	10	
39	11	
40	12	
41	13	
42	14	

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature	Date 3/10/2011
Name (Print/Typed) Josué A. Villalta	Registration Number 54,511

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter I of the Patent Cooperation Treaty)

(PCT Rule 44*bis*)

Applicant's or agent's file reference FIC08077-PCT	**FOR FURTHER ACTION**	See item 4 below
International application No. PCT/JP2008/003247	International filing date *(day/month/year)* 10 November 2008 (10.11.2008)	Priority date *(day/month/year)* 09 November 2007 (09.11.2007)
International Patent Classification (8th edition unless older edition indicated) See relevant information in Form PCT/ISA/237		
Applicant ICON Corp.		

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 29 June 2010 (29.06.2010)
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)

	Date of mailing *(day/month/year)*
Applicant's or agent's file reference **FIC08077-PCT**	**FOR FURTHER ACTION** See paragraph 2 below

International application No.	International filing date *(day/month/year)*	Priority date *(day/month/year)*
PCT/JP2008/003247	**10.11.2008**	**09.11.2007**

International Patent Classification (IPC) or both national classification and IPC

Applicant
ICON Corp.

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/JP2008/003247

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/JP2008/003247

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	1-14	YES
	Claims		NO
Inventive step (IS)	Claims	1-14	YES
	Claims		NO
Industrial applicability (IA)	Claims	1-14	YES
	Claims		NO

2. Citations and explanations:

Document 1: JP 07-107082 A (Nippon Telegraph And Telephone Corp.), 21 April 1995, entire text, all drawings (Family: none)

Document 2: JP 2001-237872 A (Murata Machinery Ltd.), 31 August 2001, entire text, all drawings (Family: none)

Document 3: JP 2004-328144 A (NEC Infrontia Corp.), 18 November 2004, paragraphs [0025]-[0031], fig. 1 and 2 (Family: none)

Document 4: JP 2003-224683 A (Secom Co., Ltd.), 08 August 2003, entire text, all drawings (Family: none)

Document 5: JP 2006-254117 A (NEC Access Technica, Ltd.), 21 September 2006, paragraphs [0023]-[0027] (Family: none)

The invention as in claims 1-14 is not disclosed in any of documents 1-5 cited in the ISR.

The system configuration wherein a sever device stores transmission destination information and transmission source information, both of which are encrypted, and by using user identification information and a decryption key output in response to the operation of a transmission command button in a terminal device, reads out and decrypts the transmission

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**

destination information and the transmission source information on the basis of the user identification information would not be obvious to a person skilled in the art even with consideration of features described in documents 1-5.

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.
12/742,024	05/07/2010	Toshiko Tsuchiya	YSANO.008APC	1433

20995 7590 03/30/2011

KNOBBE MARTENS OLSON & BEAR LLP
2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE, CA 92614

EXAMINER	
ART UNIT	PAPER NUMBER
2431	

NOTIFICATION DATE	DELIVERY MODE
03/30/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

jcartee@kmob.com
efiling@kmob.com
eOAPilot@kmob.com

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

KNOBBE MARTENS OLSON & BEAR LLP
2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE CA 92614

In re Application of: Toshiko Tsuchiya
Application No. 12/742,024
Filed: May 7, 2010
For: KEY MANAGEMENT DEVICE AND INFORMATION TRANSMISSION SYSTEM USING THE SAME

DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(d)

MAILED

MAR 29 2011

DIRECTOR OFFICE
TECHNOLOGY CENTER 2400

This is a decision on the request to participate in the PCT- Patent Prosecution Highway (PPH) pilot program and the petition under 37 CFR 1.102(d), filed March 10, 2011, to make the above-identified application special.

The petition is **DISMISSED**.

A grantable request to participate in the PCT PPH program and petition to make special require:

(1) The relationship between the corresponding U.S. application for which participation in the PCT-PPH pilot program is requested and the PCT application satisfies one of the following:

(a) The U.S. application is a national stage entry of the corresponding PCT application.

(b)The U.S. application is a national application which forms the basis for the priority claim in the corresponding PCT application.

(c) The U.S. application is a national stage entry of another PCT application (which can be filed in any competent receiving office) which claims priority to the corresponding PCT application.

(d) The U.S. application is a national application claiming foreign/domestic priority to the corresponding PCT application.

(e) The U.S. application is a continuing application (continuation, divisional, or continuation-in-part) of the U.S. application which satisfies one of the above (a) to (d) scenarios.

(2) The latest work product in the international phase of the PCT application corresponding to the U.S. application indicates at least one claim in the PCT application has novelty, inventive step and industrial applicability. In case any observation is described in Box VIII of the WO/ISA, or WO/IPEA, or IPER which forms the basis for the PCT-PPH request, applicant must identify and explain why the claim(s) is/are not subject to any observation described in Box VIII irrespective of whether an amendment is submitted to correct the observation described in Box VIII.

(3) All the claims in each U.S. application for which a request for participation in the PCT-PPH pilot program is made must sufficiently correspond to or be mended to sufficiently correspond to one or more of those claims indicated as having novelty, inventive step and industrial applicability and free of any observation described in Box VIII in the latest work product of the corresponding PCT application.

(4) Substantive examination of the U.S. application for which participation in the PCT-PPH pilot program is requested has not begun.

(5) Applicant must submit a copy of the latest international work product which indicated that the claim(s) has/have novelty, inventive step and industrial applicability along with an English translation thereof if the copy of the latest international work product is not in the English language.

(6) Applicant must submit a copy of the claims from the corresponding PCT application which were indicated as having novelty, inventive step and industrial applicability in the latest work product of the PCT application along with an English translation thereof and a statement that the English translation is accurate if the claims are not in the English language. Applicant is required to submit a claims correspondence table in English. The claims correspondence table must indicate how all the claims in the U.S. application sufficiently correspond to the claims indicated as having novelty, inventive step and industrial applicability in the latest international work product. If the claims in the U.S. application for which participation in the PCT-PPH pilot program is requested are identical to the claims from the corresponding PCT application, and are in the English language, applicant may just indicate such in the PCT-PPH request and it will not be necessary for applicant to submit a copy of the claims from the corresponding PCT application.

(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) As of May 25, 2010, the USPTO has eliminated the fee for the petition to make special under the PPH programs.

(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 failed items (3) and (6) above.

With respect to item (6), petitioner fails to submit a copy of the claims from the corresponding PCT application which were indicated as having novelty, inventive step and industrial applicability in the latest work product of the PCT application along with an English translation thereof and a statement that the English translation is accurate.

The conformance with the requirement of item (3) cannot be verified without review of the claims from the corresponding PCT.

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 571-272-7294

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc/index.html.

Christopher Grant
Quality Assurance Specialist
Technology Center 2400

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:	12/742,024	Filing date:	May 7, 2010
First Named Inventor:	Toshiko Tsuchiya		
Title of the Invention:	KEY MANAGEMENT DEVICE AND INFORMATION TRANSMISSION SYSTEM USING THE SAME		

THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT HTTP://WWW.USPTO.GOV/EBC/EFS_HELP.HTML

APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PROGRAM.

The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.

The corresponding PCT application number(s) is/are: PCT/JP2008/003247

The international date of the corresponding PCT application(s) is/are: November 10, 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.:	12/742,024
First Named Inventor:	Toshiko Tsuchiya

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 7, 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 7, 2010

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
29	1	
30	2	
31	3	
32	4	
33	5	
34	6	
35	7	
36	8	
37	9	
38	10	
39	11	
40	12	
41	13	
42	14	

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature	Date 4/8/2011
Name (Print/Typed) Josué A. Villalta	Registration Number 54,511

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter I of the Patent Cooperation Treaty)

(PCT Rule 44*bis*)

Applicant's or agent's file reference FIC08077-PCT	**FOR FURTHER ACTION**	See item 4 below
International application No. PCT/JP2008/003247	International filing date *(day/month/year)* 10 November 2008 (10.11.2008)	Priority date *(day/month/year)* 09 November 2007 (09.11.2007)
International Patent Classification (8th edition unless older edition indicated) See relevant information in Form PCT/ISA/237		
Applicant ICON Corp.		

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 29 June 2010 (29.06.2010)
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)

	Date of mailing *(day/month/year)*
Applicant's or agent's file reference **FIC08077-PCT**	**FOR FURTHER ACTION** See paragraph 2 below

International application No.	International filing date *(day/month/year)*	Priority date *(day/month/year)*
PCT/JP2008/003247	**10.11.2008**	**09.11.2007**

International Patent Classification (IPC) or both national classification and IPC

Applicant
ICON Corp.

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/JP2008/003247

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/JP2008/003247

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	1-14	YES
	Claims		NO
Inventive step (IS)	Claims	1-14	YES
	Claims		NO
Industrial applicability (IA)	Claims	1-14	YES
	Claims		NO

2. Citations and explanations:

Document 1: JP 07-107082 A (Nippon Telegraph And Telephone Corp.), 21 April 1995, entire text, all drawings (Family: none)

Document 2: JP 2001-237872 A (Murata Machinery Ltd.), 31 August 2001, entire text, all drawings (Family: none)

Document 3: JP 2004-328144 A (NEC Infrontia Corp.), 18 November 2004, paragraphs [0025]-[0031], fig. 1 and 2 (Family: none)

Document 4: JP 2003-224683 A (Secom Co., Ltd.), 08 August 2003, entire text, all drawings (Family: none)

Document 5: JP 2006-254117 A (NEC Access Technica, Ltd.), 21 September 2006, paragraphs [0023]-[0027] (Family: none)

The invention as in claims 1-14 is not disclosed in any of documents 1-5 cited in the ISR.

The system configuration wherein a sever device stores transmission destination information and transmission source information, both of which are encrypted, and by using user identification information and a decryption key output in response to the operation of a transmission command button in a terminal device, reads out and decrypts the transmission

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

destination information and the transmission source information on the basis of the user identification information would not be obvious to a person skilled in the art even with consideration of features described in documents 1-5.

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.
12/742,024	05/07/2010	Toshiko Tsuchiya	YSANO.008APC	1433

20995 7590 06/15/2011

KNOBBE MARTENS OLSON & BEAR LLP
2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE, CA 92614

EXAMINER	
BARRON JR, GILBERTO	

ART UNIT	PAPER NUMBER
2432	

NOTIFICATION DATE	DELIVERY MODE
06/15/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

jcartee@kmob.com
efiling@kmob.com
eOAPilot@kmob.com

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

KNOBBE MARTENS OLSON & BEAR LLP
2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE, CA 92614

In re Application of: TSUCHIYA, TOSHIKO
Application No. 12742024
Filed: May 7, 2010
For: KEY MANAGEMENT DEVICE AND INFORMATION TRANSMISSION SYSTEM USING THE SAME

DECISION ON REQUEST TO PARTICIPATE IN PCT-PATENT PROSECUTION HIGHWAY PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(d)

MAILED

JUN 15 2011

DIRECTOR OFFICE
TECHNOLOGY CENTER 2400

This is a decision on the request to participate in the PCT- Patent Prosecution Highway (PPH) pilot program and the petition under 37 CFR 1.102(d), filed April 8, 2011, 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 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. *If the claims in the U.S. application for which participation in the PCT-PPH pilot program is requested are identical to the claims from the corresponding PCT application, and are in the English language, applicant may just indicate such in the PCT-PPH request and it will not be necessary for applicant to submit a copy of the claims from the corresponding PCT application.*

(7) Applicant must submit an information disclosure statement (IDS) listing the documents cited in the international work products (ISR, WOIISA, WOIIPEA, PER) of the PCT.

(8) The request for participation in the PCT-PPH pilot program and all the supporting documents must be submitted to the USPTO via EFS-Web and indexed with the following document description: "Petition to make special under PCT-Patent Pros Hwy. Any preliminary amendments and IDS submitted with the PCT-PPH documents must be separately indexed as a preliminary amendment and IDS, respectively.

The request to participate in the PCT-PPH program and petition comply with all the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Chau Nguyen at 571-272-3126.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc/index.html.

The application is being forwarded to the examiner for action on the merits commensurate with this decision

/Chau Nguyen/

Chau Nguyen
QAS, Technology Center 2400

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

JACOBSON HOLMAN PLLC
400 SEVENTH STREET N.W.
SUITE 600
WASHINGTON DC 20004

MAILED

MAR 31 2011

PCT LEGAL ADMINISTRATION

In re Application of :
PRIGENT, et al. : DECISION ON
Application No.: 12/742,027 :
PCT No.: PCT/FR2008/051984 : REQUEST UNDER
Int. Filing Date: 04 November 2008 :
Priority Date: 09 November 2007 : 37 CFR 1.497(d)
Attorney Docket No.: P73563US0 :
For: DATA RECORDING METHOD FOR LONG :
TERM READING OF SAID DATA :

This decision is in response to applicant's request for correction of inventorship under 37 C.F.R. §1.497(d) filed 14 February 2011 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 04 November 2008, applicant filed international application PCT/FR2008/051984, which claimed priority of an earlier application filed 09 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 09 May 2010.

On 07 May 2010, applicant filed a transmittal letter for entry into the national stage in the United States, which was accompanied by, among other items, payment of the requisite basic national fee as required by 35 U.S.C. 371(c)(1) and an English translation of the international application as filed.

On 14 July 2010, applicant was mailed a "NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371" (Form PCT/DO/EO/905) informing applicant of the need to provide an oath or declaration of the 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 afforded two months to file the proper reply and informed that this period could be extended pursuant to 37 CFR 1.136(a).

On 14 February 2011, applicant filed the petition discussed herein accompanied by a petition for five-month extension of time and payment of the five-month extension of time fee. The response is considered timely filed.

DISCUSSION

37 CFR 1.497(d) [formally, 37 CFR 1.48] states in part: "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....applicant must submit:

(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 items (1), (3) and (4).

As to item (2), the declaration presently filed does not comply with 37 CFR 1.497(a)-(b).

One of the statements under 37 CFR 1.497(d) has been signed by Ms. Karine Van Heumen. However, Ms. Heuman is identified as Karine Van Neumen on the filed declaration. As such, an explanation from counsel detailing the correct name of the inventor is necessary before the papers can be accepted. (Applicant is directed to MPEP 04(b)).

In light of the above, it is not possible to grant applicant's petition at this time.

CONCLUSION

For the reasons above, applicant's request under 37 CFR 1.497(d) is **DISMISSED** without prejudice.

Applicant is hereby afforded **TWO (2) MONTHS** from the mail date of this decision to file any request for reconsideration. Any reconsideration request should include a cover letter entitled, "Renewed Petition Under 37 CFR 1.497(d)." No additional petition fee is required. Extensions of time may be obtained under 37 CFR 1.136(a).

Any further correspondence with respect to this matter should be directed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration or electronically filed utilizing the USPTO's EFS-Web electronic filing system.

Derek A. Putonen
Attorney Advisor
Office of PCT Legal Administration
Tel: (571) 272-3294

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

JACOBSON HOLMAN PLLC
400 SEVENTH STREET N.W.
SUITE 600
WASHINGTON DC 20004

MAILED

MAY 20 2011

PCT LEGAL ADMINISTRATION

In re Application of :
PRIGENT, et al. : DECISION ON REQUEST
Application No.: 12/742,027 :
PCT No.: PCT/FR2008/051984 : UNDER 37 CFR 1.497(d)
Int. Filing Date: 04 November 2008 :
Priority Date: 09 November 2007 :
Attorney Docket No.: P73563US0 :
For: DATA RECORDING METHOD FOR :
LONG-TERM READING OF SAID DATA :

This decision is in response to applicant's "RENEWED PETITION UNDER 37 CFR 1.497(d)" filed 27 April 2011 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 31 March 2011, applicant was mailed a decision dismissing applicant's petition under 37 CFR 1.497(d). Applicant was afforded two months to file any request for reconsideration.

On 27 April 2011, applicant filed the present renewed petition.

DISCUSSION

As detailed in the decision mailed 02 July 2010, 37 CFR 1.497(d) [formally, 37 CFR 1.48] states in part: "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....applicant must submit:

(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) the fee set forth in 37 CFR 1.17(h); and

(3) 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); and

(4) any new oath or declaration required by paragraph (f) of this section.

Applicant previously satisfied items 1-3.

As to item 4, Section 605.04(b) of the Manual of Patent Examining Procedure states that, where a typographical or transliteration error in the spelling of an inventor's name is discovered, a petition is not required, nor is a new oath or declaration under 37 CFR 1.63 needed; but merely an explanation from counsel. With the filing of the present renewed petition and statement of clarification from counsel as to the correct name of inventor Van Heuman applicant has satisfied the remaining item and it is proper to grant applicant's renewed petition at this time.

CONCLUSION

For the reasons discussed above, the renewed 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 04 November 2008 and will be given a date of **14 February 2011** under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).

The 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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
Washington, D.C. 20231
www.uspto.gov

Beyer Law Group LLP
P.O. BOX 1687
Cupertino CA 95015-1687

MAILED

MAR 07 2011

PCT LEGAL ADMINISTRATION

In re Application of :
KIM et al. :
Serial No.: 12/742,073 :
PCT No.: PCT/US08/82915 :
Int. Filing Date: 07 November 2008 :
Priority Date: 08 November 2007 :
Atty Docket No.: LAM1P258/P1734 :
For: PITCH REDUCTION USING OXIDE SPACER :

DECISION ON

PETITION

UNDER 37 CFR 1.47(a)

This decision is in response to applicant's "Petition under 37 CFR 1. 47(a)" filed 22 December 2010 in the United States Patent and Trademark Office (USPTO) requesting acceptance of the application without the signature of nonsigning inventor REZA SADJADI. Applicant's request for a four month extension of time is granted.

BACKGROUND

On 07 November 2008, applicant filed international application PCT/US2008/82915. The application claimed a priority date of 08 November 2007, and it designated the United States. The deadline for submission of the basic national fee was thirty months from the priority date, i.e., 08 May 2010.

On 07 May 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 22 June 2010, a Notification Of Missing Requirements (Form PCT/DO/EO/905) was issued indicating that an oath or declaration in compliance with 37 CFR 1.497 and the surcharge for filing the oath or declaration later than thirty months after the priority date were required.

On 22 December 2010, a response to the Notification Of Missing Requirements was filed with the required four-month extension fee. The response included payment of the required surcharge 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 Reza Sadjadi, 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.

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.

Here, Petitioner submitted a statement from Michael Lee, with supporting documents, providing evidence that requests for signature accompanied by a copy of the application have been forwarded to the non-signing inventor at his last known address, via USPS and email. The petition also includes evidence confirming that at least one such request, was sent by US Postal Service Express Mail; however, the USPS tracking statement showing delivery to the nonsigning inventor at his last known address was not provided. Confirmation regarding the delivery (presentation) of the application papers to the nonsigning inventor is needed. Thus, it cannot be concluded at this time that the nonsigning inventor was presented with a complete copy of the application papers. *See* Section 409.03(d) of the Manual of Patent Examining Procedure (MPEP), Proof of Unavailability or Refusal.[1] Item (2) is not yet satisfied.

---

[1] A refusal by an inventor to sign an oath or declaration when the inventor has not been presented with the application papers does not itself suggest that the inventor is refusing to join the application unless it is clear that the inventor understands exactly what he or she is being asked to sign and refuses to accept the application papers. A copy of the application papers should be sent to the last known address of the nonsigning inventor, or , if the nonsigning inventor is represented by counsel, to the address of the nonsigning inventor's attorney.... It is reasonable to require that the inventor be presented with the application papers before a petition under 37 CFR 1.47 is granted since such a procedure ensures that the inventor is apprised of the application to which the oath or declaration is directed. *In re Gray*, 115 USPQ 80 (Comm'r Pat. 1956).

Where a refusal of the inventor to sign the application papers is alleged, the circumstances of the presentation of the application papers and of the refusal must be specified in a statement of facts by the person who presented the inventor with the application papers and/or to whom the refusal was made. Statements by a party not present when an oral refusal is made will not be accepted. Proof that a *bona fide* attempt was made to present a copy of the application papers (specification, including claims, drawings, and oath or declaration) to the nonsigning inventor for signature, but the inventor refused to accept delivery of the papers or expressly stated that the application papers should not be sent, may be sufficient. When there is an express oral refusal, that fact along with the time and place of the refusal must be stated in the statement of facts. When there is an express written refusal, a copy of the document evidencing that refusal must be made part of the statement of facts. The document may be redacted to remove material not related to the inventor's reasons for refusal.

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 declarations signed on behalf of the nonsigning inventor by the joint inventors. Item (4) is therefore satisfied.

In sum, Items (1),(3),(4) are satisfied. Item (2) is not yet satisfied. 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

Tel: 571-272-3286
Fax: 571-273-0459

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.)

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
Washington, D.C. 20231
www.uspto.gov

MAILED

JUL 13 2011

PCT LEGAL ADMINISTRATION

Beyer Law Group LLP
P.O. BOX 1687
Cupertino CA 95015-1687

In re Application of :
KIM et al. : DECISION ON
Serial No.: 12/742,073 :
PCT No.: PCT/US08/82915 : PETITION
Int. Filing Date: 07 November 2008 :
Priority Date: 08 November 2007 : UNDER 37 CFR 1.47(a)
Atty Docket No.: LAM1P258/P1734 :
For: PITCH REDUCTION USING OXIDE SPACER :

This decision is in response to applicant's "Renewed Petition under 37 CFR 1. 47(a)" filed 06 May 2011 in the United States Patent and Trademark Office (USPTO) requesting acceptance of the application without the signature of nonsigning inventor REZA SADJADI.

BACKGROUND

On 07 November 2008, applicant filed international application PCT/US2008/82915. The application claimed a priority date of 08 November 2007, and it designated the United States. The deadline for submission of the basic national fee was thirty months from the priority date, i.e., 08 May 2010.

On 07 May 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 22 June 2010, a Notification Of Missing Requirements (Form PCT/DO/EO/905) was issued indicating that an oath or declaration in compliance with 37 CFR 1.497 and the surcharge for filing the oath or declaration later than thirty months after the priority date were required.

On 22 December 2010, a response to the Notification Of Missing Requirements was filed with the required four-month extension fee. The response included payment of the required surcharge 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 Reza Sadjadi, whom petitioner asserts has refused to execute the application. On 07 March 2011, a decision dismissing the petition was mailed to applicant.

DISCUSSION

A petition under 37 CFR §1.47(a) must be accompanied by (1) the 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).

Items (1), (3) and (4) were previously satisfied.

The decision mailed on 07 March 2011 requested confirmation regarding delivery (presentation) of the application papers[1] to the nonsigning inventor including a copy of the United States Postal Service (USPS) Express Mail tracking statement. Attorney Lee's declaration indicates his secretary Dawn Wold sent a copy of the application papers including the declaration to the nonsigning inventor's last known address. If Petitioner wishes to rely on the presentation of the application papers from Ms. Wold, a first hand statement of facts should be provided from her and is required.

Petitioner states that the Express Mail was returned as "unclaimed". The correspondence sent to the nonsigning inventor on 15 December 2010 was sent by Ms. Dawn Wold. The USPS Tracking Receipt indicates that two Notices were left for the nonsigning inventor (on 16 December and 29 December 2010). On 14 January 2011, the USPS notified the sender that the correspondence was 'Unclaimed' and returned it to the sender. This is not sufficient evidence of the nonsigning inventor's refusal. The inventor may have been out of town during the holiday period within which the correspondence was attempted to be delivered. Petitioner does not indicate what attempts were made to confirm the last known address of the nonsigning inventor

---

[1] Section 409.03(d) of the Manual of Patent Examining Procedure (MPEP), Proof of Unavailability or Refusal states: A refusal by an inventor to sign an oath or declaration when the inventor has not been presented with the application papers does not itself suggest that the inventor is refusing to join the application unless it is clear that the inventor understands exactly what he or she is being asked to sign and refuses to accept the application papers. A copy of the application papers should be sent to the last known address of the nonsigning inventor, or , if the nonsigning inventor is represented by counsel, to the address of the nonsigning inventor's attorney.... It is reasonable to require that the inventor be presented with the application papers before a petition under 37 CFR 1.47 is granted since such a procedure ensures that the inventor is apprised of the application to which the oath or declaration is directed. *In re Gray*, 115 USPQ 80 (Comm'r Pat. 1956).

Where a refusal of the inventor to sign the application papers is alleged, the circumstances of the presentation of the application papers and of the refusal must be specified in a statement of facts by the person who presented the inventor with the application papers and/or to whom the refusal was made. Statements by a party not present when an oral refusal is made will not be accepted. Proof that a *bona fide* attempt was made to present a copy of the application papers (specification, including claims, drawings, and oath or declaration) to the nonsigning inventor for signature, but the inventor refused to accept delivery of the papers or expressly stated that the application papers should not be sent, may be sufficient. When there is an express oral refusal, that fact along with the time and place of the refusal must be stated in the statement of facts. When there is an express written refusal, a copy of the document evidencing that refusal must be made part of the statement of facts. The document may be redacted to remove material not related to the inventor's reasons for refusal.

When it is concluded by the 37 CFR 1.47 applicant that a nonsigning inventor's conduct constitutes a refusal, all facts upon which the conclusion is based should be stated in a statement of facts in support of the petition or directly in the petition. If there is documentary evidence to support facts alleged in the petition or any statement of facts, such evidence should be submitted. Whenever a nonsigning inventor gives a reason for refusing to sign the application oath or declaration, that reason should be stated in the petition.
(Emphasis added.)

or to contact him by telephone or email regarding his refusal to sign the application papers. It is not clear from the present record that the address used by applicant is current for the inventor to actually receive the signature request. Thus, it cannot be concluded that inventor Sadjadi refuses to sign the application papers at this time. Item (2) is not yet satisfied.

With respect to Petitioner's inability to find or reach the nonsigning inventor, Petitioner must demonstrate what "diligent efforts" were undertaken by Petitioner to locate him and obtain his signature on the declaration. As indicated in the MPEP Section 409.03(d), 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. *See* Section 409.03(d) of the Manual of Patent Examining Procedure (MPEP), Proof of Unavailability or Refusal.

In sum, Items (1),(3),(4) are satisfied. Item (2) is not yet satisfied. 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

Tel: 571-272-3286

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
Washington, D.C. 20231
www.uspto.gov

MAILED

NOV 16 2011

PCT LEGAL ADMINISTRATION

Beyer Law Group LLP
P.O. BOX 1687
Cupertino CA 95015-1687

In re Application of
KIM et al.
Serial No.: 12/742,073
PCT No.: PCT/US08/82915
Int. Filing Date: 07 November 2008
Priority Date: 08 November 2007
Atty Docket No.: LAM1P258/P1734
For: PITCH REDUCTION USING OXIDE SPACER

DECISION ON

PETITION

UNDER 37 CFR 1.47(a)

This decision is in response to applicant's "Renewed Petition under 37 CFR 1. 47(a)" filed 13 September 2011 in the United States Patent and Trademark Office (USPTO).

The procedural history of this application was set forth in the decision mailed on 13 July 2011 and is hereby incorporated by reference.

Petitioner has now presented a renewed petition under 37 CFR 1.47(a) along with declaration signed by previously nonsigning joint inventor S.M. Reza Sadjadi. A review of the declarations reveals that the declarations identify and are executed by all the inventors named in the international application (Jisoo Kim, Conan Chiang, Jun Shinagawa and S.M. Reza Sadjadi).

The renewed petition under 37 CFR 1.47(a) is considered moot as declaration executed by the previously unavailable inventor has now been submitted. The declaration is acceptable under 37 CFR 1.497(a) and (b).

CONCLUSION

For the above reasons, the renewed petition under 37 CFR 1.47(a) is **DISMISSED AS MOOT**. The declaration executed by the previously nonsigning inventor and submitted on 13 September 2011 is in compliance with 37 CFR 1.497(a) and (b) and is acceptable.

This application is being forwarded to United States Designated/Elected Office for further processing. The 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date is 13 September 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
www.uspto.gov

MAILED

MAR 25 2011

PCT LEGAL ADMINISTRATION

Egbert Law Offices
412 Main Street, 7th Floor
Houston, TX 77002

In re Application of	:	
GAFFEY, Philip	:	
Application No.: 12/742,122	:	
PCT No.: PCT/GB2008/003481	:	DECISION ON PETITION
Int. Filing Date: 15 October 2008	:	UNDER 37 CFR 1.137(b)
Priority Date: 13 November 2007	:	
Attorney Docket No.: 818,143	:	
For: WATER TREATMENT APPARATUS	:	

The petition to revive under 37 CFR 1.137(b) filed 22 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 (declaration of inventorship) and the requirements of 37 CFR 1.137(b) have been satisfied. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

This application is being returned to the United States Designated/Elected Office for processing in accordance with this decision.

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Tel: (571) 272-3298

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.
12/742,124	06/25/2010	Stijn Put	13810-48	2560

45473 7590 03/18/2011
BRINKS, HOFER, GILSON & LIONE
P.O. BOX 110285
RESEARCH TRIANGLE PARK, NC 27709

EXAMINER	
ART UNIT	PAPER NUMBER
1736	

MAIL DATE	DELIVERY MODE
03/18/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MAR 18 2011

CST

In re application of Stijn Put et al Serial No. 12/742,124 Filed: June 25, 2010 For: PROCESS FOR THE MANUFACTURE OF RUTILE TITANIUM DIOXIDE POWDERS	:	DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PILOT PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program filed January 19, 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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

SMITH PATENT CONSULTING, LLC
515 East Braddock Road
Suite B
ALEXANDRIA VA 22314

MAILED

OCT 0 1 2010

OFFICE OF PETITIONS

In re Application of :
Martin Eckermann et al. :
Application No. 12/742,145 :
Filed: June 1, 2010 :
Attorney Docket No. **LNK-066** :

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the request to withdraw as attorney of record under 37 CFR § 1.36(b), filed September 8, 2010.

The request is **NOT APPROVED**.

The request cannot be approved because the Office no longer accept address changes to a new practitioner/customer number or law firm filed with a request, absent the filing of a power of attorney to the new representative.

The Office will only accept correspondence address changes to the most current address information provided for the assignee of the entire interest *who properly became of record under 37 CFR 3.71,* or, if no assignee of the entire interest has properly been made of record, the most current address information provided for the first named inventor. 37 CFR 3.71(c) states:

> *An assignee becomes of record either in a national patent application or a reexamination proceeding by filing a statement in compliance with § 3.73(b) that is signed by a party who is authorized to act on behalf of the assignee.*

The assignee must establish its ownership of the patent to the satisfaction of the Director. In this regard, the statement under 37 CFR 3.73(b) must have either: (i) documentary evidence of a chain of title from the original owner to the assignee (*e.g.*, copy of an executed assignment), and a statement affirming that the documentary evidence of the chain of title from the original owner to the assignee was or concurrently is being submitted for recordation pursuant to § 3.11; or (ii) a statement specifying where documentary evidence of a chain of title from the original owner to the assignee is recorded in the assignment records of the Office (*e.g.*, reel and frame number).

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to the undersigned at (571) 272-4584.

/JoAnne Burke/
JoAnne Burke
Petitions Examiner
Office of Petitions

Doc Code: PET.GREEN
Document Description: Petition for Green Tech Pilot

PTO/SB/420 (11-10)
Approved for use through 01/31/2011. OMB 0651-0062
U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Attorney Docket Number: 65504-007US1	Application Number (if known): 12/742,149	Filing date: August 5, 2010
First Named Inventor: Sean Dennis Simpson		
Title: NOVEL BACTERIA AND METHODS OF USE THEREOF		

APPLICANT HEREBY REQUESTS TO PARTICIPATE IN THE GREEN TECHNOLOGY PILOT PROGRAM FOR THE ABOVE-IDENTIFIED APPLICATION. See Instruction Sheet on page 2.

This petition must be timely filed electronically using the USPTO electronic filing system, EFS-Web.

1. By filing this petition:

   Applicant is requesting early publication: Applicant hereby requests early publication under 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d) accompanies this request.

2. By filing this petition: applicant is agreeing to make an election without traverse in a telephonic interview and elect an invention that meets the eligibility requirements for the Green Technology Pilot Program, if the Office determines that the claims are not obviously directed to a single invention. See Instruction Sheet.

3. This request is accompanied by statements of special status for the eligibility requirement.

4. The application contains no more than three (3) independent claims and twenty (20) total claims.

5. The application does not contain any multiple dependent claims.

6. Other attachments: _____

Signature	Date January 27, 2011
Name (Print/Typed) Faustino A. Lichauco	Registration Number 41,942

Note: *Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature see below*.*

[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.

Attorney Docket No.: 65504-007US1
Client Ref. No.: SHR 507609USPR

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Sean Dennis Simpson et al. Art Unit : 1657
Serial No. : 12/742,149 Examiner : Vera Afremova
Filed : August 5, 2010
Title : NOVEL BACTERIA AND METHODS OF USE THEREOF

MAIL STOP AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

STATEMENT OF SPECIAL STATUS FOR ELIGIBILITY REQUIREMENT

Applicant requests that this application be made special pursuant to the Pilot Program for Green Technologies as set forth in the Federal Register.[1]

The invention is believed to be eligible for the Pilot Program because of its material contribution to the development of renewable energy resources and the reduction of greenhouse gas emissions.

More specifically, the invention is directed to bacteria that capture carbon and produce useful products such as bio-fuels and fuel alcohols by a gas fermentation process.

More specifically, a carbon monoxide-containing gas that is obtained as a waste product of an industrial process is used as a substrate during anaerobic fermentation in a bioreactor containing a biologically pure isolate of a bacterium to produce one or more products including alcohols and acetate.

Waste gas streams from steel mills are often flared off (burnt). This burning results in significant quantities of carbon dioxide, a greenhouse gas.

The disclosed bacteria reduces total atmospheric carbon emissions from such industrial processes by capturing carbon from the waste gas streams. The bacteria and methods described in the application enable the carbon that would otherwise go into

[1] 74 Fed. Reg. 234 (December 8, 2009), page 64666 et seq., and 75 Fed. Reg. 98 (May 21, 2010).

forming greenhouse gas to instead be captured to generate useful products. This reduces the emission of the greenhouse gases and limits their damaging effects on the environment.

Some bacteria described in the application are capable of producing useful products in conditions that include a range of gas concentrations and pH levels. This range of conditions under which the bacteria can be used maximizes the efficiency of the carbon capture process and therefore the amount of carbon captured.

Accordingly, the subject matter of this application plays a material role in the development of renewable energy resources and the reduction of greenhouse gas emissions. Applicant therefore requests that examination be accelerated under the Pilot Program.

Pursuant to the requirements of the Pilot Program, please apply the $300 publication fee to Deposit Account No. 50-4189, referencing Attorney Docket No. 65504-007US1.

Respectfully submitted,

Date: January 27, 2011

Faustino A. Lichauco
Reg. No. 41,942

Customer No. 69713
Occhiuti Rohlicek & Tsao LLP
10 Fawcett Street
Cambridge, MA 02138
Telephone: (617) 500-2533
Facsimile: (617) 500-2499

Attorney Docket No.: 65504-007US1
Client Ref. No.: SHR 507609USPR

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant	: Sean Dennis Simpson et al.	Art Unit	: 1657
Serial No.	: 12/742,149	Examiner	: Vera Afremova
Filed	: August 5, 2010	Conf. No.	: 2786
Title	: NOVEL BACTERIA AND METHODS OF USE THEREOF		

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

STATEMENT REGARDING PUBLICATION

This application was published on December 9, 2010 as U.S. Publication No. US-2010-0311104-A1. Pursuant to the requirements of the Pilot Program for Green Technologies, please apply the $300 publication fee to Deposit Account No. 50-4189, referencing Attorney Docket No. 65504-007US1.

Respectfully submitted,

Date: January 27, 2011

Faustino A. Lichauco
Reg. No. 41,942

Customer No. 69713
Occhiuti Rohlicek & Tsao LLP
10 Fawcett Street
Cambridge, MA 02138
Telephone: (617) 500-2533
Facsimile: (617) 500-2499

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.
12/742,149	08/05/2010	Sean Dennis Simpson	65504-007US1	2786

69713 7590 02/07/2011
OCCHIUTI ROHLICEK & TSAO, LLP
10 FAWCETT STREET
CAMBRIDGE, MA 02138

EXAMINER	
AFREMOVA, VERA	
ART UNIT	**PAPER NUMBER**
1657	

NOTIFICATION DATE	DELIVERY MODE
02/07/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

INFO@ORTPATENT.COM

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

FEB 0 7 2011

OCCHIUTI ROHLICEK & TSAO, LLP
10 FAWCETT STREET
CAMBRIDGE MA 02138

In re Application of :
SIMPSON, Sean *et al.* : DECISION ON PETITION
Application No. 12/742149 : TO MAKE SPECIAL UNDER
Filed: August 5, 2010 : THE GREEN TECHNOLOGY
Attorney Docket No. 65504-007US1 : PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed January 27, 2011, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The instant petition complies with items 1 – 8 above. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquires concerning this decision should be directed to Manjunath Rao at 571-272-0939.

The application is being forwarded to the Technology Center Art Unit 1657 for action on the merits commensurate with this decision.

/Manjunath Rao/

Manjunath Rao
Supervisory Patent Examiner &
POC for TC 1600 Green Tech Petitions
Technology Center 1600

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MAILED

OCT 29 2010

PCT LEGAL ADMINISTRATION

Knobbe Martens Olson & Bear LLP
2040 Main Street
Fourteenth Floor
Irvine, CA 92614

In re Application of :
McAULEY et al. :
U.S. Application No.: 12/742,172 :
PCT No.: PCT/NZ2008/000307 :
Int. Filing Date: 14 November 2008 : DECISION ON PETITION
Priority Date: 16 November 2007 :
Attorney Docket No.: 1171/49167/228-PCT-US :
For: NASAL PILLOWS WITH HIGH VOLUME BYPASS FLOW AND METHOD OF USING SAME :

This decision is issued in response to applicants' "Petition under 37 CFR 1.182 to Change Inventor's Name" filed 06 October 2010. Applicants are requesting to change the name of the third inventor from Fiona Elizabeth Anderson to Fiona Elizabeth Cresswell due to marriage. The $400 petition fee under 37 CFR 1.17 has been submitted.

BACKGROUND

On 10 May 2010, applicants filed a transmittal letter for entry into the national stage in the United States accompanied by, among other materials, the payment of the basic national fee; a copy of the international application; a preliminary amendment; and an application data sheet.

On 30 July 2010, the United Stated Designated/Elected Office mailed a Notification of Missing Requirements (Form PCT/DO/EO/905) indicating that an additional claims fees ($104) and 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 27 August 2010, applicants filed a declaration executed by: Alastair Edwin McAuley, Ian Douglas Makinson, and Fiona Elizabeth Cresswell.

On 08 September 2010, the United States Designated/Elected Office (DO/EO/US) mailed a Notification of Defective Response (Form PCT/DO/EO/916) indicating that the declaration filed 27 August 2010 was not executed in accordance with 37 CFR 1.497(a) and (b) and does not properly identify the third inventor.

On 08 October 2009, applicants filed the present "Petition under 37 CFR 1.182 to Change Inventor's Name."

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 third inventor from Fiona Elizabeth Anderson to Fiona Elizabeth Cresswell. Accordingly, the present submission has been treated as a petition under 37 CFR 1.182 to correct the name of the third 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 required fees, satisfying the petition fee requirement. As for the affidavit requirement or copy of the court order, applicants have submitted a "Statement by Inventor to Accompany Petition under 37 CFR 1.182 to Change Inventor's Name" regarding the name change. This affidavit states that the inventor's surname was changed, and that her name was legally changed to Fiona Elizabeth Cresswell as a result of marriage.

However, a review of the declaration submitted 27 August 2010 (executed by Alastair Edwin McAuley, Ian Douglas Makinson, and Fiona Elizabeth Cresswell) reveals that it is not in compliance with the requirements of 37 CFR 1.497(a) and (b). Specifically, the declaration submitted is not legible. (See page two left hand size of the declaration.) Accordingly, the declaration cannot be accepted in its present form.

In that an acceptable declaration of the inventor(s) has not been submitted, the application cannot be accepted into the national stage 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
Telephone: 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

Knobbe Martens Olson & Bear LLP
2040 Main Street
Fourteenth Floor
Irvine, CA 92614

MAILED

JAN 31 2011

PCT LEGAL ADMINISTRATION

In re Application of :
McAULEY et al. :
U.S. Application No.: 12/742,172 :
PCT No.: PCT/NZ2008/000307 :
Int. Filing Date: 14 November 2008 : DECISION ON PETITION
Priority Date: 16 November 2007 :
Attorney Docket No.: 1171/49167/228-PCT-US :
For: NASAL PILLOWS WITH HIGH VOLUME BYPASS FLOW AND METHOD OF USING SAME :

This decision is issued in response to applicants' "Renewed Petition under 37 CFR 1.182" filed 28 December 2010. Applicants are requesting to change the name of the third inventor from Fiona Elizabeth Anderson to Fiona Elizabeth Cresswell due to marriage. The $400 petition fee under 37 CFR 1.17 has been submitted.

BACKGROUND

On 10 May 2010, applicants filed a transmittal letter for entry into the national stage in the United States accompanied by, among other materials, the payment of the basic national fee; a copy of the international application; a preliminary amendment; and an application data sheet.

On 30 June 2010, the United Stated Designated/Elected Office mailed a Notification of Missing Requirements (Form PCT/DO/EO/905) indicating that an additional claims fees ($104) and 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 27 August 2010, applicants filed a declaration executed by: Alastair Edwin McAuley, Ian Douglas Makinson, and Fiona Elizabeth Cresswell.

On 08 September 2010, the United States Designated/Elected Office (DO/EO/US) mailed a Notification of Defective Response (Form PCT/DO/EO/916) indicating that the declaration filed 27 August 2010 was not executed in accordance with 37 CFR 1.497(a) and (b) and does not properly identify the third inventor.

On 06 October 2010, applicants filed a "Petition under 37 CFR 1.182 to Change Inventor's Name." In a decision dated 05 November 2010, applicants' petition under 37 CFR 1.182 was dismissed without prejudice.

On 28 December 2010, applicants filed the present renewed petition under 37 CFR 1.182 which included a newly executed declaration.

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 third inventor from Fiona Elizabeth Anderson to Fiona Elizabeth Cresswell. Accordingly, the present submission has been treated as a petition under 37 CFR 1.182 to correct the name of the third 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 required fees, satisfying the petition fee requirement. As for the affidavit requirement or copy of the court order, applicants have submitted a "Statement by Inventor to Accompany Petition under 37 CFR 1.182 to Change Inventor's Name" regarding the name change. This affidavit states that the inventor's surname was changed, and that her name was legally changed to Fiona Elizabeth Cresswell as a result of marriage.

A review of the declaration submitted 28 December 2010 (executed by Alastair Edwin McAuley, Ian Douglas Makinson, and Fiona Elizabeth Cresswell) reveals that it is in compliance with the requirements of 37 CFR 1.497(a) and (b).

Therefore, item (2) has been satisfied, and thus the petition may not be granted at this time.

CONCLUSION

Applicant's petition under 37 CFR 1.182 to change the name of record for inventor Fiona Elizabeth Anderson to Fiona Elizabeth Cresswell 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
Telephone: 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

HARRIET M. STRIMPEL, D. PHIL.
NEW ENGLAND BIOLABS, INC.
240 COUNTY ROAD
IPSWICH, MA 01938-2723

MAILED
AUG 10 2011
PCT LEGAL ADMINISTRATION

In re Application of SCHNEIDERHAN-MARRA et al :
U.S. Application No.: 12/742,198 :
PCT Application No.: PCT/EP2008/065129 :
Int. Filing Date: 07 November 2008 : DECISION
Priority Date Claimed: 08 November 2007 :
Attorney Docket No.: CV-001-PUS :
For: METHOD OF QUANTIFYING TRANSIENT :
INTERACTIONS BETWEEN PROTEINS :

This is in response to applicant's petition under 37 CFR 1.182 filed 23 June 2011.

BACKGROUND

On 07 November 2008, applicant filed international application PCT/EP2008/065129, which claimed priority of an earlier European Patent Office application filed 08 November 2007. A copy of the international application was communicated to the USPTO from the International Bureau on 14 May 2009. The thirty-month period for paying the basic national fee in the United States expired on 10 May 2010.

On 10 May 2010, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission identified "PCT/EP2009/065129" as the international application number.

On 23 February 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 of the international application must be submitted.

On 14 June 2011, the DO/EO/US mailed a Notice of Acceptance of Application Under 35 U.S.C. 371 (Form PCT/DO/EO/903).

On 23 June 2011, applicant filed the present petition under 37 CFR 1.182.

DISCUSSION

The petition states that the incorrect international application number was mistakenly listed on several documents submitted on 10 May 2010. A review of the 10 May 2010 submission reveals that the correct international application number PCT/EP2008/065129 was present on at least one document (e.g. the amendment to the specification). Accordingly, correction of the application is permissible. Applicant's explanation for the error is accepted.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.182 is GRANTED.

The Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905) mailed 23 February 2011 is hereby VACATED.

The Notice of Acceptance of Application Under 35 U.S.C. 371 (Form PCT/DO/EO/903) mailed 14 June 2011 is hereby VACATED.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision, including preparation and mailing of a new Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905), which should indicate that the declarations filed 16 November 2010 do not properly identify the specification to which they are directed. Specifically, the declarations list the incorrect international application number. Furthermore, the declaration filed 23 June 2011 is improper because a declaration cannot be altered after it has been executed. See MPEP 602.01. Additionally, it is noted that some of the declarations list the surname of the first inventor as "Schneider-Han-Marra" which does not match the surname shown in the international application. Newly executed declarations are required.

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
www.uspto.gov

MAILED

NOV 26 2010

PCT LEGAL ADMINISTRATION

PANITCH SCHWARZE BELISARIO & NADEL LLP
ONE COMMERCE SQUARE
2005 MARKET STREET, SUITE 2200
PHILADELPHIA PA 19103

In re Application of :
Ochi et al. :
Application No. 12/742,266 :
PCT No.: PCT/JP2008/071999 :
Int. Filing Date: 27 November 2008 : DECISION
Priority Date: 30 November 2007 :
Atty. Docket No.: 600630-149US(S18558US01) :
For: Olefin Polymerization Catalyst And :
Production Process Of Olefin Polymer :

This is in response to the correspondence filed on 09 July 2010.

BACKGROUND

This international application was filed on 27 November 2008, claimed an earlier priority date of 30 November 2007, and designated the U.S. The International Bureau transmitted a copy of the published international application to the USPTO on 04 June 2009. The 30 month time period for paying the basic national fee in the United States expired at midnight on 30 May 2010. Applicants filed, *inter alia*, the basic national fee on 11 May 2010.

On 11 June 2010, a Notification of Missing Requirements (Form PCT/DO/EO/905) was mailed to applicants, requiring an oath or declaration compliant with 37 CFR 1.497(a) and (b) and the surcharge under 37 CFR 1.492(h).

DISCUSSION

Inspection of the executed declaration filed on 11 May 2010 reveals that it nominates "Naoko OCHI" in place of "NUMAO, Naoko" named in the published international application. MPEP 605.04(b) states in part that

> *Except for correction of a typographical or transliteration error in the spelling of an inventor's name, a request to have the name changed from the typewritten version to the signed version or any other corrections in the name of the inventor(s) will not be entertained, unless accompanied by a petition under 37 CFR 1.182 together with an appropriate petition fee.*

In that the requested change clearly represents more than the correction of a typographical or transliteration error, a formal petition under 37 CFR 1.182 would be required in order for the change to be accepted. Any such petition should be accompanied by a first-hand statement, preferably by the inventor himself, stating the relevant facts. *See also* MPEP 1893.01(e).

Applicants state that the name change was due to marriage, and have presented a letter by Jiro Horikawa to that effect. However, applicants have not formally petitioner for relief under 37 CFR 1.182. In addition, it is not clear whether the Horikawa statement is made on the basis of first-hand knowledge. Preferably, applicants should present a statement by the inventor herself attesting to whether both names identify the same person and to the circumstances under which the name was changed.

DECISION

The declaration is **NOT ACCEPTED**, without prejudice.

If reconsideration on the merits of this matter is desired, a proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time are available under 37 CFR 1.136(a). Failure to timely reply will result in **ABANDONMENT**.

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

/George Dombroske/
George Dombroske
PCT Legal Examiner
Office of PCT Legal Administration
Tel: (571) 272-3283

United States 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

FEB 17 2011

PCT LEGAL ADMINISTRATION

PANITCH SCHWARZE BELISARIO & NADEL LLP
ONE COMMERCE SQUARE
2005 MARKET STREET, SUITE 2200
PHILADELPHIA PA 19103

In re Application of :
Ochi et al. :
Application No. 12/742,266 :
PCT No.: PCT/JP2008/071999 :
Int. Filing Date: 27 November 2008 : DECISION
Priority Date: 30 November 2007 :
Atty. Docket No.: 600630-149US(S18558US01) :
For: Olefin Polymerization Catalyst And :
Production Process Of Olefin Polymer :

This is in response to the petition under 37 CFR 1.182 filed on 17 December 2010.

DISCUSSION

In a Decision mailed on 26 November 2010, applicants were advised that

> Inspection of the executed declaration filed on 11 May 2010 reveals that it nominates "Naoko OCHI" in place of "NUMAO, Naoko" named in the published international application. MPEP 605.04(b) states...
>
> In that the requested change clearly represents more than the correction of a typographical or transliteration error, a formal petition under 37 CFR 1.182 would be required in order for the change to be accepted. Any such petition should be accompanied by a first-hand statement, preferably by the inventor himself, stating the relevant facts. *See also* MPEP 1893.01(e).
>
> Applicants state that the name change was due to marriage, and have presented a letter by Jiro Horikawa to that effect. However, applicants have not formally petitioned for relief under 37 CFR 1.182. In addition, it is not clear whether the Horikawa statement is made on the basis of first-hand knowledge. Preferably, applicants should present a statement by the inventor herself attesting to whether both names identify the same person and to the circumstances under which the name was changed.

In response, applicants have filed the instant petition under 37 CFR 1.182. The petition is accompanied by a "Declaration of Naoko Ochi...," who states that she was named as Naoko Numao in the published international application, but that her name has now changed to Naoko Ochi due to marriage. In view of the totality of the evidence now of record in the application, including the inventor's statements, it would be appropriate to accept Naoko Ochi's name as it appears on the declaration filed on 11 May 2010.

DECISION

The petition under 37 CFR 1.182 is **GRANTED**.

This application is being returned to the Office of Patent Application Processing. Its date under 35 U.S.C. 371(c)(1), (2) and (4) is **11 May 2010.**

/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

21884
WELSH & FLAXMAN LLC
2000 Duke Street, Suite 100
Alexandria, VA 22314

MAILED

NOV 04 2010

PCT LEGAL ADMINISTRATION

In re Application of
TUAL *et al*
U.S. Application No.: 12/742,365
PCT No.: PCT/GB2008/003937
Int. Filing Date: 26 November 2008
Priority Date: 27 November 2007
Attorney Docket No.: GJE-016
For: JUNCTION BOX

DECISION

This decision is in response to the petition under 37 CFR 1.182 filed 03 August 2010.

BACKGROUND

On 11 May 2010, applicants filed papers using the USPTO EFS-Web system as the national stage of PCT/US2008/003937. All other papers filed on the initial filing listed the international application as PCT/GB2008/003937.

On 30 July 2010, the United States Designated/Elected Office (DO/EO/US) mailed a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that a declaration in compliance with 37 CFR 1.497(a) and (b) was required. Applicants were given two months to respond with extensions of time available pursuant to 37 CFR 1.136(a).

On 03 August 2010, applicants filed the subject petition which was accompanied by a $400.00 petition fee.

On 30 September 2010, applicants filed an executed declaration.

DISCUSSION

Applicants' petition under 37 CFR 1.182 to correct the PCT number in the above-captioned national stage application to PCT/GB2008/003937. The $400.00 petition fee has been paid.

A review of the above-captioned application file verifies that the wrong PCT number (PCT/US2008/00380) was designated when filing the application electronically using the USPTO EFS-Web. All other papers including the transmittal letter and

preliminary amendment correspond to PCT/GB2008/003937. WIPO records show that the title, international filing date, priority date and listed applicants correspond to PCT/GB2008/003937, not PCT/US2008/003937.

Thus, it is clear that the subject application was intended to be filed as the national stage of PCT/GB2008/003937 but for the typographical error made upon filing.

CONCLUSION

Applicants' petition under 37 CFR 1.182 is **GRANTED**.

USPTO records have been changed to reflect that the above-captioned application is the national stage of PCT/GB2008/003937.

This application is being forwarded to the DO/EO/US for further processing in accordance with this decision.

James Thomson

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Decision Date : February 14, 2012

In re Application of :

Marnix Van Loock

Application No : 12742374

Filed : 11-May-2010

Attorney Docket No : 026038.0337PTUS

DECISION ON REQUEST TO WITHDRAW AS ATTORNEY/AGENTOF RECORD

This is an electronic decision on the Request to Withdraw as attorney or agent of record under 37 CFR§ 1.36(b), filed February 14, 2012

The request is **APPROVED**

The request was signed by Scott A. Chambers (registration no. 37573) on behalf of all attorneys/agents associated with Customer Number 32042 . All attorneys/agents associated with Customer Number 32042 have been withdrawn.

Since there are no remaining attorneys of record, all future communications from the Office will be directed to the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71, with Customer number 27777 .

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	12742374
Filing Date	11-May-2010
First Named Inventor	Marnix Van Loock
Art Unit	1648
Examiner Name	JEFFREY PARKIN
Attorney Docket Number	026038.0337PTUS
Title	METHOD FOR DETERMINING ONE OF THE TWO HUMAN IMMUNODEFICIENCY VIRUS (HIV) INTEGRASE ENZYMATIC ACTIVITIES

◉ Please withdraw me as attorney or agent for the above identified patent application and the practitioners of record associated with Customer Number: 32042

The reason(s) for this request are those described in 37 CFR:

10.40(b)(4)

10.40(c)(5)

Certifications

☒ I/We have given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intend to withdraw from employment

☒ I/We have delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled

☒ I/We have notified the client of any responses that may be due and the time frame within which the client must respond

Change the correspondence address and direct all future correspondence to:
The address of the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71, associated with Customer Number: 27777

I am authorized to sign on behalf of myself and all withdrawing practitioners.

Signature	/Scott A. Chambers/
Name	Scott A. Chambers
Registration Number	37573

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MAILED

NOV 26 2010

PCT LEGAL ADMINISTRATION

WELSH FLAXMAN & GITLER LLC
2000 DUKE STREET, SUITE 100
ALEXANDRIA VA 22314

In re Application of :
LOWE, Christopher R., et al. :
Application No.: 12/742,380 :
PCT No.: PCT/GB2008/003968 :
Int. Filing Date: 28 November 2008 :
Priority Date: 30 November 2007 :
Attorney's Docket No.: GJE-017 :
For: SENSING SYSTEM AND METHOD :

DECISION

ON REQUEST UNDER

37 CFR 1.497(d)

This decision is in response to request under 37 CFR 1.48(a), filed in the United States Patent and Trademark Office on 14 September 2010. It has been treated as a request under 37 CFR 1.497(d).

BACKGROUND

On 30 July 2010, the Office mailed Notification of Missing Requirements (Form PCT/DO/EO/905) indicating that an oath or declaration of the inventors was required.

On 14 September 2010, applicants filed a declaration of the inventors and this petition to add inventor Brian Juinovich, to the application.

On 30 September 2010, applicants filed a response to the Notification of Missing Requirements, accompanied by a declaration.

DISCUSSION

The MPEP states "it is improper for anyone, including counsel, to alter, rewrite, or partly fill in any part of the application, including the oath or declaration, after execution by the applicant." MPEP 605.04(a). The 14 September 2010 declaration has had its page numbers modified and has had a page executed by David Cebon added to one copy. Further, when compared to the 30 September 2010 declaration, it appears that the page numbers were modified to add the page executed by Brian Jujnovich. A **new** oath or declaration of the inventors in compliance with 37 CFR 1.497(a)-(b) is required.

Additionally, while it is acceptable for inventors to execute separate copies of the oath or declaration, each copy must comply with 37 CFR 1.497(a)-(b) and the entire copy of the declaration *as executed* by the inventor must be returned to the Office. It is not acceptable to take pages from separately executed copies of the declaration and piece them together to create a single composite declaration. MPEP 605.04(a).

Applicants file this request to add Brian Jujnovich, as an inventor.

A request under 37 CFR 1.497(d) requires: (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) the written consent of the assignee, if an original named inventor has executed an assignment.

Item (2) has been satisfied.

Items (1) and (3) have not been satisfied. The statement of Brian Jujnovich is for a different application. The consent of the assignee and statement under 37 CFR 3.73(b) are for a different application. The assignment recorded in this application is for inventors not listed on the application.

CONCLUSION

For the above reasons, applicant's request under 37 CFR 1.497(d) is **DISMISSED** without prejudice.

A proper response, including an oath or declaration in compliance with 37 CFR 1.497(a)-(b) must be filed within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time are available under 37 CFR 1.136(a).

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Telephone: 571-272-3292

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MAILED

APR 04 2011

PCT LEGAL ADMINISTRATION

WELSH FLAXMAN & GITLER LLC
2000 DUKE STREET, SUITE 100
ALEXANDRIA VA 22314

In re Application of :
LOWE, Christopher R., et al. :
Application No.: 12/742,380 :
PCT No.: PCT/GB2008/003968 :
Int. Filing Date: 28 November 2008 :
Priority Date: 30 November 2007 :
Attorney's Docket No.: GJE-017 :
For: SENSING SYSTEM AND METHOD :

DECISION

ON PETITION UNDER

37 CFR 1.59(b)

This decision is in response to applicants' Petition to Expunge Under 37 CFR 1.59(b), filed in the United States Patent and Trademark Office on 19 January 2011.

BACKGROUND

On 30 July 2010, the Office mailed Notification of Missing Requirements (Form PCT/DO/EO/905) indicating that an oath or declaration of the inventors in compliance with 37 CFR 1.497(a)-(b) was required.

On 14 September 2010, applicants filed a request under 37 CFR 1.497(d) to add an inventor to the application, accompanied by a declaration of the inventors.

On 30 September 2010, applicants filed a declaration of the inventors listing the originally named inventors.

On 26 November 2010, the Office mailed a decision requiring a new declaration of the inventors and refusing applicants' request to add an additional inventor.

On 19 January 2011, applicants filed a petition under 37 CFR 1.59(b) requesting that the Office expunge the 14 September 2010 filing in its entirety and the decision on request under 37 CFR 1.497(d).

DISCUSSION

Under 37 CFR 1.59 (b), applicant may request that the Office expunge information, other than that excluded under (a)(2), by filing a petition, including the fee set forth in §1.17(g) and establishing to the satisfaction of the Director that the expungement of the information is appropriate. The fee has been paid. MPEP 724.05 sets forth the requirements for expungement.

Applicants state that the 14 September 2010 documents were inadvertently submitted and pertain to a different case. They assert that failure to return these papers would cause irreparable harm.

The 14 September 2010 declaration is for this application. Not only is the header for this case, the declaration executes the international application PCT/GB2008/003968 filed 28 November 2008. As to the other papers, applicants have not established how refusal of the petition to expunge would cause applicants irreparable harm.

The 26 November 2010 decision is not a paper submitted by applicant and is not subject to an expungement petition.

Further, the Office requires an explanation from inventors Cebon and Jujnovich as to why they executed a declaration listing them as inventors of PCT/GB2008/003968.

CONCLUSION

Applicants' petition to expunge is hereby **DISMISSED** without prejudice.

A proper reply must be filed within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time are available under 37 CFR 1.136(a). Failure to timely respond will result in the abandonment of 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

Phone: (571) 272-3292

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MAILED

JUL 11 2011

PCT LEGAL ADMINISTRATION

WELSH FLAXMAN & GITLER LLC
2000 DUKE STREET, SUITE 100
ALEXANDRIA VA 22314

In re Application of	:	
LOWE, Christopher R., et al.	:	DECISION
Application No.: 12/742,380	:	
PCT No.: PCT/GB2008/003968	:	ON PETITION UNDER
Int. Filing Date: 28 November 2008	:	
Priority Date: 30 November 2007	:	37 CFR 1.59(b)
Attorney's Docket No.: GJE-017	:	
For: SENSING SYSTEM AND METHOD	:	

This decision is in response to applicants' renewed Petition to Expunge Under 37 CFR 1.59(b), filed in the United States Patent and Trademark Office on 11 May 2011.

BACKGROUND

On 04 April 2011, the Office mailed Decision On Petition Under 37 CFR 1.59(b) dismissing applicant's petition to expunge, without prejudice.

On 11 May 2011, applicants filed a renewed petition under 37 CFR 1.59(b) requesting that the Office expunge the 14 September 2010 filing in its entirety and the decision on request under 37 CFR 1.497(d).

DISCUSSION

Under 37 CFR 1.59 (b), applicant may request that the Office expunge information, other than that excluded under (a)(2), by filing a petition, including the fee set forth in §1.17(g) and establishing to the satisfaction of the Director that the expungement of the information is appropriate. The fee has been paid. MPEP 724.05 sets forth the requirements for expungement.

Applicants state that the 14 September 2010 documents were inadvertently submitted and pertain to a different case. They assert that failure to return these papers would cause irreparable harm.

As applicants acknowledge that some of the 14 September 2010 papers pertain to this case. Further, the Request Under 37 CFR 1.48(a) is directed to this application and is signed by a registered practitioner. That request included payment of a petition fee and was decided by the Office. Applicants have explained that the declaration papers were mishandled and that the petition was prepared in error. Those explanations are in the file. Applicants have not established how refusal of the petition to expunge would cause applicants irreparable harm as the explanation is in the file and the petition decisions are not subject to expungement.

The 26 November 2010 decision is not a paper submitted by applicant and is not subject to an expungement petition. See MPEP 724.05.

Applicants have explained that inventors Cebon and Jujnovich did not execute a declaration listing them as inventors of PCT/GB2008/003968, but rather than the declaration signature pages of a different international application were matched with the declaration pages identifying this application.

CONCLUSION

Applicants' petition to expunge is hereby **DISMISSED** without prejudice.

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

This application is being referred to the National Phase Processing Branch of the Office of Patent Application Processing for further action consistent with this decision.

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Phone: (571) 272-3292

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MAILED

SEP 15 2011

PCT LEGAL ADMINISTRATION

WELSH FLAXMAN & GITLER LLC
2000 DUKE STREET, SUITE 100
ALEXANDRIA VA 22314

In re Application of :
LOWE, Christopher R., et al. :
Application No.: 12/742,380 :
PCT No.: PCT/GB2008/003968 : DECISION
Int. Filing Date: 28 November 2008 :
Priority Date: 30 November 2007 :
Attorney's Docket No.: GJE-017 :
For: SENSING SYSTEM AND METHOD :

This decision is in response to applicants' submission filed in the United States Patent and Trademark Office on 19 July 2011.

As stated in the decision mailed 11 July 2011, the petitions under 37 CFR 1.59 (b) have been dismissed without prejudice. Applicants' explanation of the erroneous declaration is part of the application file wrapper.

As to the requirements under 35 USC 371, the 19 January 2011 declaration complies with MPEP 605.04(a) and will remain in the file for compliance with 37 CFR 1.63. However, as there has been a change in Office policy the composite declaration submitted on 30 September 2010 is being accepted for compliance with 37 CFR 1.497(a)-(b).

This application is being referred to the National Phase Processing Branch of the Office of Patent Application Processing for further action consistent with this decision.

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Phone: (571) 272-3292

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/742,401	09/08/2010	Alan Whitby	M&C-P0011	5282

7590 06/23/2011

BAKER & DANIELS LLP
300 NORTH MERIDIAN STREET
SUITE 2700
INDIANAPOLIS, IN 46204

EXAMINER	
LILLIS, EILEEN DUNN	
ART UNIT	**PAPER NUMBER**
3635	
NOTIFICATION DATE	**DELIVERY MODE**
06/23/2011	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.

Betty Powell

Patent Publication Branch
Office of Data Management

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

32914
GARDERE WYNNE SEWELL LLP
Intellectual Property Section
3000 Thanksgiving Tower
1601 Elm Street
Dallas, TX 75201-4761

MAILED

DEC 01 2010

PCT LEGAL ADMINISTRATION

In re Application of
DUPUIS *et al*
U.S. Application No.: 12/742,435
PCT No.: PCT/FR2008/052037
Int. Filing Date: 13 November 2008
Priority Date: 13 November 2007
Attorney Docket No.: 135971-1000
For: METHOD AND SYSTEM FOR DISTRIBUTING CRYPTOGRAPHIC KEYS IN A HIERARCHIZED NETWORK

DECISION

This decision is in response to applicants' petition under 37 CFR 1.47(a) filed 15 September 2010.

BACKGROUND

On 16 July 2010, a Notification of Missing Requirements (Form PCT/DO/EO/905) was mailed requesting an oath or declaration in compliance with 37 CFR 1.497(a) and (b) and a surcharge fee. Applicants were given two months to respond with extensions of time available under 37 CFR 1.136(a).

On 15 September 2010, applicants filed the subject petition under 37 CFR 1.47(a) which was accompanied by, *inter alia*, a $200.00 petition fee; a $130.00 surcharge fee; a declaration executed by five of the six named inventors; a declaration by Jean-Claude Jeanneret; and documentary evidence in support of the petition (Exhibits A - G).

DISCUSSION

Applicants claim that co-inventor, Mustapha ADIB, refuses to cooperate and have filed the subject petition under 37 CFR 1.47(a).

A petition under 37 CFR 1.47(a) requires: (1) the petition fee; (2) factual proof that the nonsigning joint inventor cannot be located or refuses to cooperate; (3) a statement of the last known address of the nonsigning joint inventor; (4) and an oath or declaration executed by the signing joint inventors on their behalf and on behalf of the

nonsigning joint inventor.

Items (1), (3) and (4) are satisfied in the petition.[1]

Regarding item (2) of 37 CFR 1.47(a), applicants provided a declaration by Mr. Jeanneret listing the steps taken to obtain the cooperation of the nonsigning inventor. A review of this declaration shows that a registered letter (and email) were sent to Mr. ADIB on 10 April 2009 (Exhibit C) requesting that he sign a PCT Power of Attorney. It is noted that this letter refers to an email from Mr. ADIB dated 16 February 2009 which was not provided. Another letter (and email) were sent to Mr. ADIB on 13 May 2009 (Exhibit D) for the PCT Power of Attorney. No response was received. On 10 June 2009, petitioners mailed another letter (and email) to Mr. ADIB (Exhibit E) for the PCT Power of Attorney. No response was received. It is also noted that this letter refers to a letter from Mr. ADIB dated 09 June 2009 which was not provided.

After filing the above-captioned national stage application on 11 May 2010, petitioners mailed another letter (and email) to Mr. ADIB on 05 July 2010 (Exhibit F) requesting that he sign a declaration and assignment. Petitioners mailed another letter to Mr. ADIB on 27 July 2010 and email on 30 July 2010 (Exhibit G) which included a declaration and assignment. No response was received from these letter.

Applicants' burden in showing that an inventor refuses to cooperate is explained in section 409.03(d)(II) of the MPEP. Several pertinent segments are listed below:

> A copy of the application papers should be sent to the last known address of the non-signing inventor, or, if the nonsigning inventor is represented by counsel, to the address of the nonsigning inventor's attorney . . .
>
> When it is concluded by the 37 CFR 1.47 applicant that a nonsigning inventor's conduct constitutes a refusal, all facts upon which that conclusion is based should be stated in the statement of facts in support of the petition or directly in the petition. **If there is documentary evidence to support facts alleged in the petition or in any statement of facts, such evidence should be submitted.** (Emphasis added).

Mr. Jeanneret states in paragraph 21 of his declaration that "Mr. Mustapha ADIB has been supplied with a copy of the above-referenced patent application filed in the United States." However, there is no documentary evidence supporting this claim.

---

[1] The $200.00 petition fee has been paid. The last known address of the nonsigning inventor was provided. A declaration executed by five of the six named inventors was provided. The declaration meets the requirements of MPEP § 409.03(a)(A) and is in compliance with 37 CFR 1.497(a) and (b).

A review of each of the cover letters submitted (Exhibits C - G), do not show that a copy of the subject application was mailed to Mr. ADIB. In addition, applicants have not explained when the application was presented to Mr. ADIB.

Applicants must provide evidence showing that a complete copy of the subject application (specification, claims, and drawings) was provided to Mr. ADIB, or provide a satisfactory explanation why this is not possible in any renewed petition.

It is also noted that applicants failed to provide English translations of certain emails (dated 13, May 15 June 2009, 07 July 2010, and 30 July 2010) provided in Exhibits D - G. The Office will not consider evidence in a foreign language without an accompanying English translation. Moreover, applicants should provide copies of any relevant communication received from Mr. ADIB (with English translations, if appropriate) with regards to his refusal to cooperate in the subject application in any renewed petition.

For these reasons, item (2) of 37 CFR 1.47(a) is not satisfied.

CONCLUSION

Applicants' petition under 37 CFR 1.47(a) is **DISMISSED** without prejudice.

If reconsideration on the merits of this petition is desired, a proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are available.

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

32914
GARDERE WYNNE SEWELL LLP
Intellectual Property Section
3000 Thanksgiving Tower
1601 Elm Street
Dallas, TX 75201-4761

MAILED

JUL 08 2011

PCT LEGAL ADMINISTRATION

In re Application of :
DUPUIS *et al* :
U.S. Application No.: 12/742,435 :
PCT No.: PCT/FR2008/052037 :
Int. Filing Date: 13 November 2008 :
Priority Date: 13 November 2007 : **DECISION**
Attorney Docket No.: 135971-1000 :
For: METHOD AND SYSTEM FOR DISTRIBUTING CRYPTOGRAPHIC KEYS IN A HIERARCHIZED NETWORK :

This decision is in response to applicants' renewed petition under 37 CFR 1.47(a) filed 12 May 2011.

BACKGROUND

On 01 December 2010, a decision dismissing applicants' petition pursuant to 37 CFR 1.47(a) was mailed. Applicants were given two months to respond with extensions of time available.

On 12 May 2011, applicants filed the subject response which was accompanied by, *inter alia*, a four-month extension and fee; a second declaration by Mr. Jeanneret and more documentary evidence in support of the petition (Exhibits CC, H, I, J and K).

DISCUSSION

Applicants claim that co-inventor, Mustapha ADIB, refuses to cooperate.

As previously noted, a petition under 37 CFR 1.47(a) requires: (1) the petition fee; (2) factual proof that the nonsigning joint inventor cannot be located or refuses to cooperate; (3) a statement of the last known address of the nonsigning joint inventor; (4) and an oath or declaration executed by the signing joint inventors on their behalf and on behalf of the nonsigning joint inventor.

Items (1), (3) and (4) of 37 CFR 1.47(a) were satisfied in the initial petition.

Regarding item (2) of 37 CFR 1.47(a), the initial petition was dismissed as there was no evidence showing that a complete copy of the subject application was provided to Mr. ADIB. Applicants were also requested to provide copies of any relevant communication received from Mr. ADIB.

In the renewed response, applicants provided another declaration by Mr. Jeanneret who details the efforts taken after receiving word that their initial petition under 37 CFR 1.47(a) was dismissed. These steps include sending (by registered mail and email) a copy of the subject application to the nonsigning inventor (Exh. H) on 04 March 2011. These documents were received by Mr. ADIB. Applicants then sent (by registered mail and email) a declaration and assignment to Mr. ADIB on 24 March 2011 (Exh. I). An email response from Mr. ADIB was received on 25 March 2011 (Exh. J). Applicants provided an English translation of the email sent by Mr. ADIB.

A review of the evidence shows that a copy of the subject application and a declaration was sent to and received by the nonsigning inventor. The email response from Mr. ADIB constitutes a written refusal to cooperate as contemplated in MPEP § 409.03(d)(II). This evidence satisfies item (2) of 37 CFR 1.47(a).

Therefore, all requirements of 37 CFR 1.47(a) are now complete.

CONCLUSION

Applicants' renewed petition under 37 CFR 1.47(a) is **GRANTED**.

Applicants have completed the requirements for acceptance under 35 U.S.C. 371(c). The application has an international filing date of 13 November 2008 under 35 U.S.C. 363, and a 35 U.S.C. 371 date of 15 September 2010.

As provided in 37 CFR 1.47(a), a notice of the filing of this application will be forwarded to the nonsigning inventor at his last known address of record and will be published in the Official Gazette.

This application is being forwarded to the National Stage Processing Division of the Office of PCT Operations for continued processing

James Thomson

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Mustapha Adib
38 rue des Cinq Diamants,
75013 Paris
France

MAILED

JUL 08 2011

PCT LEGAL ADMINISTRATION

In re Application of
DUPUIS *et al*
U.S. Application No.: 12/742,435
PCT No.: PCT/FR2008/052037
Int. Filing Date: 13 November 2008
Priority Date: 13 November 2007
Attorney Docket No.: 135971-1000
For: METHOD AND SYSTEM FOR DISTRIBUTING CRYPTOGRAPHIC KEYS IN A HIERARCHIZED NETWORK

Dear Mr. Adib:

You are named as an inventor in the above-captioned United States national stage application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor.

As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. The counsel for the applicant is listed below. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

GARDERE WYNNE SEWELL LLP
3000 Thanksgiving Tower
1601 Elm Street
Dallas, TX 75201-4761

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MAILED

JAN 25 2011

PCT LEGAL ADMINISTRATION

Marc Van Dyke
123 N.W. 13th Street, Suite 221
Boca Raton FL 33432-1619

In re Application of :
MANDEL, et al. :
U.S. Application No.: 12/742,437 : DECISION ON PETITIONS
PCT No.: PCT/IL2008/001487 :
Int. Filing Date: 12 November 2008 : UNDER 37 CFR 1.47(a)
Priority Date: 12 November 2007 :
Attorney Docket No.: 17/3 : AND 37 CFR 1.42
For: IMPROVED MULTI-PHASE SURFACES, AND :
METHOD THEREOF :

This decision is in response to applicant's "Petition Under Rule 37 CFR 1.47(a)" filed 20 December 2010 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 12 November 2008, applicant filed international application PCT/IL2008/001487 which claimed priority to an earlier application filed 12 November 2007. A copy of the international application was transmitted to the United States on 22 May 2009. Pursuant to 37 CFR 1.495 the period for providing payment of the full, U.S. Basic National Fee was set to expire thirty months from the priority date, or midnight 12 May 2010.

On 12 May 2010, applicant filed a transmittal letter for entry into the national stage in the United States accompanied by among other items, payment of the requisite basic national fee.

On 19 July 2010, applicant was mailed a "NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371" (Form PCT/DO/EO/905) informing applicant of the need to provide an oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the international application number and international filing date. Applicant was afforded two months to file the proper reply and informed that this period could be extended pursuant to 37 CFR 1.136(a).

On 20 December 2010, applicant filed the present petition under 37 CFR 1.47(a) accompanied by a petition for a three-month extension of time and payment of the appropriate extension of time fee. The response is timely filed.

DISCUSSION

A petition under 37 CFR 1.47(a) must be accompanied by (1) the fee under 37 CFR 1.17(g), (2) factual proof that the missing joint investor refuses to execute the application or

cannot be reached after diligent effort, (3) a statement of the last known address of the missing inventor, and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and on behalf of the non-signing joint inventor. Applicant has satisfied all four items and it is therefore proper to grant applicant's 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 Rina Mandel as the legal representative to the estate of deceased inventor Kostia Mandel. The declaration provides residence, citizenship and mailing address of both the deceased inventor and his legal representative. 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 12 November 2008 under 35 U.S.C. 363, and will be given a date of **20 December 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 legal representative at her last known address of record. A notice of the filing of the application under 37 CFR 1.47(a) will be published in the Official Gazette.

This application is being returned to the DO/EO/US for processing in accordance with this decision. Specifically, the mailing of a Notification of Acceptance (Form PCT/DO/EO/903).

Derek A. Putonen
Attorney Advisor
Office of PCT Legal Administration
Tel: (571) 272-3294

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Ms. Rina Mandel
38 Sahlav Street
42207 Netanya
ISRAEL

MAILED

JAN 26 2011

PCT LEGAL ADMINISTRATION

In re Application of
MANDEL, et al.
U.S. Application No.: 12/742,437
PCT No.: PCT/IL2008/001487
Int. Filing Date: 12 November 2008
Priority Date: 12 November 2007
Attorney Docket No.: 17/3
For: IMPROVED MULTI-PHASE SURFACES, AND METHOD THEREOF

Dear Ms. Mandel:

You are named as legal representative 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
Tel: (571) 272-3294

Counsel of Record:
Marc Van Dyke
123 N.W. 13th Street, Suite 221
Boca Raton FL 33432-1619
United States of America

16 AUG 2010

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

WENDEROTH, LIND & PONACK, L.L.P.
1030 15th Street, N.W.,
Suite 400 East
Washington DC 20005-1503

In re Application of
KANBORI et al.
Application No.: 12/742,451
PCT No.: PCT/JP08/70284
Int. Filing Date: 07 November 2008
Priority Date: 12 November 2007
Attorney Docket No.:2010_0628A
For: TAPERED ROLLER BEARING

DECISION ON

DECLARATION

This is a decision on applicants' "NOTICE OF TRANSLITERATION ERROR", filed on 12 May 2010 in the United States Patent and Trademark Office (USPTO), requesting correction of the first inventor's given name in the above reference application.

BACKGROUND

On 12 May 2010, applicant filed a transmittal letter for entry into the national stage in the United States accompanied by, *inter alia*, the basic national fee and an executed declaration. Applicant also submitted a notice of the transliteration error in the international application in the given name of the first inventor.

DISCUSSION

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 is not required. In such case, the Office should simply be notified of the error. A new declaration is not required. *See* MPEP 1893.01(e). Applicant notified the Office that the correct inventor's name is YASUHIRO KANBORI as indicated in the declaration filed, rather than YASUHIRO UEHORI, as incorrectly indicated in the international application as the result of a transliteration error. Applicant's explanation of the correction of inventor KANBORI's name is accepted and noted for the record.

As set forth in 37 CFR 1.69(b), unless the text of any oath or declaration in a language other than English is in the form provided by the Patent and Trademark Office..., it must be accompanied by an English translation together with a statement that the translation is accurate. See also MPEP 602.06. Applicant submitted a declaration in the Japanese/English language and provided a statement regarding the accuracy of the English translation of the Japanese/English language declaration. The declaration is acceptable and satisfies the requirements of 37 CFR 1.497(a) and (b).

CONCLUSION

For the reasons above, the Request is **GRANTED**. No petition fee is required.

The declaration, executed by the inventors, satisfies the requirements of 37 CFR 1.497 (a) and (b). The declaration is acceptable as filed.

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 12 May 2010.

/Cynthia M. Kratz/
Cynthia M. Kratz
Attorney Advisor
PCT Legal Office
Office of PCT Legal Administration

Telephone: (571) 272-3286
Facsimile: (571) 273-0459

14 SEP 2011

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

HEWLETT-PACKARD COMPANY
Intellectual Property Administration
3404 E. Harmony Road
Mail Stop 35
FORT COLLINS CO 80528

In re Application of	
RAM, Mirit	
Application No.: 12/742,480	DECISION
PCT No.: PCT/US2007/024214	
Int. Filing Date: 19 November 2007	ON REQUEST UNDER
Priority Date: None	
Attorney's Docket No.: 200702044-2	37 CFR 1.497(d)
For: A METHOD AND APPARATUS FOR IMPROVING PRINTED IMAGE DENSITY	

This decision is in response to request under 37 CFR 1.497(d), filed in the United States Patent and Trademark Office on 14 July 2010.

BACKGROUND

On 07 July 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 13 May 2010, applicants filed a declaration of the inventors and this petition to add inventor Eytan Cohen, to the application.

DISCUSSION

Applicants file this request to add Eytan Cohen, as an inventor.

A request under 37 CFR 1.497(d) requires: (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) the written consent of the assignee, if an original named inventor has executed an assignment.

Items (1) and (2) have been satisfied.

Item (3) has not been satisfied. Applicants have not furnished written consent of the

assignee in compliance with 37 CFR 3.73. "Director of Patents" is not a title that conveys apparent authority to bind the assignee and Mr. Rose does not state that he has actual authority to bind the assignee. MPEP 1820.

CONCLUSION

For the above reasons, applicant's 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. Any reconsideration request should include a cover letter entitled "Renewed Request Under 37 CFR 1.497(d)". Extensions of time are available under 37 CFR 1.136(a).

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Telephone: 571-272-3292

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MAILED

JAN 13 2011

PCT LEGAL ADMINISTRATION

HEWLETT-PACKARD COMPANY
Intellectual Property Administration
3404 E. Harmony Road
Mail Stop 35
FORT COLLINS CO 80528

In re Application of :
RAM, Mirit :
Application No.: 12/742,480 : DECISION
PCT No.: PCT/US2007/024214 :
Int. Filing Date: 19 November 2007 : ON REQUEST UNDER
Priority Date: None :
Attorney's Docket No.: 200702044-2 : 37 CFR 1.497(d)
For: A METHOD AND APPARATUS FOR IMPROVING PRINTED IMAGE DENSITY :

This decision is in response to renewed request under 37 CFR 1.497(d), filed in the United States Patent and Trademark Office on 12 November 2010.

BACKGROUND

On 14 September 2010, the Office mailed Decision On Request Under 37 CFR 1.497(d).

On 12 November 2010, applicants filed a renewed Request Under 37 CFR 1.497(d).

DISCUSSION

Applicants file this request to add Eytan Cohen, as an inventor.

A request under 37 CFR 1.497(d) requires: (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) the written consent of the assignee, if an original named inventor has executed an assignment.

Items (1) and (2) have been satisfied.

Item (3) has not been satisfied. Applicants have not furnished written consent of the assignee in compliance with 37 CFR 3.73. The new consent fails to comply with 37 CFR 3.73(b)(1). The consent states that the assignment has been recorded, but does not state the location of the assignment by reel and frame number.

CONCLUSION

For the above reasons, applicant's 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. Any reconsideration request should include a cover letter entitled "Renewed Request Under 37 CFR 1.497(d)". Extensions of time are available under 37 CFR 1.136(a).

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Telephone: 571-272-3292

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MAILED

MAY 03 2011

PCT LEGAL ADMINISTRATION

HEWLETT-PACKARD COMPANY
Intellectual Property Administration
3404 E. Harmony Road
Mail Stop 35
FORT COLLINS CO 80528

In re Application of	
RAM, Mirit	
Application No.: 12/742,480	DECISION
PCT No.: PCT/US2007/024214	
Int. Filing Date: 19 November 2007	ON REQUEST UNDER
Priority Date: None	
Attorney's Docket No.: 200702044-2	37 CFR 1.497(d)
For: A METHOD AND APPARATUS FOR IMPROVING PRINTED IMAGE DENSITY	

This decision is in response to renewed request under 37 CFR 1.497(d), filed in the United States Patent and Trademark Office on 25 February 2011

BACKGROUND

On 13 January 2011, the Office mailed Decision On Request Under 37 CFR 1.497(d).

On 25 February 2011, applicants filed a renewed Request Under 37 CFR 1.497(d).

DISCUSSION

Applicants file this request to add Eytan Cohen, as an inventor.

A request under 37 CFR 1.497(d) requires: (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) the written consent of the assignee, if an original named inventor has executed an assignment.

Items (1) and (2) have been satisfied.

Item (3) has been satisfied.

CONCLUSION

For the above reasons, applicant's request under 37 CFR 1.497(d) is **GRANTED**.

This application is being returned to the National Phase Processing Branch of the Office of Patent Application Processing for further action consistent with this decision.

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Telephone: 571-272-3292

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450

MAILED
FEB 29 2012
OFFICE OF PETITIONS

HESLIN ROTHENBERG FARLEY & MESITI PC
5 COLUMBIA CIRCLE
ALBANY NY 12203

In re Application of : DECISION ON REQUEST TO
Alain CONSTANS : PARTICIPATE IN PPH PROGRAM
Application No. 12/742,541 : AND PETITION TO MAKE SPECIAL
Filed: May 12, 2010 : UNDER 37 CFR 1.102(a)
Atty. Docket No.: 3428.001A :
For: ANNULAR DISK BRAKE AND METHOD OF INCREASING A BRAKE PAD CLAMPING FORCE

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed February 22, 2012 to make the above-identified application special.

The petition and request are **GRANTED**.

A grantable request to participate in the PPH (patent prosecution highway) program and petition to make special require:

1. The U.S. application is a Paris convention application that either validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more application filed in the CIPO (Canadian Intellectual Property Office) or to a PCT application that contains no priority claims, or is a national stage application under the PCT that either validly claims priority to an application filed in the CIPO or to a PCT application that contains no priority claims, or that contains no priority claim, or is a bypass application filed under 35 U.S.C. 111(a) which validly claims benefit under 35 U.S.C. 120 to a PCT application that validly claims priority to an application filed in the CIPO, to a PCT application that contains no priority claims, or contain no priority claim;

2. Applicant must ensure all the claims in the U.S. application sufficiently correspond or amended to sufficiently correspond to the allowable/patentable claim(s) in the CIPO application and submit a claim correspondence table in English;

3. Examination of the U.S. application has not begun;

4. Applicant must submit a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the CIPO application(s) containing the allowable/patentable claim(s), or if the allowable/patentable claim(s) are from a "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal, or if the CIPO application is a first action allowance then no office action from the CIPO is necessary should be indicated on the request/petition form, and an English language translation of the CIPO Office action if submitted; and

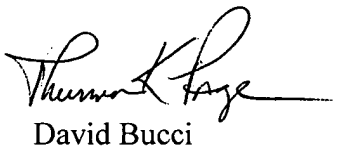
5. Applicant must submit an IDS listing the documents cited by the CIPO examiner in the CIPO office action, unless already submitted in this application, and copies of the documents except U.S. patents or U.S. patent application publications, unless already submitted in this application.

The request to participate in the PPH program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Robert DeWitty, Petition Attorney, Office of Petitions at 571-272-8427.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc/index.html.

This application will be forwarded to Technology Center Art Unit 3657 for action commensurate with this decision.



David Bucci
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
Washington, D.C. 20231
www.uspto.gov

YOUNG & THOMPSON
209 Madison Street
Suite 500
Alexandria VA 22314

MAILED

NOV 30 2010

PCT LEGAL ADMINISTRATION

In re Application of :
OCHI, et al. : DECISION ON PETITION
Serial No.: 12/742,547 :
PCT No.: PCT/JP2007/073587 : UNDER 37 CFR 1.47(a)
Int. Filing Date: 06 December 2007 :
Priority Date: None :
Atty Docket No.: 8099-1022 :
For: PIXEL CIRCUIT AND DISPLAY PANEL :

This decision is in response to applicant's petition under 37 CFR 1.47(a) filed 20 October 2010 in the United States Patent and Trademark Office (USPTO) to accept the application without the signature of joint inventor Kenji Nakamura.

BACKGROUND

On 06 December 2007, applicant filed international application PCT/JP2007/073587. A copy of the international application was transmitted to the USPTO from the International Bureau (IB) on 11 June 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 06 June 2010.

On 12 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 Application Data Sheet, a preliminary amendment and an Information Disclosure Statement.

On 20 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 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 20 October 2010, applicant filed the present petition under 37 CFR 1.47(a) accompanied by a petition for a one-month extension of time. With payment of the one-month extension of time, applicant's present response is considered timely filed.

DISCUSSION

A petition under 37 CFR 1.47(a) must be accompanied by (1) the fee under 37 CFR 1.17(g), (2) factual proof that the missing joint investor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the missing inventor, and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and on behalf of the non-signing joint inventor. Applicant has satisfied items 1, 3 and 4.

As to item (2), in the present case, an attempt was made to present the inventor with a complete set of application papers. However, these papers were returned as undeliverable. As such, the silence of the inventor cannot be construed as a refusal. In order to satisfy this item in situations where the non-signing inventor cannot be located despite diligent effort, applicant must include the results of any internet or telephone directory searches which were performed in an effort to locate the non-signing inventor.

As stated in the Manual of Patent Examination Procedure (MPEP), Section 409.03(d) Proof of Unavailability or Refusal, "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." These materials have not been supplied in the present petition. As such, it is not possible to grant applicant's petition at this time.

CONCLUSION

For the reasons stated above, applicant's petition under 37 CFR 1.47(a) is **DISMISSED**.

Any reconsideration on the merits of this petition must be filed within **TWO (2) MONTHS** from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)." No additional petition fee is required. Extensions of time may be obtained under 37 CFR 1.136(a).

Any further correspondence with respect to this matter should be directed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration or electronically filed utilizing the USPTO's EFS-Web electronic filing system.

Derek A. Putonen
Attorney Advisor
Office of PCT Legal Administration
Tel: 571-272-3294

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
Washington, D.C. 20231
www.uspto.gov

YOUNG & THOMPSON
209 Madison Street
Suite 500
Alexandria VA 22314

MAILED

APR 26 2011

PCT LEGAL ADMINISTRATION

In re Application of :
OCHI, et al. : DECISION ON PETITION
Serial No.: 12/742,547 :
PCT No.: PCT/JP2007/073587 : UNDER 37 CFR 1.47(a)
Int. Filing Date: 06 December 2007 :
Priority Date: None :
Atty Docket No.: 8099-1022 :
For: PIXEL CIRCUIT AND DISPLAY PANEL :

This decision is in response to applicant's renewed petition under 37 CFR 1.47(a) filed 30 March 2011 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 30 November 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 30 March 2011, applicant filed the present renewed petition under 37 CFR 1.47(a) accompanied by a petition for a two-month extension of time and payment of the extension of time fee. The renewed petition is timely filed.

DISCUSSION

As detailed in the decision mailed 30 November 2010, a petition under 37 CFR 1.47(a) must be accompanied by (1) the fee under 37 CFR 1.17(g), (2) factual proof that the missing joint investor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the missing inventor, and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and on behalf of the non-signing joint inventor. Applicant previously satisfied items 1, 3 and 4.

With the filing of the renewed petition and supporting exhibits, applicant has satisfied the remaining item and it is proper to grant applicant's renewed petition at this time.

CONCLUSION

For the reasons discussed above, applicant's renewed petition under 37 CFR 1.47(a) is

GRANTED.

The application has an international filing date of 06 December 2007 under 35 U.S.C. 363, and will be given a date of **20 October 2010** under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).

As provided in 37 CFR 1.47(c), a notice of the filing of this application will be forwarded to the non-signing 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

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Mr. Kenji Nakamura
Eiko Kamiki 2-201
3588 Katsuse Fujimi-shi
Saitama 3540031
JAPAN

MAILED

APR 26 2011

PCT LEGAL ADMINISTRATION

In re Application of
OCHI, et al.
Serial No.: 12/742,547
PCT No.: PCT/JP2007/073587
Int. Filing Date: 06 December 2007
Priority Date: None
Atty Docket No.: 8099-1022
For: PIXEL CIRCUIT AND DISPLAY PANEL

Dear Mr. Nakamura:

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:
YOUNG & THOMPSON
209 MADISON STREET
SUITE 500
ALEXANDRIA VA 22314
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

In re Application of
Watt W. Webb

Application No. 12742562

Filed: May 12,2010

Attorney Docket No. 606P008D

:DECISION ON PETITION TO MAKE SPECIAL
:UNDER 37 CFR 1.102(c)(1)

This is a decision on the electronic petition under 37 CFR 1.102 (c)(1), filed 11-AUG-2010 to make the above-identified application special based on applicant's age as set forth in MPEP § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1), MPEP § 708.02, Section IV: Applicant's Age must include a statement by applicant or a registered practitioner having evidence that applicant is at least 65 years of age. No fee is required.

Accordingly, the above-identified application has been accorded "special" status and will be taken up for action by the examiner upon the completion of all pre-examination processing.

Telephone inquiries concerning this electronic decision should be directed to the Electronic Business Center at 866-217-9197.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

In re Application of
Watt W. Webb

Application No. 12742575

Filed: May 12,2010

Attorney Docket No. 606P009B

:DECISION ON PETITION TO MAKE SPECIAL
:UNDER 37 CFR 1.102(c)(1)

This is a decision on the electronic petition under 37 CFR 1.102 (c)(1), filed 11-AUG-2010 to make the above-identified application special based on applicant's age as set forth in MPEP § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1), MPEP § 708.02, Section IV: Applicant's Age must include a statement by applicant or a registered practitioner having evidence that applicant is at least 65 years of age. No fee is required.

Accordingly, the above-identified application has been accorded "special" status and will be taken up for action by the examiner upon the completion of all pre-examination processing.

Telephone inquiries concerning this electronic decision should be directed to the Electronic Business Center at 866-217-9197.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Saliwanchik Lloyd & Saliwanchik
A Professional Association
P.O. Box 142950
Gainesville, FL 32614

MAILED

DEC 06 2010

PCT LEGAL ADMINISTRATION

In re Application of:
AHN et al.
U.S. Application No.: 12/742,582
PCT Application No.: PCT/KR2007/005677
International Filing Date: 12 November 2007
Priority Date: None
Attorney's Docket No.: SUN.RS.115
For: PAPER FEEDING ROLLER FOR A SHREDDER

DECISION ON PETITION
UNDER 37 CFR 1.182

This decision is issued in response to applicant's "Communication and Petition under 37 CFR 1.182" filed 18 November 2010. The petition seeks to correct the bibliographic data for the national stage application papers filed 12 May 2010, so as to allow such materials to be treated as the U.S. national stage of PCT/KR2007/005677.

BACKGROUND

On 12 May 2010, applicant filed electronically a U.S. national stage application in the United States Designated/Elected Office (DO/EO/US). The submission included, inter alia, a Transmittal Letter to the United States Designated Office (DO/EO/US) Concerning a Submission under 35 U.S.C. 371 (Form 1390) identifying international application number PCT/KR2007/005677; a preliminary amendment; and a declaration/power of attorney.

Based on United States Patent and Trademark Office (USPTO) processing procedures, the application file was initiated in the USPTO PALM system as a U.S. national PCT/KR2009/005677 the international application number set forth in the bibliographical data provided by applicant when filing the electronic application.

On 18 November 2010, the USPTO mailed a Notification Of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that a translation of the international application and a processing fee of $130 was required. The notification set a two-month time limit in which to respond. (The Notification indicated the application as a national stage of PCT/KR2009/005677.)

On 18 November 2010, applicant filed the petition considered herein.

DISCUSSION

Applicant confirms that the correct international application is PCT/KR2007/005677. An examination of the originally filed papers finds that the correct international application number was listed on the Transmittal Letter and Application Data Sheet filed 12 May 2010. Applicant's present submission included the required petition fee to correct applicant's clerical error. Accordingly, these materials satisfy the requirements for a grantable petition to correct applicant's error in the bibliographical data filed 12 May 2010 and to permit such materials to be treated as having been directed to international application PCT/KR2007/005677.

CONCLUSION

Applicant's petition under 37 CFR 1.182 is GRANTED.

Since the international application (PCT/KR2007/005677) was published in English, the Notification of Missing Requirements mailed 18 November 2010 is hereby VACATED.

As requested, the international application number, title of invention, and continuity data have been corrected and are now associated with PCT/KR2007/005677.

This application is being returned to the United States Designated/Elected Office for processing in accordance with this decision.

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Tel.: 571-272-3298

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MAILED

NOV 04 2011

OFFICE OF PETITIONS

OLIFF & BERRIDGE, PLC
P.O. BOX 320850
ALEXANDRIA, VA 22320-4850

Applicant: RAJALA, et al.
Appl. No.: 12/742,586
International Filing Date: December 9, 2008
Title: METHOD AND DEVICE FOR STRUCTURING A SURFACE
Attorney Docket No.: 145534
Pub. No.: US 2011/0027475 A1
Pub. Date: February 3, 2011

This is a decision on the request for correction of patent application publication under 37 CFR 1.221(b), received on March 23, 2011, for the above-identified application.

The request is DISMISSED.

Applicant requests that the application be republished because the patent application publication contains material error wherein the preliminary amendment filed with the application on May 12, 2010 was not included in the publication.

37 CFR 1.221 (b) is applicable "only when the Office makes a material mistake which is apparent from Office records.... Any request for a corrected publication or revised patent application publication other than provided as provided in paragraph (a) of this section must be filed within two months from the date of the patent application publication. This period is not extendable." A material mistake must affect the public's ability to appreciate the technical disclosure of the patent application publication, to determine the scope of the patent application publication, or to determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent. [1]

The error noted by requestor with respect to the preliminary amendment is not an Office error. The patent application publication does not include a mistake regarding the failure to include the preliminary amendment to the specification because patent application publications are not required to include preliminary amendments. See 37 CFR 1.215(a). The "failure to include an amendment is not an Office error." See MPEP 1130(b). The publication accurately reflected the specification as filed.

[1] Changes to Implement Eighteen-Month Publication of Patent Applications, 65 FR 57023, 57038 (Sept. 20, 2000), 1239, Off. Gaz. Pat. Office Notices 63, 75 (Oct. 10, 2000) (final rule).

37 C.F.R. 1.215(a) states that the patent application publication may also be based upon amendments to the specification (other than the abstract or the claims) that are reflected in a substitute specification under § 1.125(b), amendments to the abstract under § 1.12(b), amendments to the claims that are reflected in a complete claim listing under § 1.121(c), and amendments to the drawings under § 1.121(d), provided that such substitute specification or amendment is submitted in sufficient time to be entered into the Office file wrapper of the application before technical preparations for publication of the application have begun. 37 CFR 1.215(c) states that applicant may file an amended copy of the application for publication purposes, but such amendments must be submitted in compliance with the Office electronic filing system requirements, and within one month of the mailing date of the first Office communication that includes a confirmation number for the application, or fourteen months of the earliest filing date for which a benefit is sought under 35, United States Code, whichever is later.

The applicant is advised that a "request for republication of an application previously published" may be filed under 37 CFR 1.221(a). Such a request for republication "must include a copy of the application compliance with the Office's electronic filing system requirements and be accompanied by the publication fee set forth in § 1.18(d) and the processing fee set forth in § 1.17(i)." If the request for republication does not comply with the electronic filing system requirements, the republication will not take place and the publication fee set forth in § 1.18(d) will be refunded. The processing fee will be retained.

A guide for filing a request for a Pre-Grant Publication, such as a request for republication, may be found on the link below:

http://www.uspto.gov/patents/process/file/efs/guidance/index.jsp

http://www.uspto.gov/ebc/portal/efs/pgpub_quickstart.pdf

Any request for republication under 37 CFR 1.221(a), must be submitted via the EFS system, as a "Pre-Grant Publication".

Inquiries relating to this matter may be directed to Sherry D. Brinkley at (571) 272-3204.

/Christopher Bottorff/

Christopher Bottorff
Petitions Examiner
Office of Petitions

Patent
Attorney Docket No. 1009682-000192

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of	)	
Kouhei Miyamoto et al.	)	Group Art Unit: 3751
Application No.: 12/742,597	)	Examiner: David J. Walczak
Filed: May 12, 2010	)	Confirmation No.: 6988
For: FLUID FEEDER OF APPLICATOR	)	

SUBMISSION OF REQUEST FOR PARTICIPATION IN THE PATENT PROSECUTION HIGHWAY PROGRAM BETWEEN THE USPTO AND THE JPO BASED ON PCT WORK PRODUCTS

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In accordance with the provisions of the Notice setting forth the Patent Prosecution Highway Pilot Program between the United States Patent and Trademark Office and the Japan Patent Office based on Patent Cooperation Treaty Work Products signed by Commissioner Kappos on January 23, 2010 (hereinafter "Notice"), submitted with this paper is a Request for Participation in the PCT-PPH Pilot Program between the JPO and the USPTO (hereinafter "Request").

The present application is the U.S. national stage application of International Application No. PCT/JP2008/070049 (hereinafter "corresponding International Application"). Accordingly, the present situation corresponds to the relationship set forth in Section B(1)(a) of the Notice. Applicants have therefore fully complied with the requirement of identifying the relationship between the respective applications.

The latest work product of the JPO in the corresponding International Application, i.e., the International Preliminary Report on Patentability (hereinafter "Report"), indicates that all of the claims in the corresponding International Application meet the requirements of novelty, inventive step, and industrial applicability. The Request includes a claims correspondence table indicating how the present application's claims sufficiently correspond to the claims in the corresponding International Application.

The Report and an English translation thereof are attached. The claims indicated as meeting the requirements of novelty, inventive step, and industrial applicability, an English translation thereof, and a statement that the English translation thereof is accurate are also attached.

Of the documents cited in the Report, Japanese Patent Publication No. 11-300263A was previously submitted to the U.S. Patent and Trademark Office on May 12, 2010 in a First Information Disclosure Statement. The other three documents cited in the Report-- Japanese Laid Open Application Nos. 7-24472U, 6-39167U, and 1-148776U, are submitted to the U.S. Patent and Trademark Office in a Second Information Disclosure Statement filed concurrently with this Request.

The Director is hereby authorized to charge any appropriate fees under 37 C.F.R. §§ 1.16, 1.17 and 1.20(d) and 1.21 that may be required by this paper, and to credit any overpayment, to Deposit Account No. 02-4800.

Should any questions arise concerning the present submission, the undersigned attorney can be contacted at the number provided below.

Respectfully submitted,

BUCHANAN INGERSOLL & ROONEY PC

Date: November 23, 2010

By: /Peter T. deVore/
Peter T. deVore
Registration No. 60361

Customer No. 21839
703 836 6620

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:	12/742,597	Filing date:	05/12/2010
First Named Inventor:	Kouhei Miyamoto		
Title of the Invention:	FLUID FEEDER OF APPLICATOR		

THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT HTTP://WWW.USPTO.GOV/EBC/EFS_HELP.HTML

APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH 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/JP2008/070049

The international date of the corresponding PCT application(s) is/are: 11/04/2008

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.:	12/742,597
First Named Inventor:	Kouhei Miyamoto

d. **(1) An information disclosure statement listing the documents cited in the international work products (ISR, WO/ISA, WO/IPEA, IPER) of the corresponding PCT application.**

☑ Is attached

☐ Has already been filed in the above-identified U.S. application on _____

(2) Copies of all documents (except) for U.S. patents or U.S. patent application publications)

☑ Are attached.

☐ Have already been filed in the above-identified U.S. application on _____

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1	1	Same
2	2	Same
3	3	Same except multiple dependency deleted

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature Peter T deVore	Date November 23, 2010
Name (Print/Typed) Peter T. deVore	Registration Number 60361

PATENT COOPERATION TREATY

PCT/JP2008/070049

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:

FUJIMOTO, Eisuke
c/o Fujimoto Patent & Law Office
KA111 Building 5F
1-1, Kandaawaji-cho 1-chome
Chiyoda-ku, Tokyo 1010063
JAPON

Date of mailing *(day/month/year)* 08 July 2010 (08.07.2010)	
Applicant's or agent's file reference FWA8-22	**IMPORTANT NOTIFICATION**
International application No. PCT/JP2008/070049	International filing date *(day/month/year)* 04 November 2008 (04.11.2008)
Applicant MITSUBISHI PENCIL COMPANY, LIMITED 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
Yoshiko Kuwahara

e-mail: pt07.pct@wipo.int

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter I of the Patent Cooperation Treaty)

(PCT Rule 44*bis*)

Applicant's or agent's file reference FWA8-22	**FOR FURTHER ACTION**	See item 4 below
International application No. PCT/JP2008/070049	International filing date *(day/month/year)* 04 November 2008 (04.11.2008)	Priority date *(day/month/year)* 14 November 2007 (14.11.2007)
International Patent Classification (8th edition unless older edition indicated) See relevant information in Form PCT/ISA/237		
Applicant MITSUBISHI PENCIL COMPANY, LIMITED		

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 29 June 2010 (29.06.2010)
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)

	Date of mailing *(day/month/year)*
Applicant's or agent's file reference FWA8-22	**FOR FURTHER ACTION** See paragraph 2 below

International application No.	International filing date *(day/month/year)*	Priority date *(day/month/year)*
PCT/JP2008/070049	04.11.2008	14.11.2007

International Patent Classification (IPC) or both national classification and IPC

Applicant
MITSUBISHI PENCIL COMPANY, LIMITED

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/JP2008/070049

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/JP2008/070049

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	1-3	YES
	Claims		NO
Inventive step (IS)	Claims	1-3	YES
	Claims		NO
Industrial applicability (IA)	Claims	1-3	YES
	Claims		NO

2. Citations and explanations:

Document 1: JP 11-300263 A (Pentel Co., Ltd.), 02 November 1999, entire text, fig. 1 to 15

Document 2: CD-ROM of the specification and drawings annexed to the request of Japanese Utility Model Application No. 53785/1993 (Laid-open No. 24472/1995) (Mitsubishi Pencil Co., Ltd.), 09 May 1995, entire text, fig. 1 to 6

Document 3: CD-ROM of the specification and drawings annexed to the request of Japanese Utility Model Application No. 65429/1992 (Laid-open No. 39167/1994) (The Pilot Ink Co., Ltd.), 24 May 1994, entire text, fig. 1 to 8

Document 4: Microfilm of the specification and drawings annexed to the request of Japanese Utility Model Application No. 43438/1988 (Laid-open No. 148776/1989) (Pentel Co., Ltd.), 16 October 1989, entire text, fig. 1 to 5

The invention as in claims 1-3 is neither described in any of the abovementioned documents 1 to 4, nor would it be obvious to a person skilled in the art.

PCT/JP2008/070049

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:

FUJIMOTO, Eisuke
c/o Fujimoto Patent & Law Office
KA111 Building 5F
1-1, Kandaawaji-cho 1-chome
Chiyoda-ku, Tokyo 1010063
JAPON

Date of mailing *(day/month/year)* 27 May 2010 (27.05.2010)	
Applicant's or agent's file reference FWA8-22	**IMPORTANT NOTICE**

International application No.	International filing date *(day/month/year)*	Priority date *(day/month/year)*
PCT/JP2008/070049	04 November 2008 (04.11.2008)	14 November 2007 (14.11.2007)

Applicant
MITSUBISHI PENCIL COMPANY, LIMITED 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 Yoshiko Kuwahara e-mail: pt07.pct@wipo.int

Form PCT/IB/326 (January 2004)

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter I of the Patent Cooperation Treaty)

(PCT Rule 44*bis*)

Applicant's or agent's file reference FWA8-22	**FOR FURTHER ACTION**	See item 4 below
International application No. PCT/JP2008/070049	International filing date *(day/month/year)* 04 November 2008 (04.11.2008)	Priority date *(day/month/year)* 14 November 2007 (14.11.2007)
International Patent Classification (8th edition unless older edition indicated) See relevant information in Form PCT/ISA/237		
Applicant MITSUBISHI PENCIL COMPANY, LIMITED		

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 18 May 2010 (18.05.2010)
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)

特許協力条約

発信人　日本国特許庁（国際調査機関）

代理人
　藤本　英介

様

あて名
〒101-0063
日本国東京都千代田区神田淡路町１丁目１番１号
ＫＡ１１１ビル　５階　藤本特許法律事務所内

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)	０３．０２．２００９
出願人又は代理人 の書類記号　FWA8-22	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／ＪＰ２００８／０７００４９	(日.月.年)　０４．１１．２００８	(日.月.年)　１４．１１．２００７

国際特許分類（ＩＰＣ）Int.Cl. B43L19/00(2006.01)i, A45D34/04(2006.01)i, B05C17/005(2006.01)i, B43K8/02(2006.01)i

出願人（氏名又は名称）
三菱鉛筆株式会社

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
２２．０１．２００９

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）　２Ｔ　３２１３
荒井　隆一
電話番号　０３－３５８１－１１０１　内線　３２６６

国際調査機関の見解書

国際出願番号　ＰＣＴ／ＪＰ２００８／０７００４９

第Ⅰ欄　見解の基礎

1．言語に関し、この見解書は以下のものに基づき作成した。

☑ 出願時の言語による国際出願

☐ 出願時の言語から国際調査のための言語である＿＿＿＿＿＿＿＿語に翻訳された、この国際出願の翻訳文
（ＰＣＴ規則12.3(a)及び23.1(b)）

2．☐ この見解書は、ＰＣＴ規則 91 の規定により国際調査機関が認めた又は国際調査機関に通知された明らかな誤りの訂正を考慮して作成した（ＰＣＴ規則 43 の 2.1(b)）。

3．この国際出願で開示されたヌクレオチド又はアミノ酸配列に関して、以下に基づき見解書を作成した。

a．タイプ　☐ 配列表

☐ 配列表に関連するテーブル

b．フォーマット　☐ 紙形式

☐ 電子形式

c．提出時期　☐ 出願時の国際出願に含まれていたもの

☐ この国際出願と共に電子形式により提出されたもの

☐ 出願後に、調査のために、この国際調査機関に提出されたもの

4．☐ さらに、配列表又は配列表に関連するテーブルを提出した場合に、出願後に提出した配列若しくは追加して提出した配列が出願時に提出した配列と同一である旨、又は、出願時の開示を超える事項を含まない旨の陳述書の提出があった。

5．補足意見：

国際調査機関の見解書

国際出願番号　ＰＣＴ／ＪＰ２００８／０７００４９

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　1-3　有
請求の範囲　　無

進歩性（ＩＳ）　請求の範囲　1-3　有
請求の範囲　　無

産業上の利用可能性（ＩＡ）　請求の範囲　1-3　有
請求の範囲　　無

2．　文献及び説明

文献１：JP 11-300263 A（ぺんてる株式会社）1999.11.02，全文、第１－１５図
文献２：日本国実用新案登録出願 5-53785 号(日本国実用新案登録出願公開 7-24472 号)の願書に添付した明細書及び図面の内容を記録した CD-ROM（三菱鉛筆株式会社）1995.05.09，全文、第１－６図
文献３：日本国実用新案登録出願 4-65429 号(日本国実用新案登録出願公開 6-39167 号)の願書に添付した明細書及び図面の内容を記録した CD-ROM（パイロットインキ株式会社）1994.05.24，全文、第１－８図
文献４：日本国実用新案登録出願 63-43438 号(日本国実用新案登録出願公開 1-148776 号)の願書に添付した明細書及び図面の内容を撮影したマイクロフィルム(ぺんてる株式会社）1989.10.16，全文、第１－５図

請求の範囲１－３に係る発明は、上記文献１－４のいずれの文献にも記載されておらず、当業者にとって自明なものでもない。

DECLARATION

In the matter of
U.S.Serial No. 12/742,597
in the name of Kouhei MIYAMOTO and
Tadashi KOURIKI

I, the undersigned, Kazuhiko Oshima, Fujimoto Patent and Law Office, of 5th Floor, KA111 Building, 1-1, Kandaawaji-cho 1-chome, Chiyoda-ku, Tokyo, Japan, do solemnly and sincerely declare as follows:

1. That I am well acquainted with the English and Japanese languages and am competent to translate Japanese into English and vice versa.

2. That I have executed, with the best of my ability, a true and correct translation to the attached copies of allowed claims in International Application No. PCT/JP2008/070049 whose national stage US application is U.S.Serial No. 12/742,597.

This 18th day of November, 2010

Kazuhiko Oshima

Kazuhiko OSHIMA

1. A fluid feeder of an applicator, comprising:

a tubular member having a fluid ejection opening at a tip; and

a valve member that is inserted into the tubular member and elastically urged forwards with a pressing end as a part of the tip projected from the ejection opening,

wherein

when a fluid reserved in a tank behind the tubular member is applied to an applied object, the valve member is retracted into the tubular member by abutment of the tip of the valve member against the applied object so as to flow out the fluid through the clearance around the valve member in the ejection opening,

an annular inside step is formed on an inner periphery of the tubular member, a front side of the inside step is formed to have a smaller diameter than a rear side, the inner surface on the front side from the inside step to a halfway point is formed as a cylinder surface of a cylindrical form or of a gently tapered form becoming wider toward the rear while a fore part from the halfway point is becoming narrower toward the ejection opening,

in the valve member, the periphery of a base of a rod-like part connected to the pressing end in the tip is formed so as to be able to come into hermitic contact with the inner peripheral surface of the fore part of the tubular member, forming a closing structure while the outer peripheral surface of the rear part behind the tip is formed to be a plunger-like

part having a cylindrical surface or tapered surface that can be fitted into the cylinder surface on the front side of the inside step of the tubular member,

in a closed state where the pressing end of the tip of the valve member is not pressed and hence is projected out, the outer surface of the plunger-like part of the valve member is fitted into the cylinder surface of the tubular member and the periphery of the base of the rod-like part comes into hermetic contact with the inner peripheral surface of the fore part of the tubular member,

in an open state where the pressing end has been pressed and pushed a constant distance or greater into the ejection opening, the plunger-like part of the valve member is positioned away from the cylinder surface of the tubular member while the periphery of the base of the rod-like part is released from the inner peripheral surface of the fore part of tubular member, and

when a thrust against the pressing end is weakened after the open state and then the fluid is pressurized before returning to the closed state, the plunger-like part of the valve member is inserted into the cylinder surface of the tubular member so as to pressurize the fluid held in a space between the inner surface of the tubular member and the outer surface of the valve member while the periphery of the base of the rod-like part is released from the inner peripheral surface of the fore part of the tubular member, whereby the pressurized fluid can flow out from the ejection opening.

2. The fluid feeder according to Claim 1, wherein a diameter size difference between a maximum inside diameter of the cylinder surface of the tubular member and a maximum outside diameter of the plunger-like part of the valve member is set to be greater than 0 (mm).

3. The fluid feeder according to Claim 1 or 2, wherein a sealing element that comes into hermetic contact with the inner peripheral surface in the front part of the tubular member is provided around the base of the rod-like part of the valve member.

請求の範囲

[1] 先端部に流動体吐出口を有する中空筒状部材と、該中空筒状部材に先方に弾発されて内挿され、かつ、前記吐出口から先端部の一部分の押圧端が突出した弁部材とを有して、中空筒状部材後方側のタンク内に貯留された流動体を被塗布物に塗布するときには、被塗付物に弁部材の先端部を当接させて弁部材を中空筒状部材内に後退させ、前記吐出口における弁部材周囲の間隙から流動体を流出させる塗布具の流動体供給装置において、

前記中空筒状部材の内周には、円環形状の内段部が形成され、その内段部の先方側が後方側より小径に形成されていて、該内段部から先方側内面であって途中部までが円筒状または後方開きの緩やかなテーパー状のシリンダー面に形成されると共に、途中部より先方側の部分が吐出口に向けて先窄まりに形成されており、

弁部材には、その先端部における前記押圧端に繋がる棒状部分の基部の周囲が、中空筒状部材の先方側の部分の内周面に密着可能な閉鎖構造に形成されると共に、先端部より後方側部に外周面が前記中空筒状部材の内段部の先方側のシリンダー面に嵌入可能な円筒面またはテーパー状面のプランジャー状部分が形成され、

前記弁部材の先端部の押圧端が押圧されない状態で突出している閉口状態時には、中空筒状部材のシリンダー面に弁部材のプランジャー状部分の外面が嵌り込み、かつ、棒状部分の基部の周囲が中空筒状部材の先方側の部分の内周面に密着し、

前記押圧端が押圧されて吐出口内に一定以上押し込まれた開口状態時には、中空筒状部材のシリンダー面から弁部材のプランジャー状部分が離れ、かつ、棒状部分の基部の周囲が中空筒状部材の先方側の部分の内周面から開放し、

前記開口時後に押圧端が押圧を緩め、前記閉口状態になる以前の流動体加圧時には、前記中空筒状部材のシリンダー面に弁部材のプランジャー状部分が挿入していって中空筒状部材内面と弁部材外面との間の空間内の流動体が加圧され、かつ、棒状部分の基部の周囲が中空筒状部材の先方側の部分の内周面から開放状態になって吐出口から加圧された流動体が流出可能になることを特徴とする塗布具の流動体供給装置。

[2] 前記中空筒状部材のシリンダー面最大内径と弁部材のプランジャー状部分の最大外径との径寸法差を0(mm)より大きくすることを特徴とする請求項1に記載の塗布具の流動体供給装置。

[3] 前記弁部材の棒状部分の基部の周囲に中空筒状部材の先方側内周面と密着するシール部材を設けたことを特徴とする請求項1または2に記載の塗布具の流動体供給装置。

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.
12/742,597	05/12/2010	Kouhei Miyamoto	1009682-000192	6988

21839 7590 11/26/2010

BUCHANAN, INGERSOLL & ROONEY PC
POST OFFICE BOX 1404
ALEXANDRIA, VA 22313-1404

EXAMINER	
WALCZAK, DAVID J	

ART UNIT	PAPER NUMBER
3751	

NOTIFICATION DATE	DELIVERY MODE
11/26/2010	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ADIPFDD@bipc.com
offserv@bipc.com

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

BUCHANAN, INGERSOLL & ROONEY PC
POST OFFICE BOX 1404
ALEXANDRIA VA 22313-1404

In re Application of	:	
MIYAMOTO, KOUHEI et al	:	DECISION ON REQUEST TO
Application No. 12/742,597	:	PARTICIPATE IN PATENT
Filed: May 12, 2010	:	PCT/PROSECUTION HIGHWAY
Attorney Docket No. 1009682-000192	:	PROGRAM AND PETITION
Title: FLUID FEEDER OF APPLICATOR	:	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. 23, 2010, to make the above-identified application special.

The request and petition are granted.

A grantable request to participate in the PPH program and petition to make special require:
(1) The U.S. application must disclose an eligible relationship to one or more PCT applications filed in the KIPO, JPO, EPO or USPTO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the PCT application(s) latest international work product (the written opinion or the IPER) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the PCT application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of the latest international work product from the PCT application containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate; and
(6) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

In light of the petition being properly submitted, the request to participate in the PPH program and the petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

The applicant is encouraged to cite and submit all relevant prior art references, if any, to facilitate examination in this application.

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 Greg Huson, the SPE of Art Unit 3751, and 571-272-4887 for Class 401/206 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
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.
12/742,611	05/12/2010	Hansik Yun	29137.612.00	7063

30827 7590 09/26/2011

MCKENNA LONG & ALDRIDGE LLP
1900 K STREET, NW
WASHINGTON, DC 20006

EXAMINER
AMARI, ALESSANDRO V

ART UNIT	PAPER NUMBER
2872	

MAIL DATE	DELIVERY MODE
09/26/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MCKENNA LONG & ALDRIDGE LLP
1900 K STREET, NW
WASHINGTON DC 20006

SEP 26 2011

In re Application of
YUN et al.
Application No.: 12/742,611
Filed: 12 May 2010
Attorney Docket No.: 29137.612.00
For: COATING COMPOSITION FOR ANTIREFLECTION, ANTIREFLECTION FILM AND METHOD FOR PREPARING THE SAME

: DECISION ON REQUEST TO
: PARTICIPATE IN THE PATENT
: PROSECUTION HIGHWAY
: PROGRAM AND PETITION
: TO MAKE SPECIAL UNDER
: 37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed 75 July 2011, to make the above-identified application special.

The request and petition are **DISMISSED**.

Discussion

A grantable request to participate in the PPH program and petition to make special require:

1. The U.S. application is

   a. a Paris Convention application which either
      i. validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the KIPO, or
      ii. validly claims priority under 35 U.S.C. 119(a)/365(a) to a PCT application that contains no priority claims,

   or

   b. a national stage application under the PCT (an application which entered the national stage in the U.S. from a PCT international application after compliance with 35 U.S.C. 371), which PCT application
      i. validly claims priority under 35 U.S.C. 365(b) to an application filed in the KIPO, or
      ii. validly claims priority under 35 U.S.C. 365(b) to a PCT application that contains no priority claims, or
      iii. contains no priority claim,

   or

c. a so-called bypass application filed under 35 U.S.C. 111(a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application
    i. validly claims priority under 35 U.S.C. 365(b) to an application filed in the KIPO, or
    ii. validly claims priority under 35 U.S.C. 365(b) to a PCT application that contains no priority claims, or
    iii. contains no priority claim;

2. Applicant must submit a copy of:
    a. The allowable/patentable claim(s) from the KR application(s);
    b. An English translation of the allowable/patentable claim(s), and
    c. A statement that the English translation is accurate (if the claims were published in a language other than English);
3. Applicant must:
    a. Ensure that all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the KR application(s), and
    b. Submit a claims correspondence table in English;
4. Examination of the U.S. application has not begun;
5. Applicant must submit:
    a. A copy of all the office actions (which are relevant to patentability), excluding "Decision to Grant a Patent" from each of the KR application(s) containing the allowable/patentable claim(s);
    b. An English language translation of the KIPO office action; and
    c. A statement that the English translation is accurate (if the office actions are not in the English language);
6. Applicant must submit:
    a. An IDS listing the documents cited by the KIPO examiner in the KIPO office action (unless already filed in this application); and
    b. Copies of all the documents cited in the KIPO office action, except U.S. patents or U.S. patent application publications (unless already filed in this application);

This request to participate in the PPH program and petition is assessed as follows:

Requirements (1-4) above are considered to have been met. However the request to participate in the PPH program fails to meet requirements (5) and (6).

Regarding the requirements of condition (5), Applicant has filed a copy of the office action containing the allowable/patentable claims and a statement that the English translation is accurate; however, Applicant has failed to submit a complete translation of the office action since it appears only two pages of the translation have been submitted.

Regarding the requirement of condition (6), Applicant has failed to submit an IDS listing all the documents cited by the KR examiner in the KR office action and provide copies thereof. Specifically, Applicant has failed to cite JP 19133236A, KR 20070075937A, and JP 17257786 and provide copies thereof.

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 Colleen Dunn at 571-272-1170.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc/index.html.

/Colleen Dunn/

Colleen Dunn
Quality Assurance Specialist
Technology Center 2800

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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.
12/742,615	05/12/2010	Yeong-Rae Chang	29137.611.00	7118

30827 7590 09/14/2011
MCKENNA LONG & ALDRIDGE LLP
1900 K STREET, NW
WASHINGTON, DC 20006

EXAMINER	
KOKKINOS, NICHOLAS C	

ART UNIT	PAPER NUMBER
1787	

MAIL DATE	DELIVERY MODE
09/14/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

CST

September 14, 2011

In re application of Yeong-Rae Chang et al Serial No. 12/742,615 Filed: May 12, 2010 For: COATING COMPOSITION FOR ANTIREFLECTION AND ANTIREFLECTION FILM PREPARED BY USING THE SAME	: : : : : : :	DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program, filed July 25, 2011.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the KIPO, note where the KIPO application with similar claims is not the same application from which the U.S. application claims priority that the applicant must identify the relationship between the KIPO application with similar claims and the KIPO priority application;

(2) Applicant must submit a copy of:
a. The allowable/patentable claim(s) from the KIPO application(s) 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 KIPO application(s); and
b. Submit a claims correspondence table in English;

(4) Examination of the U.S. application has not begun;

(5) Applicant must submit:

a. 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 KIPO 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 KIPO application is a first action allowance then no office action from the KIPO is necessary should be indicated on the request/petition form:
   Further, if a copy of the documents from (i) or (ii) is available via the Dossier Access System (DAS), applicant may request the USPO obtain a copy from the DAS; however, if the USPTO is unable to obtain a copy of the DAS, the applicant will be required to submit a copy;
b. An English language translation of the KIPO 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 KIPO examiner in the KIPO office action (unless already submitted in this application)
b. Copies of documents except U.S. patents or U.S. patent application publications (unless already submitted in this application).

The request to participate in the PPH program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

Any inquiry regarding this decision should be directed to Christine Tierney, Quality Assurance Specialist, at (571) 272-1055.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc/index.html.

/Christine Tierney/

Christine Tierney
Quality Assurance Specialist
Technology Center 1700

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Brinks Hofer Gilson & Lione
P.O. Box 10395
Chicago IL 60610

MAILED

JUL 26 2011

PCT LEGAL ADMINISTRATION

In re Application of:
SUN et al.
Application No.: 12/742,632
PCT No.: PCT/CN2008/001711 (as corrected)
Int. Filing Date: 10 October 2008
Priority Date: 16 November 2007
Attorney's Docket No.: 14271/5
For: RESOLUTION OF 4,5-DIMETHOXY-1-(METHYLAMINOMENTHYL)-BENZOCYCLOBUTANE

DECISION ON PETITION

This decision is issued in response to applicant's petition under 37 CFR 1.182 filed 03 June 2011. The petition seeks to correct the bibliographic data for the national stage application papers filed 12 May 2010, so as to allow such materials to be treated as the U.S. national stage of PCT/CN2008/001711.

BACKGROUND

On 05 April 2011, applicant was mailed a communication detailing the discrepancy between international application numbers on the Electronic Acknowledgement Receipt and other filing papers such as the Transmittal Letter.

On 03 June 2011, applicant filed the petition considered herein.

DISCUSSION

Applicant confirms that the correct international application is PCT/CN2008/001711. An examination of the originally filed papers finds that the correct international application number was listed on the Transmittal Letter filed 12 May 2010. Applicant's present submission included the required petition fee to correct applicant's clerical error. Accordingly, these materials satisfy the requirements for a grantable petition to correct applicant's error in the bibliographical data filed 12 May 2010 and to permit such materials to be treated as having been directed to international application PCT/CN2008/001711.

CONCLUSION

Applicant's petition under 37 CFR 1.182 is GRANTED.

As requested, the international application number, title of invention, and continuity data have been corrected and are now associated with PCT/CN2008/001711.

This application is being forwarded to the United States Designated/Elected Office for further processing.

Anthony Smith
Attorney Advisor
Office of PCT Legal Administration
Tel: 571-272-3298

13 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

MARSHALL, GERSTEIN & BORUN LLP
233 SOUTH WACKER DRIVE
6300 WILLIS TOWER
CHICAGO IL 60606-6357

In re Application of	:	
WASMUHT et al	:	
Application No.: 12/742,709	:	
PCT No.: PCT/EP2008/009102	:	
Int. Filing Date: 28 October 2008	:	DECISION
Priority Date: 13 November 2007	:	
Attorney Docket No.: 30051/45376	:	
For: BREWING PROCESS AND BREWERY INSTALLATIONS	:	

The decision is in response to applicants' petition under 37 CFR 1.182 filed in the USPTO on 20 August 2010.

BACKGROUND

On 28 October 2008, applicants filed international application PCT/EP2008/009102 which designated the United States and claimed a priority date of 13 November 2007. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 22 May 2009. The thirty-month period for paying the basic national fee in the United States expired at midnight on 13 May 2010.

On 13 May 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 29 June 2010, the United States Designated/Elected Office (DO/EO/US) issued a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating, *inter alia*, that an oath or declaration in compliance with 37 CFR 1.497(a)-(b) was required.

On 08 July 2010, applicants filed a submission including a declaration of inventors.

On 22 July 2010, the DO/EO/US issued a NOTIFICATION OF DEFECTIVE RESPONSE (Form PCT/DO/EO/916) indicating, *inter alia*, that the declaration of inventors filed

08 July 2010 was not in compliance with 37 CFR 1.497(a)-(b) because there was a difference in the last name of the second inventor between the published international application and the declaration of inventors.

On 20 August 2010, applicants filed the instant petition under 37 CFR 1.182.

DISCUSSION

In instances where an inventor has changed his or her name after the application has been filed, a petition under 37 CFR 1.182 must be submitted. The petition must include (1) the appropriate petition fee and (2) a statement signed by the inventor setting forth both names and the procedure whereby the change of name was effected, or a certified copy of the court order. MPEP § 605.04(c).

As to item (1), the petition fee has been paid.

With regard to item (2), the statement of Cornelia FOLZ is a statement setting forth both names (Cornelia STUMPE and Cornelia FOLZ) and the procedure (marriage) whereby the change of name was effected. The statement is accepted.

Declaration of Inventors

The declaration of inventors filed 08 July 2010 is in compliance with 37 CFR 1.497(a)-(b).

CONCLUSION

For the reasons set forth above, the petition under 37 CFR 1.182 is **GRANTED**.

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

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

LAW OFFICES OF JAMES E. WALTON, PLLC
1169 N. BURLESON BLVD.
SUITE 107-328
BURLESON TX 76028

MAILED
AUG 11 2011
PCT LEGAL ADMINISTRATION

In re Application of :
BRUNKEN :
Application No.: 12/742,711 :
PCT No.: PCT/US07/86266 :
Int. Filing Date: 03 December 2007 : DECISION
Atty. Docket No.: 0837RF-H699-US :
For: MULTI-BLADED ROTOR :
SYSTEM FOR ROTORCRAFT :

This is a decision on applicant's "REQUEST FOR REFUND..." filed in the U.S. Patent and Trademark Office (USPTO) on 11 February 2011, which requests a refund of the search and examination fees in the application. The request is **GRANTED** as discussed below.

A review of the application file reveals that, in view of the positive IPRP issued by the United States International Preliminary Examining Authority on 31 January 2011, the refund of the search and examination fees is warranted.

The fees in the amount of **$100** (fee code 1641) and **$220** (fee code 1633) will be credited to counsel's Deposit Account No. **50-2806**.

Richard R. Cole
Senior PCT Legal Examiner
Office of PCT Legal Administration

(571) 272-3281

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.
12/742,726	08/23/2010	Takaaki Shimada	14068-209	8000

7590 10/19/2010

Brinks Hofer Gilson & Lione/Ann Arbor
524 South Main Street
Suite 200
Ann Arbor, MI 48104

EXAMINER	

ART UNIT	PAPER NUMBER
3761	

MAIL DATE	DELIVERY MODE
10/19/2010	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.

Nimi Farmer

Patent Publication Branch
Office of Data Management

Doc Code: PPH.PCT.652
Document Description: Petition to make special under PCT-Patent Pros Hwy

PTO/SB/20PCT-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:	12/742,750	Filing date:	May 13, 2010
First Named Inventor:	Robert Baldemair		
Title of the Invention:	Methods and Devices for Communicating Over a Radio Channel		

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/SE2008/050826

The international date of the corresponding PCT application(s) is/are: July 2, 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.:	12/742,750
First Named Inventor:	Robert Baldemair

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 13, 2010

(2) Copies of all documents (except) for U.S. patents or U.S. patent application publications)

☐ Are attached.

☑ Have already been filed in the above-identified U.S. application on May 13, 2010

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1-21	1-21	PCT claims 1-21 amended to remove unnecessary parentheticals, eliminate multiple dependencies, correct grammatical errors, and make non-substantive changes to wording.

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature /Todd A. Cason, Reg No 54,020/	Date December 2, 2010
Name (Print/Typed) Todd A. Cason	Registration Number 54,020

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/742,750	05/13/2010	Robert Baldemair	0110-532/P25317US2	8122

7590 01/19/2011

ERICSSON, INC.
PATENT UNIT USA
6300 LEGACY DRIVE
PLANO, TX 75024

EXAMINER	
BOST, DWAYNE D	
ART UNIT	PAPER NUMBER
2617	

MAIL DATE	DELIVERY MODE
01/19/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

ERICSSON, INC.
PATENT UNIT USA
6300 LEGACY DRIVE
PLANO TX 75024

MAIL

JAN 19 2011

DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

In re Application of :
BALDEMAIR, ROBERT et al. :
Application No. 12/742,750 :
Filed: May 13, 2010 :
Attorney Docket No. 0110-532/P25317US2 :
:
:

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 December 02, 2010 to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PCT-PPH pilot program and petition to make special require:

(1) The U.S. application be (a) a national stage entry of the corresponding PCT application, or (b) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (c) a national stage application that claims domestic/foreign priority to the corresponding PCT application, (d) a national application which forms the basis for the priority claim in the corresponding PCT application, or (e) a continuation application of the U.S. application which satisfies one of the above (a) to (d) scenarios.
(2) A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the corresponding PCT application(s) which indicates at least one claim in the PCT application has novelty, inventive step, and industrial applicability.
(3) A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the corresponding PCT application(s).
(4) English translations of the documents in (2) and (3) (if the documents are not in the English language).
(5) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the claims which were indicated as having novelty, inventive step, and industrial applicability in the corresponding PCT application(s).
(6) Examination of the U.S. application has not begun; and

(7) An information disclosure statement listing the documents cited in the international work products (ISR, WO/ISA. WO/IPEA, IPER) of the corresponding PCT application(s).

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 Michael Horabik at 571-272-3068.

All other inquiries concerning the examination or status of the application should be directed to Patent Application Information Retrieval (PAIR) system.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

/Michael Horabik/

Michael Horabik
Quality Assurance Specialist
Technology Center 2600
Communications

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
Washington, D.C. 20231
www.uspto.gov

GIBSON & DERNIER LLP
900 ROUTE 9 NORTH
SUITE 504
WOODBRIDGE NJ 07095

MAILED

JAN 25 2011

PCT LEGAL ADMINISTRATION

In re Application of :
SIELHORST, et al. : DECISION ON PETITION
Serial No.: 12/742,767 :
PCT No.: PCT/EP2008/063405 : UNDER 37 CFR 1.47(a)
Int. Filing Date: 07 October 2008 :
Priority Date: 14 November 2007 :
Atty Docket No.: 628-40 :
For: CLOSURE FOR A STORAGE COMPARTMENT :
OF A MOTOR VEHICLE :

This decision is in response to applicant's petition under 37 CFR 1.47(a) filed 20 December 2010 to accept the application without the signature of inventor Christophe Pigonon.

BACKGROUND

On 07 October 2008, applicant filed international application PCT/EP2008/063405 which claimed priority to a previous application filed 14 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 14 May 2010.

On 13 May 2010, applicant filed a transmittal letter for entry into the national stage in the United States, which was accompanied by, among other items, payment of the requisite basic national fee as required by 35 U.S.C. 371(c)(1) and an English translation of the international application as filed.

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 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 20 December 2010, applicant filed the present petition under 37 CFR 1.47(a) accompanied by a petition for a four-month extension of time and payment of the extension of time fee. The petition is timely filed.

DISCUSSION

A petition under 37 CFR 1.47(a) must be accompanied by (1) the fee under 37 CFR 1.17(g), (2) factual proof that the missing joint investor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the missing inventor, and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and on behalf of the non-signing joint inventor. Applicant has satisfied items 1 through 3.

Regarding item (4), it is not possible to accept the filed declaration as it contains non-dated, non-initialed corrections by the signing inventors. As detailed 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.

In light of the above, it is not possible to grant applicant's petition at this time.

CONCLUSION

For the reasons stated above, applicant's petition under 37 CFR 1.47(a) is **DISMISSED**.

Any reconsideration on the merits of this petition must be filed within **TWO (2) MONTHS** from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)." No additional petition fee is required. Extensions of time may be obtained under 37 CFR 1.136(a).

Any further correspondence with respect to this matter should be directed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration or electronically filed utilizing the USPTO's EFS-Web electronic filing system.

Derek A. Putonen
Attorney Advisor
Office of PCT Legal Administration
Tel: 571-272-3294

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
Washington, D.C. 20231
www.uspto.gov

GIBSON & DERNIER LLP
900 ROUTE 9 NORTH
SUITE 504
WOODBRIDGE NJ 07095

MAILED

MAR 2 1 2011

PCT LEGAL ADMINISTRATION

In re Application of :
SIELHORST, et al. : DECISION ON PETITION
Serial No.: 12/742,767 :
PCT No.: PCT/EP2008/063405 : UNDER 37 CFR 1.47(a)
Int. Filing Date: 07 October 2008 :
Priority Date: 14 November 2007 :
Atty Docket No.: 628-40 :
For: CLOSURE FOR A STORAGE COMPARTMENT :
OF A MOTOR VEHICLE :

This decision is in response to applicant's renewed petition under 37 CFR 1.47(a) filed 24 February 2011 to accept the application without the signature of inventor Christophe Pigonon.

BACKGROUND

On 25 January 2011, applicant was mailed a decision dismissing applicant's petition under 37 CFR 1.47. Applicant was afforded two months to file any request for reconsideration.

On 24 February 2011, applicant filed the renewed petition under 37 CFR 1.47(a) discussed herein.

DISCUSSION

As detailed in the decision mailed 25 January 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 1 through 3.

With the filing of the present renewed petition and accompanying exhibits applicant has satisfied the remaining item and it is proper to grant applicant's renewed petition at this time.

CONCLUSION

For the reasons stated above, applicant's renewed petition under 37 CFR 1.47(a) is **GRANTED**.

The application has an international filing date of 07 October 2008 under 35 U.S.C. 363, and will be given a date of **24 February 2011** under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).

As provided in 37 CFR 1.47(c), a notice of the filing of this application will be forwarded to the non-signing inventors at their last known addresses of record. A notice of the filing of the application under 37 CFR 1.47(b) will be published in the Official Gazette.

This application is being returned to the DO/EO/US for processing in accordance with this decision.

Derek A. Putonen
Attorney Advisor
Office of PCT Legal Administration
Tel: 571-272-3294

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Mr. Christophe Pignon
12, rue Pierre Bercot
25130 Villers Le Lac
FRANCE

MAILED

MAR 2 1 2011

PCT LEGAL ADMINISTRATION

In re Application of
SIELHORST, et al.
Serial No.: 12/742,767
PCT No.: PCT/EP2008/063405
Int. Filing Date: 07 October 2008
Priority Date: 14 November 2007
Atty Docket No.: 628-40
For: CLOSURE FOR A STORAGE COMPARTMENT
OF A MOTOR VEHICLE

Dear Mr. Pignon:

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:

GIBSON & DERNIER LLP
900 ROUTE 9 NORTH
SUITE 504
WOODBRIDGE NJ 07095
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

MAILED

FEB 03 2011

PCT LEGAL ADMINISTRATION

Seyfarth Shaw LLP
Two Seaport Lane, Suite 300
Boston MA 02210

In re Application of:
MULLER, Pierre-Jean, et al.
U.S. Application No.: 12/742,774
PCT No.: PCT/FR2008/052058
International Filing Date: 14 November 2008
Priority Date: 16 November 2007
Attorney's Docket No.: 69316-3031
For: CULINARY ARTICLE HAVING A CORROSION-RESISTANT NON-STICK COATING

DECISION
(37 CFR 1.181)

This decision is issued in response to the "Response To Notification Of Missing Requirements" filed 17 November 2010, treated in part herein as a petition under 37 CFR 1.181 to withdraw the requirement for additional claims fees set forth in the "Notification Of Missing Requirements" (Form PCT/DO/EO/905) mailed 21 July 2010. No petition fee is required.

BACKGROUND

On 14 November 2008, applicants filed international application PCT/FR2008/052058. The international application claimed a priority date of 16 November 2007, and it designated the United States. On 04 June 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., 16 May 2010. The international application included 21 numbered claims and contained at least one multiple dependent claim.

On 13 May 2010, applicants filed a Form PTO-1390 Transmittal Letter requesting 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 as filed, a purported "Substitute Specification" that included a revised set of 21 numbered claims which did not include any multiple dependent claims, a "Preliminary Amendment" requesting entry of the substitute specification, an application data sheet (ADS), and payment of the following fees: basic national fee ($330), search fee ($430), examination fee ($220), and the fee for inclusion of one additional claim over twenty ($52).

On 21 July 2010, the United States Designated/Elected Office (DO/EO/US) mailed a "Notification Of Missing Requirements" (Form PCT/DO/EO/905) requiring submission of an oath or declaration in compliance with 37 CFR 1.497, the surcharge for filing the oath or declaration later than thirty months after the priority date, and additional claims fees totaling

$442 ($52 for an additional claim over twenty and $390 as the surcharge for inclusion of a multiple dependent claim).

On 17 November 2010 applicants filed the "Response To Notification Of Missing Requirements" considered herein.[1] The response included an executed declaration, payment of the surcharge required for filing the declaration after the thirty-month deadline, and a marked-up version of the substitute specification, including the revised claim set, in which the specific changes made to the specification and claims have been indicated. However, the response did not include payment of the additional claims fees required by the Notification. Rather, applicants argue that such fees are not required because the revised claims filed as part of the substitute specification do not include a multiple dependent claim or any additional claims over twenty beyond the one such claim paid for by applicants on 13 May 2010. Applicants' assertion that no additional claims fees are required is considered below as a petition under 37 CFR 1.181.

DISCUSSION

The claims of record in an international application entering the national stage in the United States are the claims in the international application, subject to any preliminary amendment to the claims filed in accordance with 37 CFR 1.121(c). See MPEP § 1893.01(c):

> A preliminary amendment accompanying the initial national stage submission under 35 U.SC. 371 that cancels claims and/or eliminates 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.

Applicants' present submission asserts that the revised set of claims included with the substitute specification should serve as the basis for calculating the appropriate claims fees, but applicants have not submitted a preliminary amendment in compliance with 37 CFR 1.121(c) to effectively replace the claims of record with the revised claims filed on 13 May 2010. The preliminary amendment filed with the original national stage materials on 13 May 2010 simply requested that the current specification be replaced with the attached substitute specification; however, the claims in an application are not subject to amendment by a substitute specification. See 37 CFR 1.121(b)(3)(emphasis added): "[t]he specification, **other than the claims**, may also be amended by submitting:(i) An instruction to replace the specification; and (ii) A substitute specification in compliance with §§ 1.125(b) and (c)." See also 37 CFR 1.125(b). It is noted that the marked-up version of the claims included with applicants' response to the Notification Of Missing Requirements also fails to comply with the requirements for an effective amendment of the claims under 37 CFR 1.121(c). For example, the status of every claim (i.e., original, currently amended, etc.) is not indicated for each claim, as required.

---

[1] Applicants' response was accompanied by the $130 fee applicable to a one-month extension of time; however, a two-month extension is required for the 17 November 2010 filing to be considered a timely response to the Notification Of Missing Requirements, as necessary to avoid abandonment of the application. Deposit Account No. 50-5180 will therefore be charged the additional $360 needed to complete the $490 fee applicable to the required two-month extension.

Based on the above, applicants have not effectively amended the claims in the present national stage application. The claims of record therefore remain the claims contained in the international application, and the claims fees due are appropriately calculated based on such claims. Because the claims fees required by the Notification Of Missing Requirements were based on the correct claims of record (i.e., the claims in the international application), applicants' request that the requirement for such additional claims fees be withdrawn is appropriately dismissed.

Pursuant to the authorization contained in applicants' 17 November 2010 submission, Deposit Account No. 50-5180 will be charged the additional $442 in claims fees itemized on the Notification Of Missing Requirements.

CONCLUSION

Applicants' petition to withdraw the requirement for additional claims set forth in the Notification Of Missing Requirements (Form PCT/DO/EO/905) mailed 21 July 2010 is **DISMISSED** without prejudice.

Deposit Account No. 50-5180 will be charged the following required claims fees: $52 for inclusion of an additional total claim over twenty, and $390 as the fee for inclusion of a multiple dependent claim. The Deposit Account will also be charged the additional $360 required to complete the two-month extension fee required with respect to the 17 November 2010 response.

Any request for reconsideration on the merits of this decision must be filed within **TWO (2) MONTHS** from the mailing date of this decision, indicated above. Any such request should include a cover sheet entitled "Renewed Petition" and must include a proper showing that the claims herein were effectively amended prior to the USPTO charging applicants, pursuant to applicants' Deposit Account authorization, the required claims fees.

Any further correspondence with respect to this issue 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.

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 17 November 2010.

/RichardMRoss/

Richard M. Ross
Attorney Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3296

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MAILED

NOV 22 2010

PCT LEGAL ADMINISTRATION

BOURQUE & ASSOCIATES
INTELLECTUAL PROPERTY ATTORNEYS, P.A.
835 HANOVER STREET
SUITE 301
MANCHESTER NH 03104

In re Application of	:	
STOLLERY et al	:	
Application No.: 12/742,809	:	
PCT No.: PCT/GB2008/003801	:	
Int. Filing Date: 12 November 2008	:	DECISION
Priority Date: 13 November 2007	:	
Attorney Docket No.: DUMMETT-083XX	:	
For: DISPENSING OF GLOVES	:	

The decision is in response to applicants' petition under 37 CFR 1.182 filed in the USPTO on 29 September 2010.

BACKGROUND

On 12 November 2008, applicants filed international application PCT/GB2008/003801 which designated the United States and claimed a priority date of 13 November 2007. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 22 May 2009. The thirty-month period for paying the basic national fee in the United States expired at midnight on 13 May 2010.

On 13 May 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 27 May 2010, applicants filed, *inter alia*, a declaration of inventors.

On 01 July 2010, the United States Designated/Elected Office (DO/EO/US) issued a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating, *inter alia*, that the declaration of inventors filed 27 May 2010 was not sufficient because there is a difference in the second inventor's last name between the published international application and the declaration.

On 29 September 2010, applicants filed the instant petition under 37 CFR 1.182.

DISCUSSION

In instances where an inventor has changed his or her name after the application has been filed, a petition under 37 CFR 1.182 must be submitted. The petition must include (1) the appropriate petition fee and (2) a statement signed by the inventor setting forth both names and the procedure whereby the change of name was effected, or a certified copy of the court order. MPEP § 605.04(c).

As to item (1), the petition fee is that required under 37 CFR 1.17(f) ($400) rather than the fee under 37 CFR 1.17(h) ($130). The difference has been charged to Deposit Account 02-3285 (as authorized in the PTO-1390 filed 13 May 2010).

With regard to item (2), the statement of Kim Marie STOLLERY is a statement setting forth both names (Kim Marie JONES and Kim Marie STOLLERY) and the procedure (marriage) whereby the change of name was effected. The statement is accepted.

Declaration of Inventors

The declaration of inventors filed 27 May 2010 is in compliance with 37 CFR 1.497(a)-(b).

CONCLUSION

For the reasons set forth above, the petition under 37 CFR 1.182 is **GRANTED**.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application.

/Daniel Stemmer/

Daniel Stemmer
Legal Examiner
PCT Legal Affairs
Office of Patent Cooperation Treaty
Legal Administration
Telephone: (571) 272-3301

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Jay P. Sbrollini
GORDON & JACOBSON, P.C.
60 Long Ridge Road, Suite 407
Tamford, CT 06902

MAILED
MAR 0 1 2011
PCT LEGAL ADMINISTRATION

In re Application of: SPRATLEY, David Derek Grant	:	DECISION
U.S. Application No.: 12/742,836	:	
PCT No.: PCT/GB2008/051073	:	
International Filing Date: 17 November 2008	:	UNDER
Priority Date: 16 November 2007	:	
Atty's Docket No.: CHAP-029	:	
For: A DEVICE FOR RETAINING BEVERAGE COOLING	:	
MEANS WITHIN A VESSEL	:	37 CFR 1.181

This decision is issued in response to applicant's "REQUEST FOR CORRECTION OF FILING RECEIPT AND NOTICE OF ACCEPTANCE" filed 08 February 2011, which has been treated as a petition under 37 C.F.R. 1.181. No petition fee is required.

BACKGROUND

On 13 May 2010, applicant filed National Phase application papers requesting entry into the national phase in the United States of America under 35 U.S.C. 371.

On 27 January 2011 and 03 February 2011, the United States Designated/Elected Office (DO/EO/US) mailed a Notice of Acceptance of Application Under 35 U.S.C. 371 and 37 CFR 1.495 (Form PCT/DO/EO/903) and Filing Receipt that identified the international application number PCT/GB2008/051073 and international filing date of 05/17/2008.

On 08 February 2011, applicant filed the instant "petition" requesting the correction of the international filing date on the Notice of Acceptance and Filing Receipt from 05/17/2008 to 11/17/2008.

DISCUSSION

A review of the file reveals that the date of 17 November 2008 is the correct international filing date for PCT/GB2008/051073. Therefore, the Notice of Acceptance of Application Under 35 U.S.C. 371 and 37 CFR 1.495 and Filing Receipt should have indicated thereon the international filing date of 17 November 2008.

CONCLUSION

Applicant's petition under 37 CFR 1.181 is **GRANTED**.

A corrected Filing Receipt with the correct international filing date of 11/17/2008 was mailed on 09 February 2011. The "Notice of Acceptance of Application Under 35 U.S.C. 371 and 37 CFR 1.495" (Form PCT/DO/EO/903) mailed on 17 September 2009 & 03 February 2011 is hereby **VACATED**.

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for treatment in accordance with this decision, that is, for mailing of a Notice of Acceptance of Application Under 35 U.S.C. 371 and 37 CFR 1.495 (Form PCT/DO/EO/903) which identifies a date of 17 November 2008 as the international filing date and 13 May 2010 under 35 U.S.C. 371 (c)(1), (c)(2), and (c)(4).

Bryan Lin
PCT Legal Examiner
Office of PCT Legal Administration

Harry C. Kim
PCT Special Programs Examiner
Office of PCT Legal Administration
Telephone: (571) 272-3285

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MAILED

AUG 08 2011

PCT LEGAL ADMINISTRATION

Kenyon & Kenyon LLP
One Broadway
New York, NY 10004

In re Application of
FINKELSTEIN et al.
Application No.: 12/742,856
PCT No.: PCT/US2008/012816
Int. Filing Date: 13 November 2008
Priority Date: 13 November 2007
Attorney Docket No.: 1662/A479USN1
For: POLYMORPHIC FORMS OF ALISKIREN HEMIFUMARATE AND PROCESS FOR PREPARATION THEREOF

DECISION ON
PAPERS UNDER 37 CFR 1.42

This decision is issued in response to the declaration filed 07 April 2011, which is being treated as a request under 37 CFR 1.42. No petition fee is required.

BACKGROUND

On 13 November 2008, applicants filed the above-identified international application which claimed a priority date of 13 November 2007. Pursuant to 37 CFR 1.495, the deadline for payment of the basic national fee was to expire 30 months from the priority date, 13 May 2010.

On 13 May 2010, applicants filed a transmittal letter for entry into the national stage in the United States accompanied, inter alia, by the basic national fee and a copy of the international application.

On 07 February 2011, the United States Designated/Elected Office (DO/EO/US) mailed a Notification of Missing Requirements (Form PCT/DO/EO/905) requiring an oath or declaration in compliance with 37 CFR 1.497 and the surcharge fee required under 37 CFR 1.492(h). The notification set a two-month time limit in which to respond.

On 07 April 2011, applicants filed an executed declaration.

On 22 July 2011, the United States Designated/Elected Office (DO/EO/US) mailed a Notification of Defective Response (Form PCT/DO/EO/916) indicating that the declaration filed 07 February 2011 was defective because the declaration had not been executed in accordance with 37 CFR 1.497(a)-(b).

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.

Section 409.01(a) of the Manual of Patent Examining Procedure (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.

The declaration submitted on 07 April 2011 appears to be executed by Boris Finkelstein on behalf of the deceased inventor, Nina Finkelstein. However, the declaration does not state that Boris Finkelstein is the sole heir or legal representative of the deceased inventor. Absent a statement that Boris Finkelstein is the sole heir or legal representative of the deceased inventor, the declaration cannot be accepted under 37 CFR 1.42.

37 CFR 1.497(b)(2) states the following:

> (2) If the person making the oath or declaration or any supplemental oath or declaration is not the inventor (§§ 1.42, 1.43, or § 1.47) the oath or declaration shall state the relationship of the person to the inventor, and, upon information and belief, the facts which the inventor would have been required to state. If the person signing is the legal representative of a deceased inventor, the oath or declaration shall also state that the person is a legal representative and the citizenship, residence, and mailing address of the legal representative.

Pursuant to 37 CFR 1.497(b)(2), in addition to the name and citizenship of the deceased inventor referenced under 37 CFR 1.497(a)(3) and 37 CFR 1.63, the declaration must also provide name, residence, citizenship, and post office address for the legal representative. The declaration filed on 07 April 2011 provides the residence, citizenship, and post office address for only one individual and it is unclear whether this information is for the person executing the declaration or the deceased inventor. Accordingly, the declaration is not in compliance with 37 CFR 1.497(b)(2).

CONCLUSION

For the above reasons, the request for status under 37 CFR 1.42 is **REFUSED**.

The Notification of Defective Response (Form PCT/DO/EO/916) mailed 22 July 2011 is hereby VACATED.

Applicants are required to provide an oath/declaration in compliance with 37 CFR 1.497(a)-(b) within **TWO (2) MONTH** from the mail date of this Decision. Failure to respond will result in the abandonment of the application. Any reconsideration request should include a cover letter entitled "Renewed Submission Under 37 CFR 1.42" and must include an acceptable declaration under 37 CFR 1.497 which has been executed by the either the legal representative of the deceased inventor or, if no legal representative has been appointed, all of the heirs of the deceased inventor.

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Tel: (571) 272-3298
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

MAILED

OCT 12 2011

PCT LEGAL ADMINISTRATION

Kenyon & Kenyon LLP
One Broadway
New York, NY 10004

In re Application of :
FINKELSTEIN et al. :
Application No.: 12/742,856 : DECISION ON PETITION
PCT No.: PCT/US2008/012816 :
Int. Filing Date: 13 November 2008 :
Priority Date: 13 November 2007 :
Attorney Docket No.: 1662/A479USN1 :
For: POLYMORPHIC FORMS OF ALISKIREN HEMIFUMARATE AND PROCESS FOR PREPARATION THEREOF :

In a decision mailed by this Office on 08 August 2011, the declaration filed by applicant on behalf of deceased inventor Nina Finkelstein was dismissed for failure to include all the information required under 37 CFR 1.497.

On 04 October 2011, applicant filed a response to the previous communication that was accompanied by a revised declaration. The declaration submitted on 04 October 2011 identifies the deceased inventor and states the deceased inventor's country of citizenship and residence, is signed by Boris Finkelstein as "sole heir," states his/her relationship to the deceased (i.e., sole heir), and provides the sole heir's country of citizenship and residency. Accordingly, the declaration complies with the requirements of 37 CFR 1.497(b)(2) and 37 CFR 1.42.

The request for status under 37 CFR 1.42 is **GRANTED**.

The submission of the declaration executed by the heir of the deceased inventor is hereby construed as an indication that no legal representative of the deceased's estate has been appointed and that no legal representative is required by applicable law to be appointed. If this interpretation is incorrect, applicant is required to promptly notify the Office of such and to submit a declaration properly executed by the legal representative of the deceased inventor in response to this decision.

The application will be forwarded to the National Stage Processing Branch of the Office of PCT Operations for further processing in accordance with this decision.

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Tel: (571) 272-3298
Fax: (571) 273-0459