PTO/SB/20PCT-JP (05-10)
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U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE
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REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE JAPAN PATENT OFFICE (JPO) AND THE USPTO

Application No:	12/748,871	Filing date:	March 29, 2010
First Named Inventor:	Tetsurou Nakamura		
Title of the Invention:	Display Apparatus and Control Method for Display Apparatus		

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

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

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

The corresponding PCT application number(s) is/are: PCT/JP2009/002621

The international date of the corresponding PCT application(s) is/are: June 10, 2009

I. List of Required Documents:

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

☑ Is attached.

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

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

☑ Is attached.

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

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

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

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

(continued)

Application No.:	12/748,871
First Named Inventor:	Tetsurou Nakamura

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

☐ Is attached

☑ Has already been filed in the above-identified U.S. application on June 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 June 29, 2010

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1	1	The claims of the present application were revised prior to filing to improve clarity,
2	2	grammar, and syntax. The claims were also revised prior to filing to utilize
3	3	proper format and to eliminate language informalities. Additionally, the
4	3	claims were revised to eliminate potential means-plus-function claim
5	4	language and to eliminate multiple dependencies.
6	5	
7	6	Furthermore, the claims of the present application were revised prior to
8	7	filing to recite that the memory stores a plurality of trap levels/reverse
9	8	bias levels in association with a plurality of use durations/degrees of
10	9	decrease in luminance instead of a trap level/reverse bias level in association
11	10	with a use duration/degree of luminance to more clearly recite the
12	11	features of the present application. Nonetheless, it is submitted that
13	12	such revisions do not effect the "sufficient correspondence" of the claims,
14	13	but rather, merely clarify the features of the claims.
15	14	
16	15	

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

Signature		William Pieprz	Date 12/15/2011
Name (Print/Typed)	Bruce H. Bernstein	Reg. No. 33,630	Registration Number 29027

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.

P37558.A02

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants	: Tetsurou NAKAMURA et al.	Art Unit	: 2629
Appl. No.	: 12/748,871 (Continuation of PCT/JP2009/002621)	Examiner	: Richard J. Hjerpe
I.A. Filed	: June 10, 2009	Conf. No.	: 6061
For	: DISPLAY APPARATUS AND CONTROL METHOD FOR DISPLAY APPARATUS		

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

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

Sir:

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

1. The present application is a national application claiming foreign/domestic priority to PCT/JP2009/002621. That is, the present application is a continuation of PCT/JP2009/002621.

2. A copy of the latest international work product in PCT/JP2009/002621, and a partial English language translation thereof, are submitted concurrently with this Request. Applicants note that no observation is described in Box VIII.

3. A copy of the claims in PCT/JP2009/002621 having novelty, inventive step, and industrial applicability, and a verified English language translation thereof, are submitted concurrently with this Request.

4. Copies of the documents cited in the latest international work product were submitted in an Information Disclosure Statement (IDS) filed on June 29, 2011. Nevertheless, English language Abstracts and machine translations of JP 2006-276097 and JP 11-008064, which are cited in the latest international work product and which were submitted in the IDS, are submitted concurrently with this Request in a Supplemental Information Disclosure Statement for the convenience of the Examiner. Applicants note that a corresponding English language document of JP 2000-214824, cited in the above noted Information Disclosure Statement, which is also cited in the latest international work product, is listed in the IDS.

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

Respectfully submitted,
Tetsurou NAKAMURA et al.

Bruce H. Bernstein
Reg. No. 29027

William Pieprz
Reg. No. 33,630

December 15, 2011
GREENBLUM & BERNSTEIN, P.L.C.
1950 Roland Clarke Place
Reston, VA 20191
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Serial NO.:12/748,871
Filing Date: March 29, 2010
For: DISPLAY APPARATUS AND CONTROL METHOD FOR DISPLAY APPARATUS

VERIFICATION OF TRANSLATION

Honorable Commissioner of Patents and Trademarks
Washington, D.C. 20231

Sir:

Emi TAMAMURA, c/o NII Patent Firm, 6F, Tanaka Ito Pia Shin-Osaka Bldg., 3-10, Nishi Nakajima 5-chome, Yodogawa-ku, Osaka-city, Osaka 532-0011, Japan declares:

(1) that she knows well both the Japanese and English languages;
(2) that she translated the claims from PCT/JP2009/002621 from Japanese to English;
(3) that the attached English translation is a true and correct translation of the claims from PCT/JP2009/002621 to the best of her knowledge and belief; and
(4) that all statements made of her own knowledge are true and that all statements made on information and belief are believed to be true, and further that these statements are made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and that such false statements may jeopardize the validity of the application or any patent thereon.

This Tuesday of November 29, 2011

Emi Tamamura

Emi TAMAMURA

[CLAIMS]

[Claim 1] A display apparatus comprising:

a light emitting device;

a power line through which a current is supplied to said light emitting device to cause said light emitting device to emit light;

a capacitor which stores a charge;

a driving device which allows the current to flow through said light emitting device via said power line, the current having a value depending on an amount of the charge stored in said capacitor;

a memory which holds a trap level in association with use duration of said light emitting device, the trap level being an energy level which is generated in said light emitting device as the current is supplied to said light emitting device;

an obtaining unit configured to count use duration of said light emitting device; and

a control unit configured to (i) read out from said memory the trap level associated with the use duration of said light emitting device, which corresponds to the use duration obtained from said obtaining unit, and (ii) remove the charge from the trap level by application of a reverse bias voltage to said light emitting device, the reverse bias voltage having a level associated with the read-out trap level,

wherein said control unit is configured to change the level of the reverse bias voltage which is to be applied to said light emitting device so that as the use duration of said light emitting device is longer, the level of the reverse bias voltage which is to be applied to said light emitting device becomes higher.

[Claim 2] The display apparatus according to Claim 1, further comprising

a second obtaining unit configured to measure a temperature of said light emitting device,

wherein said memory holds the trap level of said light emitting device in association with the use duration of said light emitting device and a temperature of said light emitting device,

said control unit is configured to (i) read out from said memory

the trap level associated with the use duration and temperature of said light emitting device, which correspond to the use duration obtained from said obtaining unit and the temperature obtained from said second obtaining unit, and (ii) apply a reverse bias voltage to said light emitting device, the reverse bias voltage having a level associated with the read-out trap level, and

said control unit is configured to change the level of the reverse bias voltage which is to be applied to said light emitting device so that as the use duration of said light emitting device is longer, the level of the reverse bias voltage which is to be applied to said light emitting device becomes higher.

[Claim 3] The display apparatus according to one of Claims 1 and 2,

wherein the use duration of said light emitting device is dependent on behavior between last application of the reverse bias voltage to said light emitting device and subsequent application of the reverse bias voltage to said light emitting device.

[Claim 4] A display apparatus comprising:

a light emitting device;

a power line through which a current is supplied to said light emitting device to cause said light emitting device to emit light;

a capacitor which stores a charge;

a driving device which allows the current to flow through said light emitting device via said power line, the current having a value depending on an amount of the charge stored in said capacitor;

a memory which holds a trap level in association with use duration of said light emitting device, the trap level being an energy level which is generated in said light emitting device as the current is supplied to said light emitting device;

an obtaining unit configured to count use duration of said light emitting device;

a shorting transistor which provides an electrical short between an anode and a cathode of said light emitting device; and

a control unit configured to (i) read out from said memory the trap level associated with the use duration of said light emitting device, which corresponds to the use duration of said light emitting device obtained from said obtaining unit, and (ii) remove the charge from the trap level by causing said shorting transistor to provide the electrical short for short circuit duration associated with the read-out trap level,

wherein said control unit is configured to change the short circuit duration for which said shorting transistor provides the electrical short so that as the use duration of said light emitting device is longer, the short circuit duration for which said shorting transistor provides the electrical short becomes longer.

[Claim 5] The display apparatus according to Claim 4,

wherein the use duration of said light emitting device is dependent on behavior between a last end of the electrical short provided by said shorting transistor and a subsequent start of the electrical short provided by said shorting transistor.

[Claim 6] A display apparatus comprising:

a light emitting device;

a power line through which a current is supplied to said light emitting device to cause said light emitting device to emit light;

a capacitor which stores a charge;

a driving device which allows the current to flow through said light emitting device via said power line, the current having a value depending on an amount of the charge stored in said capacitor;

a first obtaining unit configured to obtain a light emission voltage for said light emitting device;

a second obtaining unit configured to obtain a light emission current for said light emitting device;

a memory which holds a trap level in association with a degree of decrease in luminance of said light emitting device, the trap level being an energy level which is generated in said light emitting device as the current is supplied to said light emitting device; and

a control unit configured to (i) calculate a degree of decrease in

luminance of said light emitting device based on the light emission voltage and light emission current for said light emitting device, the degree of decrease in luminance indicating a degree of decrease in the light emission current which flows through said light emitting device at a constant voltage, or a degree of increase in voltage which is required to allow a same current to flow through said light emitting device, (ii) read out the trap level of said light emitting device associated with the calculated degree of decrease in luminance, and (iii) remove the charge from the trap level by application of a reverse bias voltage to said light emitting device, the reverse bias voltage having a level associated with the read-out trap level,

wherein said control unit is configured to change the level of the reverse bias voltage which is to be applied to said light emitting device so that as the degree of decrease in luminance of said light emitting device is higher, the level of the reverse bias voltage which is to be applied to said light emitting device becomes higher.

[Claim 7] The display apparatus according to Claim 6,

wherein the degree of decrease in luminance of said light emitting device is associated with use duration of said light emitting device.

[Claim 8] A display apparatus comprising:

a light emitting device;

a power line through which a current is supplied to said light emitting device to cause said light emitting device to emit light;

a capacitor which stores a charge;

a driving device which allows the current to flow through said light emitting device via said power line, the current having a value depending on an amount of the charge stored in said capacitor;

a first obtaining unit configured to obtain a light emission voltage for said light emitting device;

a second obtaining unit configured to obtain a light emission current for said light emitting device;

a memory which holds a trap level in association with a degree

of decrease in luminance of said light emitting device, the trap level being an energy level which is generated in said light emitting device as the current is supplied to said light emitting device;

a shorting transistor which provides an electrical short between an anode and a cathode of said light emitting device; and

a control unit configured to (i) calculate a degree of decrease in luminance of said light emitting device based on the light emission voltage and light emission current for said light emitting device, the degree of decrease in luminance indicating a degree of decrease in the light emission current which flows through said light emitting device at a constant voltage, or a degree of increase in voltage which is required to allow a same current to flow through said light emitting device, (ii) read out the trap level of said light emitting device associated with the calculated degree of decrease in luminance, and (iii) remove the charge from the trap level by causing said shorting transistor to provide the electrical short for short circuit duration associated with the read-out trap level,

wherein said control unit is configured to change the short circuit duration for which said shorting transistor provides the electrical short so that as the degree of decrease in luminance of said light emitting device is higher, the short circuit duration for which said shorting transistor provides the electrical short becomes longer.

[Claim 9] The display apparatus according to Claim 8,

wherein the degree of decrease in luminance of said light emitting device is associated with use duration of said light emitting device.

[Claim 10] A display apparatus comprising:

a light emitting device;

a power line through which a current is supplied to said light emitting device to cause said light emitting device to emit light;

a capacitor which stores a charge;

a driving device which allows the current to flow through said light emitting device via said power line, the current having a value

depending on an amount of the charge stored in said capacitor;

a memory which holds a level of a reverse bias voltage in association with use duration of said light emitting device, the level of a reverse bias voltage being associated with a trap level that is an energy level which is generated in said light emitting device as the current is supplied to said light emitting device;

an obtaining unit configured to count use duration of said light emitting device; and

a control unit configured to (i) read out from said memory the level of the reverse bias voltage associated with the use duration of said light emitting device, which corresponds to the use duration of said light emitting device obtained from said obtaining unit, and (ii) remove the charge from the trap level by application of a reverse bias voltage to said light emitting device, the reverse bias voltage having the read-out level,

wherein said control unit is configured to change the level of the reverse bias voltage which is to be applied to said light emitting device so that as the use duration of said light emitting device is longer, the level of the reverse bias voltage which is to be applied to said light emitting device becomes higher.

[Claim 11] A display apparatus comprising:

a light emitting device;

a power line through which a current is supplied to said light emitting device to cause said light emitting device to emit light;

a capacitor which stores a charge;

a driving device which allows the current to flow through said light emitting device via said power line, the current having a value depending on an amount of the charge stored in said capacitor;

a first obtaining unit configured to obtain a light emission voltage for said light emitting device;

a second obtaining unit configured to obtain a light emission current for said light emitting device;

a memory which holds a level of a reverse bias voltage in association with a degree of decrease in luminance of said light

emitting device, the level of a reverse bias voltage being associated with a trap level that is an energy level which is generated in said light emitting device as the current is supplied to said light emitting device; and

a control unit configured to (i) calculate a degree of decrease in luminance of said light emitting device based on the light emission voltage and light emission current for said light emitting device, the degree of decrease in luminance indicating a degree of decrease in the light emission current which flows through said light emitting device at a constant voltage, or a degree of increase in voltage which is required to allow a same current to flow through said light emitting device, (ii) read out from said memory the level of the reverse bias voltage associated with the calculated degree of decrease in luminance, and (iii) remove the charge from the trap level by application of a reverse bias voltage to said light emitting device, the reverse bias voltage having the read-out level,

wherein said control unit is configured to change the level of the reverse bias voltage which is to be applied to said light emitting device so that as the degree of decrease in luminance of said light emitting device is higher, the level of the reverse bias voltage which is to be applied to said light emitting device becomes higher.

[Claim 12] A control method for a display apparatus which includes:

a light emitting device;

a power line through which a current is supplied to the light emitting device to cause the light emitting device to emit light;

a capacitor which stores a charge;

a driving device which allows the current to flow through the light emitting device via the power line, the current having a value depending on an amount of the charge stored in the capacitor;

a memory which holds a trap level in association with use duration of the light emitting device, the trap level being an energy level which is generated in the light emitting device as the current is supplied to the light emitting device; and

an obtaining unit configured to count use duration of the light

emitting device,

wherein said method comprises:

reading out from the memory the trap level associated with the use duration of the light emitting device, which corresponds to the use duration obtained from the obtaining unit; and

removing the charge from the trap level by application of a reverse bias voltage to the light emitting device, the reverse bias voltage having a level associated with the read-out trap level, and

changing the level of the reverse bias voltage which is to be applied to the light emitting device, so that as the use duration of the light emitting device is longer, the level of the reverse bias voltage which is to be applied to the light emitting device becomes higher.

[Claim 13] A control method for a display apparatus which includes:

a light emitting device;

a power line through which a current is supplied to the light emitting device to cause the light emitting device to emit light;

a capacitor which stores a charge;

a driving device which allows the current to flow through the light emitting device via the power line, the current having a value depending on an amount of the charge stored in the capacitor;

a first obtaining unit configured to obtain a light emission voltage for the light emitting device;

a second obtaining unit configured to obtain a light emission current for the light emitting device; and

a memory which holds a trap level in association with a degree of decrease in luminance of the light emitting device, the trap level being an energy level which is generated in the light emitting device as the current is supplied to the light emitting device,

wherein said method comprises:

calculating the degree of decrease in luminance of the light emitting device based on the light emission voltage and light emission current for the light emitting device, the degree of decrease in luminance indicating a degree of decrease in the light emission current which flows through the light emitting device at a constant

voltage, or a degree of increase in voltage which is required to allow a same current to flow through the light emitting device;

reading out the trap level of the light emitting device associated with the calculated degree of decrease in luminance; and

removing the charge from the trap level by application of a reverse bias voltage to the light emitting device, the reverse bias voltage having a level associated with the read-out trap level, and

changing the level of the reverse bias voltage which is to be applied to the light emitting device, so that as the degree of decrease in luminance of the light emitting device is higher, the level of the reverse bias voltage which is to be applied to the light emitting device becomes higher.

[Claim 14] A control method for a display apparatus which includes:

a light emitting device;

a power line through which a current is supplied to the light emitting device to cause the light emitting device to emit light;

a capacitor which stores a charge;

a driving device which allows the current to flow through the light emitting device via the power line, the current having a value depending on an amount of the charge stored in the capacitor;

a memory which holds a level of reverse bias voltage in association with use duration of the light emitting device, the level of reverse bias voltage being associated with a trap level that is an energy level which is generated in the light emitting device as the current is supplied to the light emitting device; and

an obtaining unit configured to count use duration of the light emitting device,

wherein said method comprises:

reading out from said memory the level of the reverse bias voltage associated with the use duration of the light emitting device, which corresponds to the use duration of the light emitting device obtained from the obtaining unit; and

removing the charge from the trap level by application of a reverse bias voltage to the light emitting device, the reverse bias

voltage having the read-out level, and

changing the level of the reverse bias voltage which is to be applied to the light emitting device, so that as the use duration of the light emitting device is longer, the level of the reverse bias voltage which is to be applied to the light emitting device becomes higher.

[Claim 15] A control method for a display apparatus which includes:

a light emitting device;

a power line through which a current is supplied to the light emitting device to cause the light emitting device to emit light;

a capacitor which stores a charge;

a driving device which allows the current to flow through the light emitting device via the power line, the current having a value depending on an amount of the charge stored in the capacitor;

a first obtaining unit configured to obtain a light emission voltage for the light emitting device;

a second obtaining unit configured to obtain a light emission current for the light emitting device; and

a memory which holds a level of a reverse bias voltage in association with a degree of decrease in luminance of the light emitting device, the level of a reverse bias voltage being associated with a trap level that is an energy level which is generated in the light emitting device as the current is supplied to the light emitting device,

wherein said method comprises:

calculating the degree of decrease in luminance of the light emitting device based on the light emission voltage and light emission current for the light emitting device, the degree of decrease in luminance indicating a degree of decrease in the light emission current which flows through the light emitting device at a constant voltage, or a degree of increase in voltage which is required to allow a same current to flow through the light emitting device;

reading out from the memory the level of the reverse bias voltage associated with the calculated degree of decrease in luminance; and

changing the level of the reverse bias voltage which is to be

applied to the light emitting device, so that as the degree of decrease in luminance of the light emitting device is higher, the level of the reverse bias voltage which is to be applied to the light emitting device becomes higher.

請求の範囲

[請求項1]　発光素子と、

前記発光素子に電流を供給して前記発光素子を発光させる電源線と、

電荷を蓄積するコンデンサと、

前記コンデンサに蓄積された電荷に応じた電流を前記電源線から前記発光素子に流させる駆動素子と、

前記発光素子に電流を供給するに従って前記発光素子に形成されるエネルギー準位であるトラップ準位を、前記発光素子の使用時間に対応させて記憶しているメモリと、

前記発光素子の使用時間を計測する取得部と、

前記取得部から取得した前記発光素子の使用時間に基づいて、前記メモリを参照して、前記発光素子の使用時間に対応するトラップ準位を読み出し、前記読み出したトラップ準位に対応した電圧量の逆バイアスを前記発光素子に印加してトラップ準位にたまった電荷を抜き去る制御部と、を具備し、

前記制御部は、前記発光素子の使用時間が長くなるほど、前記発光素子に印加する逆バイアスの電圧量が大きくなるように、前記発光素子に印加する逆バイアスの電圧量を変動させる

ことを特徴とする表示装置。

[請求項2]　前記メモリは、前記発光素子の使用時間及び前記発光素子の温度に対応させて前記発光素子のトラップ準位を記憶しており、

前記表示装置は、さらに、

前記発光素子の温度を計測する第２取得部を有し、

前記制御部は、

前記取得部から取得した前記発光素子の使用時間及び前記第２取得部から取得した前記発光素子の温度に基づいて、前記メモリを参照して、前記発光素子の使用時間及び前記発光素子の温度に対応するトラ

ップ準位を読み出し、前記読み出したトラップ準位に対応した電圧量の逆バイアスを前記発光素子に印加し、

前記制御部は、前記発光素子の使用時間が長くなるほど、前記発光素子に印加する逆バイアスの電圧量が大きくなるように、前記発光素子に印加する逆バイアスの電圧量を変動させる

ことを特徴とする請求項１記載の表示装置。

[請求項3] 前記発光素子の使用時間は、前回前記発光素子に逆バイアスを印加したときから今回前記発光素子に逆バイアスを印加するときまでに対応する時間である

ことを特徴とする請求項１又は請求項２に記載の表示装置。

[請求項4] 発光素子と、

前記発光素子に電流を供給して前記発光素子を発光させる電源線と、

電荷を蓄積するコンデンサと、

前記コンデンサに蓄積された電荷に応じた電流を前記電源線から前記発光素子に流させる駆動素子と、

前記発光素子に電流を供給するに従って前記発光素子に形成されるエネルギー準位であるトラップ準位を、前記発光素子の使用時間に対応させて記憶しているメモリと、

前記発光素子の使用時間を計測する取得部と、

前記発光素子のアノードとカソードとを短絡させる短絡トランジスタと、

前記取得部から取得した前記発光素子の使用時間に基づいて、前記メモリを参照して、前記発光素子の使用時間に対応するトラップ準位を読み出し、前記読み出したトラップ準位に対応した短絡時間の間、前記短絡トランジスタで短絡させてトラップ準位にたまった電荷を抜き去る制御部と、を具備し、

前記制御部は、前記発光素子の使用時間が長くなるほど、前記短絡

トランジスタで短絡させる短絡時間が長くなるように、前記短絡トランジスタで短絡させる短絡時間を変動させる

ことを特徴とする表示装置。

[請求項5]　前記発光素子の使用時間は、前回前記短絡トランジスタによる短絡を終了したときから今回前記短絡トランジスタによる短絡を開始するときまでに対応する時間である

ことを特徴とする請求項４に記載の表示装置。

[請求項6]　発光素子と、

前記発光素子に電流を供給して前記発光素子を発光させる電源線と、

電荷を蓄積するコンデンサと、

前記コンデンサに蓄積された電荷に応じた電流を前記電源線から前記発光素子に流させる駆動素子と、

前記発光素子の発光電圧を取得する第１取得部と、

前記発光素子の発光電流を取得する第２取得部と、

前記発光素子に電流を供給するに従って前記発光素子に形成されるエネルギー準位であるトラップ準位を、前記発光素子の輝度劣化度合に対応させて記憶しているメモリと、

前記発光素子の発光電圧及び発光電流に基づいて、同一電圧により前記発光素子に流れる発光電流の低下度合又は前記発光素子に同じ電流を流すために必要とされる電圧の増加度合を示す前記発光素子の輝度劣化度合を算出し、前記算出した輝度劣化度合に対応する前記発光素子のトラップ準位を前記メモリから読み出し、前記読み出したトラップ準位に対応した電圧量の逆バイアスを前記発光素子に印加してトラップ準位にたまった電荷を抜き去る制御部と、を具備し、

前記制御部は、前記発光素子の輝度劣化度合が大きくなるほど、前記発光素子に印加する逆バイアスの電圧量が大きくなるように、前記発光素子に印加する逆バイアスの電圧量を変動させる

ことを特徴とする表示装置。

[請求項7]　前記発光素子の輝度劣化度合は、前記発光素子の所定の使用時間に対応したものである

ことを特徴とする請求項６に記載の表示装置。

[請求項8]　発光素子と、

前記発光素子に電流を供給して前記発光素子を発光させる電源線と、

電荷を蓄積するコンデンサと、

前記コンデンサに蓄積された電荷に応じた電流を前記電源線から前記発光素子に流させる駆動素子と、

前記発光素子の発光電圧を取得する第１取得部と、

前記発光素子の発光電流を取得する第２取得部と、

前記発光素子に電流を供給するに従って前記発光素子に形成されるエネルギー準位であるトラップ準位を、前記発光素子の輝度劣化度合に対応させて記憶しているメモリと、

前記発光素子のアノードとカソードとを短絡させる短絡トランジスタと、

前記発光素子の発光電圧及び発光電流に基づいて、同一電圧により前記発光素子に流れる発光電流の低下度合又は前記発光素子に同じ電流を流すために必要とされる電圧の増加度合を示す前記発光素子の輝度劣化度合を算出し、前記算出した輝度劣化度合に対応する前記発光素子のトラップ準位を前記メモリから読み出し、前記読み出したトラップ準位に対応した短絡時間の間、前記短絡トランジスタで短絡させてトラップ準位にたまった電荷を抜き去る制御部と、を具備し、

前記制御部は、前記発光素子の輝度劣化度合が大きくなるほど、前記短絡トランジスタで短絡させる短絡時間が長くなるように、前記短絡トランジスタで短絡させる短絡時間を変動させる

ことを特徴とする表示装置。

[請求項9]　前記発光素子の輝度劣化度合は、前記発光素子の所定の使用時間に対応したものである

ことを特徴とする請求項８に記載の表示装置。

[請求項10]　発光素子と、

前記発光素子に電流を供給して前記発光素子を発光させる電源線と、

電荷を蓄積するコンデンサと、

前記コンデンサに蓄積された電荷に応じた電流を前記電源線から前記発光素子に流させる駆動素子と、

前記発光素子に電流を供給するに従って前記発光素子に形成されるエネルギー準位であるトラップ準位に対応した逆バイアス電圧量を、前記発光素子の使用時間に対応させて記憶しているメモリと、

前記発光素子の使用時間を計測する取得部と、

前記取得部から取得した前記発光素子の使用時間に基づいて、前記メモリを参照して、前記発光素子の使用時間に対応する逆バイアス電圧量を読み出し、前記読み出した電圧量の逆バイアスを前記発光素子に印加してトラップ準位にたまった電荷を抜き去る制御部と、を具備し、

前記制御部は、前記発光素子の使用時間が長くなるほど、前記発光素子に印加する逆バイアスの電圧量が大きくなるように、前記発光素子に印加する逆バイアスの電圧量を変動させる

ことを特徴とする表示装置。

[請求項11]　発光素子と、

前記発光素子に電流を供給して前記発光素子を発光させる電源線と、

電荷を蓄積するコンデンサと、

前記コンデンサに蓄積された電荷に応じた電流を前記電源線から前記発光素子に流させる駆動素子と、

前記発光素子の発光電圧を取得する第１取得部と、

前記発光素子の発光電流を取得する第２取得部と、

前記発光素子に電流を供給するに従って前記発光素子に形成されるエネルギー準位であるトラップ準位に対応する逆バイアス電圧量を、前記発光素子の輝度劣化度合に対応させて記憶しているメモリと、

前記発光素子の発光電圧及び発光電流に基づいて、同一電圧により前記発光素子に流れる発光電流の低下度合又は前記発光素子に同じ電流を流すために必要とされる電圧の増加度合を示す前記発光素子の輝度劣化度合を算出し、前記メモリを参照して、前記算出した輝度劣化度合に対応する逆バイアス電圧量を読み出し、前記読み出した電圧量の逆バイアスを前記発光素子に印加してトラップ準位にたまった電荷を抜き去る制御部と、を具備し、

前記制御部は、前記発光素子の輝度劣化度合が大きくなるほど、前記発光素子に印加する逆バイアスの電圧量が大きくなるように、前記発光素子に印加する逆バイアスの電圧量を変動させる

ことを特徴とする表示装置。

[請求項12]　発光素子と、

前記発光素子に電流を供給して前記発光素子を発光させる電源線と、

電荷を蓄積するコンデンサと、

前記コンデンサに蓄積された電荷に応じた電流を前記電源線から前記発光素子に流させる駆動素子と、

前記発光素子に電流を供給するに従って前記発光素子に形成されるエネルギー準位であるトラップ準位を、前記発光素子の使用時間に対応させて記憶しているメモリと、

前記発光素子の使用時間を計測する取得部と、を具備した表示装置の制御方法であって、

前記取得部から取得した前記発光素子の使用時間に基づいて、前記

メモリを参照して、前記発光素子の使用時間に対応するトラップ準位を読み出し、

前記読み出したトラップ準位に対応した電圧量の逆バイアスを前記発光素子に印加してトラップ準位にたまった電荷を抜き去り、

前記発光素子の使用時間が長くなるほど、前記発光素子に印加する逆バイアスの電圧量が大きくなるように、前記発光素子に印加する逆バイアスの電圧量を変動させる

ことを特徴とする表示装置の制御方法。

[請求項13] 発光素子と、

前記発光素子に電流を供給して前記発光素子を発光させる電源線と、

電荷を蓄積するコンデンサと、

前記コンデンサに蓄積された電荷に応じた電流を前記電源線から前記発光素子に流させる駆動素子と、

前記発光素子の発光電圧を取得する第１取得部と、

前記発光素子の発光電流を取得する第２取得部と、

前記発光素子に電流を供給するに従って前記発光素子に形成されるエネルギー準位であるトラップ準位を、前記発光素子の輝度劣化度合に対応させて記憶しているメモリと、を具備した表示装置の制御方法であって、

前記発光素子の発光電圧及び発光電流に基づいて、同一電圧により前記発光素子に流れる発光電流の低下度合又は前記発光素子に同じ電流を流すために必要とされる電圧の増加度合を示す前記発光素子の輝度劣化度合を算出し、

前記算出した輝度劣化度合に対応する前記発光素子のトラップ準位を前記メモリから読み出し、

前記読み出したトラップ準位に対応した電圧量の逆バイアスを前記発光素子に印加してトラップ準位にたまった電荷を抜き去り、

前記発光素子の輝度劣化度合が大きくなるほど、前記発光素子に印加する逆バイアスの電圧量が大きくなるように、前記発光素子に印加する逆バイアスの電圧量を変動させる

ことを特徴とする表示装置の制御方法。

[請求項14] 発光素子と、

前記発光素子に電流を供給して前記発光素子を発光させる電源線と、

電荷を蓄積するコンデンサと、

前記コンデンサに蓄積された電荷に応じた電流を前記電源線から前記発光素子に流させる駆動素子と、

前記発光素子に電流を供給するに従って前記発光素子に形成されるエネルギー準位であるトラップ準位に対応した逆バイアス電圧量を、前記発光素子の使用時間に対応させて記憶しているメモリと、

前記発光素子の使用時間を計測する取得部と、を具備した表示装置の制御方法であって、

前記取得部から取得した前記発光素子の使用時間に基づいて、前記メモリを参照して、前記発光素子の使用時間に対応する逆バイアス電圧量を読み出し、

前記読み出した電圧量の逆バイアスを前記発光素子に印加してトラップ準位にたまった電荷を抜き去り、

前記発光素子の使用時間が長くなるほど、前記発光素子に印加される逆バイアスの電圧量が大きくなるように、前記発光素子に印加される逆バイアスの電圧量を変動させる

ことを特徴とする表示装置の制御方法。

[請求項15] 発光素子と、

前記発光素子に電流を供給して前記発光素子を発光させる電源線と、

電荷を蓄積するコンデンサと、

前記コンデンサに蓄積された電荷に応じた電流を前記電源線から前記発光素子に流させる駆動素子と、

前記発光素子の発光電圧を取得する第１取得部と、

前記発光素子の発光電流を取得する第２取得部と、

前記発光素子に電流を供給するに従って前記発光素子に形成されるエネルギー準位であるトラップ準位に対応する逆バイアス電圧量を、前記発光素子の輝度劣化度合に対応させて記憶しているメモリと、を具備した表示装置の制御方法であって、

前記発光素子の発光電圧及び発光電流に基づいて、同一電圧により前記発光素子に流れる発光電流の低下度合又は前記発光素子に同じ電流を流すために必要とされる電圧の増加度合を示す前記発光素子の輝度劣化度合を算出し、

前記メモリを参照して、前記算出した輝度劣化度合に対応する逆バイアス電圧量を読み出し、前記読み出した電圧量の逆バイアスを前記発光素子に印加してトラップ準位にたまった電荷を抜き去り、

前記発光素子の輝度劣化度合が大きくなるほど、前記発光素子に印加する逆バイアスの電圧量が大きくなるように、前記発光素子に印加する逆バイアスの電圧量を変動させる

ことを特徴とする表示装置の制御方法。

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/JP2009/002621

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:

Document 1: JP 2006-276097 A (Tohoku Pioneer Corp.), 12 October 2006, abstract; paragraphs [0020] to [0037]; fig. 3

Document 2: JP 2000-214824 A (Pioneer Corp.), 04 August 2000, paragraphs [0037] to [0041]; fig. 5, 12 & US 6376994 B1

Document 3: JP 11-008064 A (Stanley Electric Co., Ltd.), 12 January 1999, entire text; all drawings

The invention as in claims 1-15 is not disclosed in any of the documents cited in the ISR, and is novel and involves an inventive step. In particular, a "memory which stores, in association with the time of use of a light-emitting element, a trap level, which is an energy level formed by the aforementioned light-emitting element according to the supply of current to the aforementioned light-emitting element," and "a control unit which, based on the time of use of a light-emitting element, references the aforementioned memory, reads out the trap level corresponding to the time of use of the

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

aforementioned light-emitting element, applies to the aforementioned light-emitting element a reverse bias of a voltage quantity corresponding to the aforementioned read-out trap level, and extracts electric charge accumulated at the trap level," are not disclosed in any of the documents.

特許協力条約

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09.7.22

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PCT

国際調査報告及び国際調査機関の見解書
又は国際調査報告を作成しない旨の決定
の送付の通知書
（法施行規則第41条）
〔ＰＣＴ規則44.1〕

発送日（日.月.年）	２１．０７．２００９
出願人又は代理人の書類記号　P053268P0	今後の手続きについては、下記１及び４を参照。
国際出願番号　ＰＣＴ／ＪＰ２００９／００２６２１	国際出願日（日.月.年）　１０．０６．２００９
出願人（氏名又は名称） パナソニック株式会社	

1．☑ 国際調査報告及び国際調査機関の見解書が作成されたこと、及びこの送付書とともに送付することを、出願人に通知する。
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いつ　補正書の提出期間は、通常国際調査報告の送付の日から２月である。
どこへ　直接次の場所へ　The International Bureau of WIPO
34, chemin des Colombettes
1211 Geneva 20, Switzerland
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詳細な手続については、添付用紙の備考を参照すること。

2．☐ 国際調査報告が作成されないこと、及び法第8条第2項（ＰＣＴ17条(2)(a)）の規定による国際調査報告を作成しない旨の決定及び国際調査機関の見解書をこの送付書とともに送付することを、出願人に通知する。

3．☐ 法施行規則第44条（ＰＣＴ規則40.2）に規定する追加手数料の納付に対する異議の申立てに関して、出願人に下記の点を通知する。
☐ 異議の申立てと当該異議についての決定を、その異議の申し立てと当該異議についての決定の両方を指定官庁へ送付することを求める出願人の請求とともに、国際事務局へ送付した。
☐ 当該異議についての決定は、まだ行われていない。決定されしだい出願人に通知する。

4．今後の手続：　出願人は次の点に注意すること。
優先日から１８月経過後、国際出願は国際事務局によりすみやかに国際公開される。出願人が公開の延期を望むときは、国際出願又は優先権の主張の取下げの通知がＰＣＴ規則90の2.1及び90の2.3にそれぞれ規定されているように、国際公開の事務的な準備が完了する前に国際事務局に到達しなければならない。
いくつかの指定官庁については、出願人が国内段階の開始を優先日から３０月まで（官庁によってはさらに遅くまで）延期することを望むときは、優先日から１９月以内に、国際予備審査の請求書が提出されなければならない。そうでなければ、出願人はそれらの指定官庁に対して優先日から２０月以内に、国内段階の開始のための所定の手続を取らなければならない。
その他の指定官庁については、１９月以内に国際予備審査の請求書が提出されない場合にも、３０月の（あるいはさらに遅い）期限が適用される。
様式PCT/IB/301の付属書類を参照。個々の指定官庁で適用される期限の詳細については、ＰＣＴ出願人の手引、第Ⅱ巻、国内段階およびＷＩＰＯインターネットサイトを参照。

名称及びあて名 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	権限のある職員 特許庁長官 電話番号　０３－３５８１－１１０１　内線　３２２６	２Ｇ　３８０５

注　　意

1．国際調査報告の発送日から起算する条約第19条（1）及び規則46.1に従う国際事務局への補正期間に注意してください。

2．条約22条（2）に規定する期間に注意してください。

3．法律又は契約等の制限により、国際調査報告に記載した非特許文献の写しの一部又は全てが送付されない場合があります。

4．文献の写しの請求について

国際調査報告に記載した文献の複写

特許庁にこれらの引用文献の写しを請求することもできますが、独立行政法人工業所有権情報・研修館（特許庁庁舎２階）で公報類の閲覧・複写および公報以外の文献複写等の取り扱いをしています。

〔担当及び照会先〕

〒１００－００１３　東京都千代田区霞が関３丁目４番３号（特許庁庁舎２階）

独立行政法人工業所有権情報・研修館

【公 報 類】　閲覧部　ＴＥＬ　03－3581－1101　内線3811～2

【公報以外】　資料部　ＴＥＬ　03－3581－1101　内線3831～3

また、（財）日本特許情報機構でも取り扱いをしています。

これらの引用文献の複写を請求する場合は下記の点に注意してください。

〔申込方法〕

（１）特許（実用新案・意匠）公報については、下記の点を明記してください。

○特許・実用新案及び意匠の種類

○出願公告又は出願公開の年次及び番号（又は特許番号、登録番号）

○必要部数

（２）公報以外の文献の場合は、下記の点に注意してください。

○国際調査報告の写しを添付してください（返却します）。

〔申込み及び照会先〕

〒１３５－００１６　東京都江東区東陽４－１－７　佐藤ダイヤビルディング

財団法人　日本特許情報機構　情報業務部業務課

ＴＥＬ　０３－３５０８－２３１３

注意　特許庁に対して文献の写しの請求をすることができる期間は、国際出願日から７年です。

様式ＰＣＴ／ＩＳＡ／２２０の備考

この備考は、ＰＣＴ19条の規定に基づく補正書の提出に関する基本的な指示を与えるためのものである。この備考は特許協力条約並びにこの条約に基づく規則及び実施細則の規定に基づいている。この備考とそれらの規定とが相違する場合には、後者が適用される。詳細な情報については、ＷＩＰＯの出版物であるＰＣＴ出願人の手引も参照すること。

ＰＣＴ19条の規定に基づく補正書の提出に関する指示

出願人は、国際調査報告及び国際調査機関の見解書を受領した後、国際出願の請求の範囲を補正する機会が一回ある。しかし、国際出願のすべての部分（請求の範囲、明細書及び図面）が、国際予備審査の手続においても補正できるもので、例えば出願人が仮保護のために補正書を公開することを希望する場合又は国際公開前に請求の範囲を補正する別の理由がある場合を除き、通常ＰＣＴ19条の規定に基づく補正書を提出する必要はないことを強調しておく。さらに、仮保護は一部の国のみで与えられるだけであることも強調しておく（ＰＣＴ出願人の手引、附録Ｂ１及びＢ２参照）。

補正の対象となるもの

ＰＣＴ19条の規定により請求の範囲のみ補正することができる。
国際段階においてＰＣＴ34条の規定に基づく国際予備審査の手続きにおいて請求の範囲を（更に）補正することができる。
明細書及び図面は、ＰＣＴ34条の規定に基づく国際予備審査の手続においてのみ補正することができる。
国内段階に移行する際、ＰＣＴ28条（又はＰＣＴ41条）の規定により、国際出願のすべての部分を補正することができる。

いつ

国際調査報告の送付の日から２月又は優先日から１６月の内どちらか遅く満了するほうの期間内。しかし、その期間の満了後であっても国際公開の技術的な準備の完了前に国際事務局が補正を受領した場合には、その補正書は、期間内に受理されたものとみなすことを強調しておく（ＰＣＴ規則46.1）。

補正書を提出すべきところ

補正書は、国際事務局のみに提出でき、受理官庁又は国際調査機関には提出してはいけない（ＰＣＴ規則46.2）。
国際予備審査の請求書を提出した／する場合については、以下を参照すること。

どのように

１以上の請求の範囲の削除、１以上の新たな請求の範囲の追加、又は１以上の請求の範囲の記載の補正による。
差替え用紙は、補正の結果、出願当初の用紙と相違する請求の範囲の各用紙毎に提出する。
差替え用紙に記載されているすべての請求の範囲には、アラビア数字を付さなければならない。請求の範囲を削除する場合、その他の請求の範囲の番号を付け直す必要はない。請求の範囲の番号を付け直す場合には、連続番号で付け直さなければならない（ＰＣＴ実施細則第205号(b)）。
補正は国際公開の言語で行う。

補正書にどのような書類を添付しなければならないか

書簡（ＰＣＴ実施細則第205号(b)）

補正書には書簡を添付しなければならない。
書簡は国際出願及び補正された請求の範囲とともに公開されることはない。これを「ＰＣＴ19条(1)に規定する説明書」と混同してはならない（「ＰＣＴ19条(1)に規定する説明書」については、以下を参照）。
書簡は、英語又は仏語を選択しなければならない。ただし、国際出願の言語が英語の場合、書簡は英語で、仏語の場合、書簡は仏語で記載しなければならない。
書簡には、出願時の請求の範囲と補正された請求の範囲との相違について表示しなければならない。特に、国際出願に記載した各請求の範囲との関連で次の表示（２以上の請求の範囲についての同一の表示する場合は、まとめることができる。）をしなければならない。

(i) この請求の範囲は変更しない。
(ii) この請求の範囲は削除する。
(iii) この請求の範囲は追加である。
(iv) この請求の範囲は出願時の１以上の請求の範囲と差し替える。
(v) この請求の範囲は出願時の請求の範囲の分割の結果である。

次に、添付する書簡中での、補正についての説明の例を示す。

１．［請求の範囲の一部の補正によって請求の範囲の項数が４８から５１になった場合］：
“請求の範囲１－２９、３１、３２、３４、３５、３７－４８項は、同じ番号のもとに補正された請求の範囲と置き換えられた。請求の範囲３０、３３及び３６項は変更なし。新たに請求の範囲４９－５１項が追加された。”

２．［請求の範囲の全部の補正によって請求の範囲の項数が１５から１１になった場合］：
“請求の範囲１－１５項は、補正された請求の範囲１－１１項に置き換えられた。”

３．［原請求の範囲の項数が１４で、補正が一部の請求の範囲の削除と新たな請求の範囲の追加を含む場合］：
“請求の範囲１－６及び１４項は変更なし。請求の範囲７－１３は削除。新たに請求の範囲１５、１６及び１７項を追加。”又は
“請求の範囲７－１３は削除。新たに請求の範囲１５、１６及び１７項を追加。その他の全ての請求の範囲は変更なし。”

４．［各種の補正がある場合］：
“請求の範囲１－１０項は変更なし。請求の範囲１１－１３、１８及び１９項は削除。請求の範囲１４、１５及び１６項は補正された請求の範囲１４項に置き換えられた。請求の範囲１７項は補正された請求の範囲１５、１６及び１７項に分割された。新たに請求の範囲２０及び２１項が追加された。”

“ＰＣＴ19条(1)の規定に基づく説明書”（ＰＣＴ規則46.4）

補正書には、補正並びにその補正が明細書及び図面に与える影響についての説明書を提出することができる（明細書及び図面はＰＣＴ19条(1)の規定に基づいては補正できない）。

説明書は、国際出願及び補正された請求の範囲とともに公開される。

説明書は、国際公開の言語で作成しなければならない。

説明書は、簡潔でなければならず、英語の場合又は英語に翻訳した場合に５００語を越えてはならない。

説明書は、出願時の請求の範囲と補正された請求の範囲との相違を示す書簡と混同してはならない。説明書を、その書簡に代えることはできない。説明書は別紙で提出しなければならず、見出しを付すものとし、その見出しは“ＰＣＴ19条(1)の規定に基づく説明書”の語句を用いることが望ましい。

説明書には、国際調査報告又は国際調査報告に列記された文献との関連性に関して、これらを誹謗する意見を記載してはならない。国際調査報告に列記された特定の請求の範囲に関連する文献についての言及は、当該請求の範囲の補正に関してのみ行うことができる。

国際予備審査の請求書が提出されている場合

ＰＣＴ19条の規定に基づく補正書及び添付する説明書の提出の時に国際予備審査の請求書が既に提出されている場合には、出願人は、補正書（及び説明書）を国際事務局に提出すると同時にその写し及び必要な場合、その翻訳文を国際予備審査機関にも提出することが望ましい（ＰＣＴ規則55.3(a)、62.2の第１文を参照）。詳細は国際予備審査請求書（ＰＣＴ／ＩＰＥＡ／４０１）の注意書参照。

国際予備審査の請求がされた場合は、見解書を作成した国際調査機関が国際予備審査機関としては行動しないという特定の場合を除いて、国際調査機関の見解書は国際予備審査機関の見解書とみなされる。この場合、様式ＰＣＴ／ＩＳＡ／２２０の送付日から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（ＰＣＴ規則43の2.1(c)）。

国内段階に移行するための国際出願の翻訳に関して

国内段階に移行する際、ＰＣＴ19条の規定に基づいて補正された請求の範囲の翻訳を出願時の請求の範囲の翻訳の代わりに又は追加して、指定官庁／選択官庁に提出しなければならないこともあるので、出願人は注意されたい。

指定官庁／選択官庁の詳細な要求については、ＰＣＴ出願人の手引きの第Ⅱ巻を参照。

特許協力条約

PCT

国際調査報告

'09.7.22

（法８条、法施行規則第 40、41 条）
〔ＰＣＴ18 条、ＰＣＴ規則 43、44〕

出願人又は代理人の書類記号　P053268P0	今後の手続きについては、様式ＰＣＴ／ＩＳＡ／２２０及び下記５を参照すること。	
国際出願番号 ＰＣＴ／ＪＰ２００９／００２６２１	国際出願日 (日.月.年)　１０．０６．２００９	優先日 (日.月.年)　１７．０６．２００８
出願人（氏名又は名称） パナソニック株式会社		

国際調査機関が作成したこの国際調査報告を法施行規則第41条（ＰＣＴ18条）の規定に従い出願人に送付する。
この写しは国際事務局にも送付される。

この国際調査報告は、全部で　3　ページである。

☐ この調査報告に引用された先行技術文献の写しも添付されている。

１．国際調査報告の基礎
ａ．言語に関し、この国際調査は以下のものに基づき行った。
☑ 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)）

ｂ．☐ この国際調査報告は、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43.6の2(a)）。

ｃ．☐ この国際出願は、ヌクレオチド又はアミノ酸配列を含んでいる（第Ｉ欄参照）。

２．☐ 請求の範囲の一部の調査ができない（第Ⅱ欄参照）。

３．☐ 発明の単一性が欠如している（第Ⅲ欄参照）。

４．発明の名称は　☑ 出願人が提出したものを承認する。
☐ 次に示すように国際調査機関が作成した。

＿＿＿＿＿＿＿＿＿＿＿＿＿＿＿＿

５．要約は　☑ 出願人が提出したものを承認する。
☐ 第Ⅳ欄に示されているように、法施行規則第47条第１項（ＰＣＴ規則38.2）の規定により国際調査機関が作成した。出願人は、この国際調査報告の発送の日から１月以内にこの国際調査機関に意見を提出することができる。

６．図面に関して
ａ．要約書とともに公表される図は、
第　1　図とする。☑ 出願人が示したとおりである。
☐ 出願人は図を示さなかったので、国際調査機関が選択した。
☐ 本図は発明の特徴を一層よく表しているので、国際調査機関が選択した。

ｂ．☐ 要約とともに公表される図はない。

国際調査報告

国際出願番号　ＰＣＴ／ＪＰ２００９／００２６２１

Ａ．　発明の属する分野の分類（国際特許分類（ＩＰＣ））

Int.Cl.　G09G3/30(2006.01)i, G09F9/30(2006.01)i, G09G3/20(2006.01)i, H01L27/32(2006.01)i, H01L51/50(2006.01)i, H05B33/08(2006.01)i

Ｂ．　調査を行った分野

調査を行った最小限資料（国際特許分類（ＩＰＣ））

Int.Cl.　G09G3/30, G09F9/30, G09G3/20, H01L27/32, H01L51/50, H05B33/08

最小限資料以外の資料で調査を行った分野に含まれるもの

日本国実用新案公報	１９２２－１９９６年
日本国公開実用新案公報	１９７１－２００９年
日本国実用新案登録公報	１９９６－２００９年
日本国登録実用新案公報	１９９４－２００９年

国際調査で使用した電子データベース（データベースの名称、調査に使用した用語）

Ｃ．　関連すると認められる文献

引用文献のカテゴリー＊	引用文献名　及び一部の箇所が関連するときは、その関連する箇所の表示	関連する請求項の番号
Ａ	ＪＰ　２００６－２７６０９７　Ａ（東北パイオニア株式会社）２００６．１０．１２，【要約】，段落【００２０】－【００３７】，【図３】（ファミリーなし）	1-15
Ａ	ＪＰ　２０００－２１４８２４　Ａ（パイオニア株式会社）２０００．０８．０４，段落【００３７】－【００４１】，【図５】，【図１２】　＆　ＵＳ　６３７６９９４　Ｂ１	1-15

☑　Ｃ欄の続きにも文献が列挙されている。　☐　パテントファミリーに関する別紙を参照。

＊　引用文献のカテゴリー
「Ａ」特に関連のある文献ではなく、一般的技術水準を示すもの
「Ｅ」国際出願日前の出願または特許であるが、国際出願日以後に公表されたもの
「Ｌ」優先権主張に疑義を提起する文献又は他の文献の発行日若しくは他の特別な理由を確立するために引用する文献（理由を付す）
「Ｏ」口頭による開示、使用、展示等に言及する文献
「Ｐ」国際出願日前で、かつ優先権の主張の基礎となる出願の日の後に公表された文献
「Ｔ」国際出願日又は優先日後に公表された文献であって出願と矛盾するものではなく、発明の原理又は理論の理解のために引用するもの
「Ｘ」特に関連のある文献であって、当該文献のみで発明の新規性又は進歩性がないと考えられるもの
「Ｙ」特に関連のある文献であって、当該文献と他の１以上の文献との、当業者にとって自明である組合せによって進歩性がないと考えられるもの
「&」同一パテントファミリー文献

国際調査を完了した日 １３．０７．２００９	国際調査報告の発送日 ２１．０７．２００９
国際調査機関の名称及びあて先 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）　２Ｇ　３８０５ 長井　真一 電話番号　０３－３５８１－１１０１　内線　３２２６

国際調査報告

国際出願番号　ＰＣＴ／ＪＰ２００９／００２６２１

Ｃ（続き）．　関連すると認められる文献

引用文献のカテゴリー＊	引用文献名　及び一部の箇所が関連するときは、その関連する箇所の表示	関連する請求項の番号
Ａ	ＪＰ　１１－００８０６４　Ａ（スタンレー電気株式会社） １９９９．０１．１２，全文全図（ファミリーなし）	1-15

特許協力条約

発信人　日本国特許庁（国際調査機関）

代理人
新居広守
様

あて名
〒532-0011
日本国大阪府大阪市淀川区西中島５丁目３番１０号
タナカ・イトーピア新大阪ビル６階新居国際特許事務所内

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）	２１．０７．２００９
出願人又は代理人の書類記号　P053268P0	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（日.月.年）	優先日（日.月.年）
ＰＣＴ／ＪＰ２００９／００２６２１	１０．０６．２００９	１７．０６．２００８

国際特許分類（ＩＰＣ）Int.Cl. G09G3/30(2006.01)i, G09F9/30(2006.01)i, G09G3/20(2006.01)i, H01L27/32(2006.01)i, H01L51/50(2006.01)i, H05B33/08(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
１３．０７．２００９

名称及びあて先	特許庁審査官（権限のある職員）	2G	3805
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	長井　真一 電話番号　０３－３５８１－１１０１　内線　３２２６		

国際調査機関の見解書

国際出願番号　PCT／JP2009／002621

第1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／ＪＰ２００９／００２６２１

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	1-15	有
	請求項		無
進歩性（ＩＳ）	請求項	1-15	有
	請求項		無
産業上の利用可能性（ＩＡ）	請求項	1-15	有
	請求項		無

２．　文献及び説明

文献１：ＪＰ　２００６－２７６０９７　Ａ（東北パイオニア株式会社）２００６．１０．１２，【要約】，段落【００２０】－【００３７】，【図３】
文献２：ＪＰ　２０００－２１４８２４　Ａ（パイオニア株式会社）２０００．０８．０４，段落【００３７】－【００４１】，【図５】，【図１２】　＆　ＵＳ　６３７６９９４　Ｂ１
文献３：ＪＰ　１１－００８０６４　Ａ（スタンレー電気株式会社）１９９９．０１．１２，全文全図

請求項１～１５に係る発明は、国際調査報告で引用された何れの文献にも開示されておらず、新規性及び進歩性を有する。特に、「発光素子に電流を供給するに従って前記発光素子に形成されるエネルギー準位であるトラップ準位を、前記発光素子の使用時間に対応させて記憶しているメモリ」と、「発光素子の使用時間に基づいて、前記メモリを参照して、前記発光素子の使用時間に対応するトラップ準位を読み出し、前記読み出したトラップ準位に対応した電圧量の逆バイアスを前記発光素子に印加してトラップ準位にたまった電荷を抜き去る制御部」は、何れの文献にも開示されていない。

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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APR 06 2012
OFFICE OF PETITIONS

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

In re Application of
Tetsurou Nakamura, et al.
Application No.: 12/748,871
Filed: March 29, 2010
Attorney Docket No.: P37558
For: DISPLAY APPARATUS AND CONTROL METHOD FOR DISPLAY APPARATUS

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

This is a decision on the request to participate in the PCT Patent Prosecution Highway (PCT-PPH) pilot program and the petition under 37 CFR 1.102(a), filed on December 15, 2011, to make the above-identified application special.

The request and petition are **DISMISSED**.

Discussion

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

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

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

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

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

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

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

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

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

Requirements (1-5), and (7-8) above are considered to have been met. However, the request to participate in the PPH pilot program and petition fail to meet requirement (6).

Regarding requirement (6), applicant has failed to provide a complete English translation of Written Opinion (PCT/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 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.

David Bucci
Petitions Examiner
Office of Petitions

P37558.A04

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants	: Tetsurou NAKAMURA et al.	Art Unit	: 2629
Appl. No.	: 12/748,871 (Continuation of PCT/JP2009/002621)	Examiner	: Jeffrey J. Piziali
I.A. Filed	: June 10, 2009	Conf. No.	: 6061
For	: DISPLAY APPARATUS AND CONTROL METHOD FOR DISPLAY APPARATUS		

RESPONSE TO DECISION ON THE REQUEST TO PARTICIPATE IN THE PCT PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM AND THE PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(A)

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

Sir:

On April 6, 2012, the U.S. Patent and Trademark Office issued a Decision on Applicants' Request to Participate in the PCT Patent Prosecution Highway (PCT-PPH) Pilot Program and Petition to Make Special under 37 CFR 1.102(a) (hereinafter "Request and Petition"), which was filed on December 15, 2011. The Decision sets forth a one month period for response that expires on May 7, 2012 (May 6, 2012 being a Sunday).

The Decision indicates that the Request and Petition satisfy requirements (1-5) and (7-8) but fail to meet requirement (6) since a complete English language translation of the Written Opinion (PCT/ISA/237) was not provided. In response, Applicants submit herewith:

- a complete English language translation of the Written Opinion (PCT/ISA/237) in PCT/JP2009/002621.

Thus, Applicants submit that requirement (6) will be met upon entry of the present paper.

In view of the above, Applicants submit that all of the requirements for participating in the PCT-PPH Pilot Program have been met, and thus, respectfully request that the Examiner reconsider and grant Applicants' Request and Petition. Such action is respectfully requested and believed to be appropriate.

While no fee is believed to be due, should the Commissioner determine that any fee is required in order to render this paper timely and/or complete, the Commissioner is authorized to charge any fee to Deposit Account No. 19-0089.

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

Respectfully submitted,
Tetsurou NAKAMURA et al.

/James P. Bonnamy/
Reg. No. 63,649
James P. Bonnamy

Bruce H. Bernstein
Reg. No. 29027

April 12, 2012
GREENBLUM & BERNSTEIN, P.L.C.
1950 Roland Clarke Place
Reston, VA 20191
(703) 716-1191

Encl: Decision on Request to Participate in the Patent Prosecution Highway Program and Petition to Make Special under 37 CFR 1.102(a) (copy)

Complete English Language Translation of Written Opinion in PCT/JP2009/002621

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MAYBACK & HOFFMAN, P.A.
5722 S. FLAMINGO ROAD #232
FORT LAUDERDALE FL 33330

MAILED

DEC 02 2010

OFFICE OF PETITIONS

In re Application of
McBrayer, et al.
Application No.: 12/748,901
Filed: March 29, 2010
Attorney Docket No: 064 CIP DIV2
For: METHOD FOR APPLYING SURGICAL CLIPS PARTICULARLY USEFUL IN THE ENDOLUMINAL TREATMENT OF GASTROESOPHAGEAL REFLUX DISEASE (GERD)

: DECISION ACCORDING
: RULE 47(a) STATUS

This is in response to the petition under 37 CFR 1.47(a), filed September 13, 2010.

The petition is **GRANTED**.

The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

The above-identified application was filed on March 29, 2010, without a proper oath or declaration. Accordingly, a "Notice to File Missing Parts of Nonprovisional Application" was mailed on April 13, 2010, requiring an executed oath or declaration and a surcharge for the late filing of the oath or declaration.

On September 13, 2010, petitioner filed a petition under 37 CFR 1.47, with a request for an extension of time within the third month.

Petitioner has shown that inventors Kortenbach and Sixto have constructively refused to join the prosecution of the above-identified application. The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

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

The fee for the instant petition is $200.00, not $130.00. Accordingly, deposit account 50-3836 will be charged an additional $70.00.

This application will be forwarded to the Office of Patent Application Processing for further review.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3222.

/Kenya A. McLaughlin/

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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WPAT, PC
INTELLECTUAL PROPERTY ATTORNEYS
7225 BEVERLY ST.
ANNANDALE VA 22003

MAILED

JUN 06 2011

OFFICE OF PETITIONS

In re Application of	:	
Yan-Ting Chen, et al.	:	
Application No. 12/748,942	:	DECISION ON PETITION
Filed: March 29, 2010	:	
Attorney Docket No. 67307-006	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed May 3, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Nonprovisional Application (Notice), mailed April 9, 2010. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on June 10, 2010. The Notice of Abandonment was mailed December 23, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an oath and $65 surcharge, (2) the petition fee of $810, and (3) a proper statement of unintentional delay.

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

There is no indication that the person signing the petition was ever given a power of attorney to prosecute the application. If the person signing the petition desires to receive future correspondence regarding this application, the appropriate power of attorney document must be submitted. While a courtesy copy of this decision is being mailed to the person signing the petition, all future correspondence will be directed to the address currently of record until appropriate instructions are received.

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

This application is being referred to Office of Patent Application Processing for appropriate action on the reply received.

/Terri Johnson/
Terri Johnson
Petitions Examiner
Office of Petitions

cc: **Justin King**
1940 Duke Street, Suite 200
Alexandria, VA 22314

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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DEC 02 2010

OFFICE OF PETITIONS

MAYBACK & HOFFMAN, P.A.
5722 S. FLAMINGO ROAD #232
FORT LAUDERDALE FL 33330

In re Application of :
McBrayer, et al. :
Application No.: 12/748,944 : DECISION ACCORDING
Filed: March 29, 2010 : RULE 47(a) STATUS
Attorney Docket No: 064 CIP DIV3 :
For: METHOD FOR APPLYING SURGICAL CLIPS PARTICULARLY USEFUL IN THE ENDOLUMINAL TREATMENT OF GASTROESOPHAGEAL REFLUX DISEASE (GERD)

This is in response to the petition under 37 CFR 1.47(a), filed September 13, 2010.

The petition is **GRANTED**.

The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

The above-identified application was filed on March 29, 2010, without a proper oath or declaration. Accordingly, a "Notice to File Missing Parts of Nonprovisional Application" was mailed on April 13, 2010, requiring an executed oath or declaration and a surcharge for the late filing of the oath or declaration.

On September 13, 2010, petitioner filed a petition under 37 CFR 1.47, with a request for an extension of time within the third month.

Petitioner has shown that inventors Kortenbach and Sixto have constructively refused to join the prosecution of the above-identified application. The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

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

The fee for the instant petition is $200.00, not $130.00. Accordingly, deposit account 50-3836 will be charged an additional $70.00.

This application will be forwarded to the Office of Patent Application Processing for further review.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3222.

/Kenya A. McLaughlin/

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

DEERE & COMPANY
ONE JOHN DEERE PLACE
MOLINE IL 61265

MAILED
JAN 26 2011
OFFICE OF PETITIONS

In re Application of	:	
Martin et al.	:	
Application No. 12/748,966	:	DECISION ON PETITION
Filed: March 29, 2010	:	
Attorney Docket No. 19066-US	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed January 11, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a proper and timely manner to the Notice to File Missing Parts of Nonprovisional Application (Notice) mailed April 13, 2010. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on June 14, 2010. A Notice of Abandonment was mailed on December 28, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) an Oath or Declaration and the $130.00 Surcharge fee; (2) the petition fee of $1,620.00, and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-7751.

This application is being referred to the Office of Patent Application Processing for further processing in accordance with this decision on petition.

Joan Olszewski
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

PHILIPS INTELLECTUAL PROPERTY & STANDARDS
P.O. BOX 3001
BRIARCLIFF MANOR, NY 10510

In re Application of	:	
Benno Tieke, et al.	:	
Application No. 12/748,973	:	DECISION ON PETITION
Filed: March 29, 2010	:	
Attorney Docket No.: 2004P01624 US	:	

This is a decision on the petition, filed June 28, 2011, under 37 CFR 1.181 (no fee), requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration of this decision should be filed within two (2) months from the mail date of this decision. *Note* 37 CFR 1.181(f). The request for reconsideration should include a cover letter and be entitled as a "Renewed Petition under 37 CFR 1.181 to Withdraw the Holding of Abandonment."

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed, September 24, 2010, which set a shortened statutory period for reply of three (3) months. Since no extension of time under the provisions of 37 CFR 1.136(a) was obtained, the application became abandoned on December 24, 2010. A Notice of Abandonment was mailed on June 23, 2011. In response on June 28, 2011, the present petition was filed.

Petitioner argues that a reply was timely filed. To support this assertion, petitioner has submitted a copy of an Electronic Acknowledgement Receipt which acknowledges receipt by the U.S. Patent and Trademark Office (USPTO) on December 22, 2010 of, *inter alia,* Amendment/Req. Reconsideration-After Non-Final Reject, Claims, Applicant Arguments/Remarks Made in Amendment. A copy of the previously submitted reply did not accompany the petition.

The Acknowledgement receipt evidences receipt similar to a Post Card. MPEP 503 states that "[a] postcard receipt which itemizes and properly identifies the items which are being filed serves as *prima facie* evidence of receipt in the USPTO of all the items listed thereon on the date stamped thereon by the USPTO."

A review of the electronic record of the present application discloses the presence of the December 22, 2010 Electronic Acknowledgement Receipt. However, while present, it is noted that the amendment, claims and remarks filed December 22, 2010 were "closed" from viewing since the papers referenced two application numbers. Since the record did not contain a proper response to the outstanding Office action, the application became abandoned by operation of law.

Under current Office procedure, if a paper contains the incorrect application number, but contains sufficient information to identify the correct application and was timely filed, the holding of abandonment will be withdrawn. In reviewing the papers submitted, it is concluded that the information contained thereon was not sufficient to associate all of the papers with the above-identified application. Accordingly, the petition under 37 CFR 1.181 is **dismissed**[1].

Petitioner is encouraged to consider filing a petition under 37 CFR 1.137(b) to revive an unintentionally abandoned application instead of filing a renewed petition under 37 CFR 1.181 or a petition under 37 CFR 1.137(a).

Public Law 97-247, § 3, 96 Stat. 317 (1982), which revised patent and trademark fees, amended 35 U.S.C. § 41(a)(7) to provide for the revival of an "unintentionally" abandoned application without a showing that the delay in prosecution or in late payment of the issue fee was "unavoidable." This amendment to 35 U.S.C. § 41(a)(7) has been implemented in 37 CFR 1.137(b). An "unintentional" petition under 37 CFR 1.137(b) must be accompanied by the $1,620 petition fee.

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

Further correspondence with respect to this matter should be delivered through one of the following mediums:

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

[1] Petitioner is cautioned to ensure that the correct identifying data appears on all correspondence submitted to the USPTO to avoid situations of the nature which occurred in the present application.

By hand:	Customer Service Window Mail Stop Petitions Randolph Building 401 Dulany Street Alexandria, VA 22314
By fax:	(571) 273-8300 ATTN: Office of Petitions
By Internet:	EFS-Web[2]

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

[2] www.uspto.gov/ebc/efs_help.html (for help using EFS-Web call the Patent Electronic Business Center at (866) 217-9197)

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MAILED
AUG 08 2011
OFFICE OF PETITIONS

PHILIPS INTELLECTUAL PROPERTY & STANDARDS
P.O. BOX 3001
BRIARCLIFF, MANOR NY 10510

In re Application of
Benno Tieke, et al.
Application No. 12/748,973
Filed: March 29, 2010
Attorney Docket No.: 2004P01624 US

ON PETITION

This is a decision in response to the petition, filed July 27, 2011, to revive the above-identified application under the provisions of 37 CFR 1.137(b).

The petition is **GRANTED**.

The application was held abandoned for a failure to reply in a timely manner to a non-final Office action mailed September 24, 2010, which set a shortened statutory period for reply of three (3) months. A Notice of Abandonment was mailed on June 23, 2011. On July 27, 2011, the present petition was filed.

The petition is not signed by a registered practitioner of record. However, in accordance with 37 CFR 1.34(a), the signature of Michael E. Belk appearing on the petition shall constitute a representation to the United States Patent and Trademark Office that he is authorized to represent the particular party on whose behalf he acts.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of amendment; (2) the petition fee of $1,620; and (3) an adequate statement of unintentional delay[1].

The application is being referred to Technology Center AU 2627 for appropriate action by the Examiner in the normal course of business on the reply received July 27, 2011.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3204. Inquiries relating to further prosecution should be directed to the Technology Center.

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

[1] 37 CFR 1.137(b)(3) requires a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. While the statement is not made by an attorney or agent of record, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

UNITED STATES PATENT AND TRADEMARK OFFICE

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

HULSEY IP INTELLECTUAL PROPERTY LAWYERS, P.C.
919 CONGRESS AVENUE, SUITE 919
AUSTIN TX 78701

MAILED

DEC 07 2010

OFFICE OF PETITIONS

In re Application of	:	
Miguel Marques Martins	:	
Application No. 12/748,975	:	DECISION ON PETITION
Filed: March 29, 2010		TO WITHDRAW FROM RECORD
Attorney Docket No. ROTA001US0	:	
	:	

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 28, 2010.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The 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 Loren T. Smith on behalf of all attorneys of record who are associated with Customer Number 48746.

All attorneys/agents associated with the Customer Number 48746 have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to the applicant at the address indicated below.

Currently, there is an outstanding Office action mailed September 16, 2010 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
Petitions Examiner
Office of Petitions

cc: Miguel Marques Martins
Ninho de empresas DNA Cascais, Cruz da Popa
Alcabideche, Portugal 2645-449

Application No. 12/748,986
Docket No. Z-8449Q
Customer No. 27752

PCT CLAIMS AS FILED IN PCT/IB2011/051190

1. A method of evaluating the endrounding quality of toothbrush cleaning elements; comprising:
providing an article;
providing a toothbrush having a plurality of cleaning elements;
brushing the article with the cleaning elements at a predetermined force; and
evaluating the article after the article has been brushed to see if there is any damage to the article as a result of the brushing.
2. The method of claim 1 wherein the article is a paper product; a food, preferably a strawberry; a synthetic material; a textile; a plant leaf; styrofoam; sponge; or chalk.
3. The method of claim 1 wherein the article has an outer layer and a fluid under the outer layer and wherein the appearance of the article reveals damage if the fluid becomes visible.
4. The method of claim 1 wherein brushing the article comprises brushing the article in a direction other than axial to the article.
5. The method of claim 4 wherein the predetermined force is between about 1 Newton and about 3.5 Newtons, preferably between about 1.5 Newtons and about 2.5 Newtons.
6. The method of claim 1 wherein the step of brushing the article is done without the use of additional materials such as toothpaste or water.
7. A method of comparing a first toothbrush with a second toothbrush, the method including the steps of claim 1 wherein the toothbrush is a first toothbrush and the additional steps of:
providing a second toothbrush;
brushing the article with the first toothbrush for a period of time under the predetermined force and obtaining a first result;
brushing the article with the second toothbrush for the same period of time under the same predetermined force to obtaining a second result; and
comparing the first result to the second result.

8. An apparatus for demonstrating the abrasiveness of a toothbrush, comprising:

a holder for retaining a toothbrush having a head and a neck;

a support for holding an article;

a mechanism, preferably a motor, for moving the head of the brush against the article in a brushing fashion; and

a biasing member for applying a selected brushing force between the head of the brush and the article.

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:	12/748,986	Filing date:	March 29, 2010
First Named Inventor:	Carolin Schlueter		
Title of the Invention:	METHOD AND APPARATUS FOR ASSESSING THE GENTLENESS OF BRUSHES		

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/IB2011/051190

The international filing date of the corresponding PCT application(s) is/are: March 22, 2011

I. List of Required Documents:

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

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

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

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

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

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

Approved for use through 01/31/2012. OMB 0651-0058
U.S.Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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

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

(continued)

Application No.:	12/748,986
First Named Inventor:	Carolin Schlueter

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

- [x] Is attached
- [ ] Has already been filed in the above-identified U.S. application on _____

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

- [x] Are attached.
- [ ] Have already been filed in the above-identified U.S. application on _____

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1	3	US claim 1 has all of the limitations of claim 3 of the corresponding PCT application
3	3	US claim 3 has all of the limitations of claim 3 of the corresponding PCT application
4	3	US claim 4 has all of the limitations of claim 3 of the corresponding PCT application
5	3	US claim 5 has all of the limitations of claim 3 of the corresponding PCT application
6	3	US claim 6 has all of the limitations of claim 3 of the corresponding PCT application
8	3	US claim 8 has all of the limitations of claim 3 of the corresponding PCT application
9	3	US claim 9 has all of the limitations of claim 3 of the corresponding PCT application
10	3	US claim 10 has all of the limitations of claim 3 of the corresponding PCT application
11	3	US claim 11 has all of the limitations of claim 3 of the corresponding PCT application

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

Signature /DMW/	Date 8/25/2011
Name (Print/Typed) David M. Weirich	Registration Number 38,361

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

AUG 01 2011

From the INTERNATIONAL SEARCHING AUTHORITY

To:
Hughett, Eileen L.
THE PROCTER & GAMBLE COMPANY
Global Patent Services
299 E. Sixth Street, Sycamore Bldg., 4th Floor
Cincinnati OH 45202
ETATS-UNIS D'AMERIQUE

GOPE: DMW (HCPL)

SRK ✓

DMW-1, G2 SCAN

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)*	26 July 2011 (26-07-2011)
Applicant's or agent's file reference Z8449Q-SK	**FOR FURTHER ACTION** See paragraphs 1 and 4 below
International application No. PCT/IB2011/051190	International filing date *(day/month/year)* 22 March 2011 (22-03-2011)
Applicant BRAUN GMBH	

1. [X] 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, Fascimile No.: (41-22) 338.82.70

   For more detailed instructions, see *PCT Applicant's Guide*, International Phase, paragraphs 9.004 - 9.011.

2. [ ] The applicant is hereby notified that no international search report will be established and that the declaration under Article 17(2)(a) to that effect and the written opinion of the International Searching Authority are transmitted herewith.

3. [ ] **With regard to any protest** against payment of (an) additional fee(s) under Rule 40.2, the applicant is notified that:

   [ ] the protest together with the decision thereon has been transmitted to the International Bureau together with 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**

   The applicant may submit comments on an informal basis on the written opinion of the International Searching Authority to the International Bureau. The International Bureau will send a copy of such comments to all designated Offices unless an international preliminary examination report has been or is to be established. Following the expiration of 30 months from the priority date, these comments will also be made available to the public.

   Shortly after the expiration of **18 months** from the priority date, the international application will be published by the International Bureau. If the applicant wishes to avoid or postpone publication, a notice of withdrawal of the international application, or of the priority claim, must reach the International Bureau before completion of the technical preparations for international publication (Rules 90*bis*.1 and 90*bis*.3).

   Within **19 months** from the priority date, but only in respect of some designated Offices, a demand for international preliminary examination must be filed if the applicant wishes to postpone the entry into the national phase **until 30 months** from the priority date (in some Offices even later); otherwise, the applicant must, **within 20 months** from the priority date, perform the prescribed acts for entry into the national phase before those designated Offices.

   In respect of other designated Offices, the time limit of **30 months** (or later) will apply even if no demand is filed within 19 months.

   For details about the applicable time limits, Office by Office, see www.wipo.int/pct/en/texts/time_limits.html and the *PCT Applicant's Guide*, National Chapters.

Name and mailing address of the International Searching Authority	Authorized officer
European Patent Office, P.B. 5818 Patentlaan 2 NL-2280 HV Rijswijk Tel. (+31-70) 340-2040 Fax: (+31-70) 340-3016	MASSON, Laetitia Tel: +49 (0)89 2399-8781

PATENT COOPERATION TREATY

PCT

INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

Applicant's or agent's file reference Z8449Q-SK	**FOR FURTHER ACTION**	see Form PCT/ISA/220 as well as, where applicable, item 5 below.
International application No. PCT/IB2011/051190	International filing date *(day/month/year)* 22/03/2011	(Earliest) Priority Date *(day/month/year)* 29/03/2010
Applicant BRAUN GMBH		

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

This international search report consists of a total of 4 sheets.

[X] 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:
      [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 (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**,
   [X] 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**,
   [X] the text is approved as submitted by the applicant
   [ ] the text has been established, according to Rule 38.2(b), 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. 12
      [X] 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 figures is to be published with the abstract

INTERNATIONAL SEARCH REPORT

International application No
PCT/IB2011/051190

A. CLASSIFICATION OF SUBJECT MATTER
INV. A46D1/00 G01M99/00
ADD.

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)
G01M G01N G09B A46B A46D

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, BIOSIS

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	SAMUEL L. YANKELL ET AL: "Evaluating cleaning efficiency of different toothbrush designs and textures", JOURNAL OF THE SOCIETY OF COSMETIC CHEMISTS, vol. 34, no. 3, 1 January 1983 (1983-01-01), pages 151-157, XP55002808, ISSN: 0037-9832 the whole document	1,2,4-8
X	JP 2002 112837 A (KAO CORP) 16 April 2002 (2002-04-16) figures 1-3	1,2,4-8

-/--

[X] Further documents are listed in the continuation of Box C.

[X] 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
15 July 2011	26/07/2011
Name and mailing address of the ISA/ European Patent Office, P.B. 5818 Patentlaan 2 NL - 2280 HV Rijswijk Tel. (+31-70) 340-2040, Fax: (+31-70) 340-3016	Authorized officer Roche, Olivier

2

Form PCT/ISA/210 (second sheet) (April 2005)

INTERNATIONAL SEARCH REPORT

International application No
PCT/IB2011/051190

C(Continuation). DOCUMENTS CONSIDERED TO BE RELEVANT

Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	DYER ET AL: "Abrasion and stain removal by different manual toothbrushes and brush actions:studies in vitro", JOURNAL OF CLINICAL PERIODONTOLOGY, BLACKWELL MUNKSGAARD, COPENHAGEN, DK, 1 January 2001 (2001-01-01), pages 121-127, XP002426372, ISSN: 0303-6979, DOI: DOI:10.1034/J.1600-051X.2001.028002121.X the whole document -----	1,5,7,8

2

INTERNATIONAL SEARCH REPORT

Information on patent family members

International application No
PCT/IB2011/051190

Patent document cited in search report	Publication date	Patent family member(s)	Publication date
JP 2002112837 A	16-04-2002	NONE	

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

To:

see form PCT/ISA/220

PCT

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43*bis*.1)

Date of mailing
(day/month/year) see form PCT/ISA/210 (second sheet)

Applicant's or agent's file reference
see form PCT/ISA/220

FOR FURTHER ACTION
See paragraph 2 below

International application No.	International filing date *(day/month/year)*	Priority date *(day/month/year)*
PCT/IB2011/051190	22.03.2011	29.03.2010

International Patent Classification (IPC) or both national classification and IPC
INV. A46D1/00 G01M99/00

Applicant
BRAUN 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 and industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

2. **FURTHER ACTION**

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

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

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

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

Name and mailing address of the ISA:

European Patent Office

D-80298 Munich
Tel. +49 89 2399 - 0
Fax: +49 89 2399 - 4465

Date of completion of this opinion

see form PCT/ISA/210

Authorized Officer

Roche, Olivier

Telephone No. +49 89 2399-2377

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/IB2011/051190

Box No. I Basis of the opinion

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

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

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

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

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

   a. (means)

   ☐ on paper

   ☐ in electronic form

   b. (time)

   ☐ in the international application as filed

   ☐ together with the international application in electronic form

   ☐ subsequently to this Authority for the purposes of search

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

5. Additional comments:

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

1. Statement

Novelty (N)	Yes:	Claims	3
	No:	Claims	1, 2, 4-8
Inventive step (IS)	Yes:	Claims	3
	No:	Claims	1, 2, 4-8
Industrial applicability (IA)	Yes:	Claims	1-8
	No:	Claims	

2. Citations and explanations

   see separate sheet

Re Item V

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

Reference is made to the following documents:

D1 SAMUEL L. YANKELL ET AL: "Evaluating cleaning efficiency of different toothbrush designs and textures",
JOURNAL OF THE SOCIETY OF COSMETIC CHEMISTS,
vol. 34, no. 3, 1 January 1983 (1983-01-01), pages 151-157,
XP55002808,
ISSN: 0037-9832

D2 JP 2002 112837 A (KAO CORP) 16 April 2002 (2002-04-16)

D3 DYER ET AL: "Abrasion and stain removal by different manual toothbrushes and brush actions:studies in vitro",
JOURNAL OF CLINICAL PERIODONTOLOGY, BLACKWELL MUNKSGAARD, COPENHAGEN, DK, 1 January 2001 (2001-01-01), pages 121-127, XP002426372,
ISSN: 0303-6979, DOI: DOI:10.1034/J.1600-051X.2001.028002121.X

1 The present application does not meet the criteria of Article 33(2) PCT, because the subject-matter of claims 1, 7 and 8 is not new.

1.1 Document D1 discloses a method of evaluating the end-rounding quality (see page 152, line 11) of toothbrush cleaning elements; comprising:

providing an article (pressure sensitive paper);

providing a toothbrush having a plurality of cleaning elements;

brushing the article with the cleaning elements at a predetermined force; and

evaluating the article (see page 154) after the article has been brushed to see if there is any damage to the article as a result of the brushing.

The subject matter of claim 1 is therefore not new.

1.2 Document D1 discloses also a method of comparing a first toothbrush (A) with a second toothbrush (B), wherein both brushes are tested with same period of time (see page 154: 50 seconds) under the same predetermined force (see page 153: e.g 250g); and

the two results are compared (Table III).

The subject matter of claim 7 is therefore not new.

1.3 Document D1 discloses also an apparatus for demonstrating the abrasiveness of a toothbrush (see figure 1), comprising:

a holder for retaining a toothbrush having a head and a neck;

a support for holding an article;

a mechanism, preferably a motor, for moving the head of the brush against the article in a brushing fashion; and

a biasing member for applying a selected brushing force between the head of the brush and the article.

The subject matter of claim 8 is therefore not new.

1.4 It is to be noted, that the subject matter of claim 8 is also disclosed in document D2 (figure 1).

2 Dependent claims 2, 3-6 do not contain any features which, in combination with the features of any claim to which they refer, meet the requirements of the PCT in respect of novelty and/or inventive step.

2.1 Claims 2, 4: see D1, figure 1.

2.2 Claim 5: see D1, page 153: bushing pressure 250g.

2.3 Claim 6: see D1, page 153 to 154 the passages relating to the "methods".

3 The combination of the features of dependent claim 3 is neither known from, nor rendered obvious by, the available prior art. None of the cited documents disclose a method wherein the article has an outer layer and a fluid under the outer layer and wherein the appearance of the article reveals damage if the fluid becomes visible.

Possible steps after receipt of the international search report (ISR) and written opinion of the International Searching Authority (WO-ISA)

General information	For all international applications filed on or after 01/01/2004 the competent ISA will establish an ISR. It is accompanied by the WO-ISA. Unlike the former written opinion of the IPEA (Rule 66.2 PCT), the WO-ISA is not meant to be responded to, but to be taken into consideration for further procedural steps. This document explains about the possibilities.
Amending claims under Art. 19 PCT	Within 2 months after the date of mailing of the ISR and the WO-ISA the applicant may file amended claims under Art. 19 PCT directly with the International Bureau of WIPO. The PCT reform of 2004 did not change this procedure. For further information please see Rule 46 PCT as well as form PCT/ISA/220 and the corresponding Notes to form PCT/ISA/220.
Filing a demand for international preliminary examination	In principle, the WO-ISA will be considered as the written opinion of the IPEA. This should, in many cases, make it unnecessary to file a demand for international preliminary examination. If the applicant nevertheless wishes to file a demand this must be done before expiry of 3 months after the date of mailing of the ISR/WO-ISA or 22 months after priority date, whichever expires later (Rule 54bis PCT). Amendments under Art. 34 PCT can be filed with the IPEA as before, normally at the same time as filing the demand (Rule 66.1 (b) PCT). If a demand for international preliminary examination is filed and no comments/amendments have been received the WO-ISA will be transformed by the IPEA into an IPRP (International Preliminary Report on Patentability) which would merely reflect the content of the WO-ISA. The demand can still be withdrawn (Art. 37 PCT).
Filing informal comments	After receipt of the ISR/WO-ISA the applicant may file informal comments on the WO-ISA directly with the International Bureau of WIPO. These will be communicated to the designated Offices together with the IPRP (International Preliminary Report on Patentability) at 30 months from the priority date. Please also refer to the next box.
End of the international phase	At the end of the international phase the International Bureau of WIPO will transform the WO-ISA or, if a demand was filed, the written opinion of the IPEA into the IPRP, which will then be transmitted together with possible informal comments to the designated Offices. The IPRP replaces the former IPER (international preliminary examination report).
Relevant PCT Rules and more information	Rule 43 PCT, Rule 43bis PCT, Rule 44 PCT, Rule 44bis PCT, PCT Newsletter 12/2003, OJ 11/2003, OJ 12/2003

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/748,986	03/29/2010	Carolin Schluetcr	Z-8449Q	6265

27752 7590 11/15/2011
THE PROCTER & GAMBLE COMPANY
Global Legal Department - IP
Sycamore Building - 4th Floor
299 East Sixth Street
CINCINNATI, OH 45202

EXAMINER
WILLIAMS, HEZRON

ART UNIT	PAPER NUMBER
2856	

MAIL DATE	DELIVERY MODE
11/15/2011	PAPER

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

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

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THE PROCTER & GAMBLE COMPANY
Global Legal Department - IP
Sycamore Building - 4th Floor
299 East Sixth Street
CINCINNATI OH 45202

NOV 15 2011

In re Application of
SCHLUETER et al.
Application No.: 12/748,986
Filed: 29 March 2010
Attorney Docket No.: Z-8449Q
For: METHOD AND APPARATUS FOR ASSESSING THE GENTLENESS OF BRUSHES

: 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 25 August 2011, to make the above-identified application special.

The request and petition are **GRANTED**.

Discussion

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

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

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

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

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

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

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

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

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

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

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

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

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

/Colleen Dunn/

Colleen Dunn
Quality Assurance Specialist
Technology Center 2800

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SEP 29 2011

OFFICE OF PETITIONS

KING & SCHICKLI, PLLC
247 NORTH BROADWAY
LEXINGTON KY 40507

In re Application of
James D. Combs et al.
Application No. 12/749,027
Filed: March 29, 2010
Attorney Docket No. 401-013 CIP

:DECISION ON PETITION
:UNDER 37 CFR 1.78(a)(3)
: and
:UNDER 37 CFR 1.78(a)(6)
:

This is a decision on the PETITION TO ADD A LATE BENEFIT CLAIM UNDER 37 C.F.R § 102 (c) filed September 20, 2011, which is treated under 37 CFR 1.78(a)(3) and 1.78(a)(6), to accept an unintentionally delayed claim under 35 U.S.C. §§ 120 and 119(e) for the benefit of a prior-filed non-provisional application, Application No. 10/482,539, which is the National Stage of International Application No. PCT/US02/20585, filed June 27, 2002, which claims the benefit of U.S. Provisional patent Application Serial No. 60/301,768 filed June 28, 2001, which are set forth in the concurrently filed amendment.

The petition is **DISMISSED**.

A petition for acceptance of a claim for late priority under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 CFR §§ 1.78(a)(2)(ii) and 1.78(a)(5)(ii). In addition, the petition under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) must be accompanied by:

> **(1)** the reference required by 35 U.S.C. §§ 120 and 119(e) and 37 CFR §§ 1.78(a)(2)(i) and 1.78(a)(5)(i) of the prior-filed application, unless previously submitted;
> **(2)** the surcharge set forth in § 1.17(t); and
> **(3)** a statement that the entire delay between the date the claim was due under 37 CFR §§ 1.78(a)(2)(ii) and 1.78(a)(5)(ii) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

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

prior-filed provisional application must have been filed within twelve months of the filing date of the prior-filed provisional application.

The petition does not comply with item (1).

A review of Office computer database records indicates that there is a lack of common inventorship between the instant nonprovisional application and application no. 10/482,539, the nonprovisional application noted in the amendment submitted concurrently with the instant petition. The statute requires that the applications claiming benefit of the earlier filing date under 35 U.S.C. §119(e) or 120 be filed by an inventor or inventors named in the prior-filed nonprovisional or provisional application.

For the above-noted reasons, the petition under 37 CFR 1.78(a)(3) cannot be granted.

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

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

By hand: Customer Service Window
Mail Stop Petitions
Randolph Building
40l Dulany Street
Alexandria, VA 22314

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

Any questions concerning this matter may be directed to Senior Petitions Attorney Patricia Faison-Ball at (571) 272-3212.

Christopher Bottorff
Petitions Examiner
Office of Petitions

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FOLEY & LARDNER LLP
321 NORTH CLARK STREET
SUITE 2800
CHICAGO IL 60654-5313

MAILED

SEP 17 2010

OFFICE OF PETITIONS

In re Application of	:	
James E. Malackowski et al	:	DECISION GRANTING STATUS
Application No. 12/749,051	:	UNDER 37 CFR 1.47(a)
Filed: March 29, 2010	:	
Attorney Docket No. 090068-0110	:	

This is in response to the petition under 37 CFR 1.47(a), filed June 28, 2010.

The petition is **GRANTED.**

Petitioner has shown that the non-signing inventor has refused to join in the filing of the above-identified application.

The application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

As provided in 37 CFR 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

This application is being referred to Technology Center AU 3621 for appropriate action by the Examiner in the normal course of business.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3208.

/KOC/
Karen Creasy
Petitions Examiner
Office of Petitions

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/749,070	03/29/2010	Joseph A. Sorge	68104CON2(302423)	6404

21874 7590 07/07/2011
EDWARDS ANGELL PALMER & DODGE LLP
P.O. BOX 55874
BOSTON, MA 02205

EXAMINER
SHAW, AMANDA MARIE

ART UNIT	PAPER NUMBER
1634	

MAIL DATE	DELIVERY MODE
07/07/2011	PAPER

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

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

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JUL - 7 2011

EDWARDS ANGELL PALMER & DODGE LLP
P.O. BOX 55874
BOSTON MA 02205

In re Application of:
Sorge et al.

Serial No.: 12/749,070

Filed: March 29, 2010

Docket: **68104CON2(302423)**

DECISION ON PETITION TO MAKE SPECIAL FOR NEW APPLICATION UNDER 37 C.F.R. § 1.102 & M.P.E.P. § 708.02

Title: **METHODS OF ENRICHING FOR AND IDENTIFYING POLYMORPHISMS**

This is a decision on the petition filed on June 28, 2011 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

The petition to make the application special is **DENIED**.

REGULATION AND PRACTICE

To be eligible for accelerated examination under 37 C.F.R. § 1.102(d) and pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published in the Federal Register on June 26, 2006 (71 Fed. Reg. 36323), the following conditions must be satisfied:

1. The application must be a non-reissue utility or design application filed under 37 CFR 1.111(a);
2. The application, the petition and the required fees must be filed electronically using the USPTO's electronic filing system (EFS), or EFS-web; if not filed electronically, a statement asserting that EFS and EFS-web were not available during the normal business hours;
3. The application, at the time of filing, must be complete under 37 CFR 1.51 and in condition for examination;

Conditions for Examination: The application must be in condition for examination at the time of filing. This means the application must include the following:

(A) Basic filing fee, search fee, and examination fee, under 37 CFR 1.16 (*see* MPEP section 607(I)),

(B) Application size fee under 37 CFR 1.16(s) (if the specification and drawings exceed 100 sheets of paper) (*see* MPEP section 607(II));

(C) An executed oath or declaration in compliance with 37 CFR 1.63;

(D) A specification (in compliance with 37 CFR 1.52) containing a description (37 CFR 1.71) and claims in compliance with 37 CFR 1.75;

(E) A title and an abstract in compliance with 37 CFR 1.72;

(F) Drawings in compliance with 37 CFR 1.84;

(G) Electronic submissions of sequence listings in compliance with 37 CFR 1.821(c) or (e), large tables, or computer listings in compliance with 37 CFR 1.96, submitted via the USPTO's electronic filing system (EFS) in ASCII text as part of an associated file (if applicable);

(H) Foreign priority claim under 35 U.S.C. 119(a)–(d) identified in the executed oath or declaration or an application data sheet (if applicable);

(I) Domestic benefit claims under 35 U.S.C. 119(e), 120, 121, or 365(c) in compliance with 37 CFR 1.78 (*e.g.*, the specific reference to the prior application must be submitted in the first sentence(s) of the specification or in an application data sheet, and for any benefit claim to a non-English language provisional application, the application must include a statement that: (a) An English language translation, and (b) a statement that the translation is accurate, have been filed in the provisional application) (if applicable);

(J) English language translation under 37 CFR 1.52(d), a statement that the translation is accurate, and the processing fee under 37 CFR 1.17(i) (if the specification is in a non-English language);

(K) No preliminary amendments present on the filing date of the application; and

(L) No petition under 37 CFR 1.47 for a non-signing inventor.

4. The application must contain three or fewer independent claims and twenty or fewer total claims and the claims must be directed to a single invention.

The application as filed is not eligible for the accelerated examination under 37 C.F.R. § 1.102(d) because it was no in condition for examination as evidenced by applicants' failure to file this petition in accordance with the rules for accelerated examination and MPEP 708.02 which states "Any petition to make special, other than those based on applicant's health or age or the Patent Prosecution Highway (PPH) pilot program, filed on or after August 25, 2006 must meet the requirements for the revised accelerated examination program set forth in MPEP § 708.02(a). See subsections III and IV below for the requirements for filing a petition to make special based on applicant's health or age. Applications filed prior to August 25, 2006 are not eligible for the revised accelerated examination program set forth in MPEP § 708.02(a). Until August 25, 2006, applicant may file a petition to make special in an application filed prior to August 25, 2006 by complying with the guidelines and requirements set forth in subsections I-II, and V-XII below. A petition to make special filed on or after August 25, 2006 will only be granted if it is based upon applicant's health or age or is under the PPH pilot program, or if it complies with the requirements set forth in MPEP § 708.02(a)." In the event applicant is attempting to invoke a green tech petition, proper procedures have not been followed. Please see the OG Notice of Dec 2009 and May 2010 for green tech petitions.

For the above-stated reasons, the petition of June 28, 2011 is **DENIED**.

Any inquiry regarding this decision should be directed to Marianne C. Seidel, Quality Assurance Specialist, at (571) 272-0584.

/MC Seidel/
Marianne. C. Seidel, Quality Assurance Specialist
Technology Center 1600

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Klein, O'Neill & Singh, LLP
18200 Von Karman Avenue
Suite 725
Irvine CA 92612

MAILED
DEC 14 2010
OFFICE OF PETITIONS

In re Application of	:	
Kryliouk, et al.	:	DECISION GRANTING STATUS
Application No. 12/749,087	:	UNDER 37 CFR 1.47(a)
Filed: March 29, 2010	:	
Docket No. 013985ALRT/EES/NEON	:	

This is in response to the petition under 37 CFR 1.47(a), filed October 7, 2010.

The petition is **GRANTED.**

As authorized by petitioners, deposit account no. 20-0782 will be charged the $200.00 Rule 47 petition fee, the $130.00 surcharge, and the $1,730.00 four month extension of time fee.

Petitioners have shown that the non-signing inventor, Sandeep Nijhawan, has constructively refused to join in the filing of the above-identified application.

The application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

As provided in 37 CFR 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

The revocation/power of attorney/change of correspondence address, filed November 2, 2010, is not acceptable because the power of attorney is from an assignee and the certificate required by 37 CFR 3.73(b) does not authorize the person who signed the power of attorney to act on the assignee's behalf. A Managing Director of Intellectual Property and Assistant Corporate Secretary does not have apparent authority to bind the corporation.

While a courtesy copy of this decision is being mailed to the address listed on the petition, all future correspondence will be directed to the address currently of record until appropriate instructions are received.

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

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3230.

Shirene Willis Brantley

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

CC: PATTERSON & SHERIDAN, LLP – APPM/TX
3040 POST OAK BOULEVARD, SUITE 1500
HOUSTON, TX 77056

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DURIO, MCGOFFIN, STAGG & ACKERMAN
P.O. BOX 51308
LAFAYETTE LA 70505

MAILED

JUN 20 2011

OFFICE OF PETITIONS

In re Application of	:	
Dennis Harold AUGAR	:	
Application No. 12/749,173	:	DECISION ON PETITION
Filed: March 29, 2010	:	
Attorney Docket No.	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed May 10, 2011, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely pay the issue fee on or before May 08, 2011, as required by the Notice of Allowance and Fee(s) Due, mailed February 08, 2011. Accordingly, the date of abandonment of this application is May 09, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of $755.00, (2) the petition fee of $810.00; and (3) a proper statement of unintentional delay. Accordingly, the issue fee is accepted as having been unintentionally delayed.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-4231.

This application is being referred to the Office of Data Management.

Michelle R. Eason
Paralegal Specialist
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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DURIO, MCGOFFIN, STAGG & ACKERMAN
P.O. BOX 51308
LAFAYETTE LA 70505

MAILED

JUL 11 2011

OFFICE OF PETITIONS

In re Application of	:	
Phillip E. ABSHIRE	:	CORRECTED
Application No. 12/749,173	:	DECISION ON PETITION
Filed: March 29, 2010	:	
Attorney Docket No.	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed May 10, 2011, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely pay the issue fee on or before May 08, 2011, as required by the Notice of Allowance and Fee(s) Due, mailed February 08, 2011. Accordingly, the date of abandonment of this application is May 09, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of $755.00, (2) the petition fee of $810.00; and (3) a proper statement of unintentional delay. Accordingly, the issue fee is accepted as having been unintentionally delayed.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-4231.

This application is being referred to the Office of Data Management.

/Michelle R. Eason/
Michelle R. Eason
Paralegal Specialist
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/749,322	03/29/2010	Dean W. Hahn-Carlson	USBA.121C1	6836

28863 7590 02/17/2012
SHUMAKER & SIEFFERT, P. A.
1625 RADIO DRIVE
SUITE 300
WOODBURY, MN 55125

EXAMINER
CHEUNG, MARY DA ZHI WANG

ART UNIT	PAPER NUMBER
3667	

NOTIFICATION DATE	DELIVERY MODE
02/17/2012	ELECTRONIC

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

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

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

pairdocketing@ssiplaw.com

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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FEB 17 2012

SHUMAKER & SIEFERT, P.A.
1625 RADIO DRIVE
SUITE 300
WOODBURY, MN 55125

In re Application of HANH-CARLSON et al. Application No. 12/749,322 Filed: March 29, 2010 For: ORDER-RESOURCE FULFILLMENT AND MANAGEMENT SYSTEM AND APPROACH	DECISION ON PETITION REGARDING REQUEST TO WITHDRAW FINALITY UNDER 37 CFR § 1.181

This is in response to applicant's petition under 37 CFR § 1.181 filed December 19, 2011 requesting withdrawal of the finality of the Office action mailed October 18, 2011.

Petitioner argues that finality is improper because the action "1) failed to address Applicant's traversals regarding the Examiner's improper interpretation of the MPEP regarding the terms "adapted to"...and 2) the instant Office Action's introduction of a new Wechsel '368 reference" where the new reference was not necessitated by an amendment.

The petition is **DISMISSED.**

A review of the prosecution history shows that a non-final Office action was mailed on April 15, 2011 wherein, *inter alia*, claims 1-18 were rejected under 35 USC 112, second paragraph, as being indefinite and claim 18 was rejected under 35 USC 103(a) as being unpatentable over Maners in view of Furphy and further in view of Official Notice. In a response filed July 15, 2011, applicant traversed the rejection under 35 USC 112, second paragraph and also argued that the Official Notice rejection was improper. In the Final Office action mailed October 18, 2011, the examiner maintained the rejection of claim 18 and introduced the Wechsel reference as evidence in support of Official Notice. The examiner did not maintain the rejection under 35 USC 112, second paragraph. Applicants timely filed the instant petition on December 19, 2011.

With regards to issue 1) above, it is noted that this argument relates to the 35 USC 112, second paragraph rejection of claims 1-18 set forth in the non-final Office action mailed on April 15, 2011. It is further noted that this rejection was not maintained in the final Office action mailed on October 18, 2011. Therefore, since the examiner did not sustain the rejection, there was no need for the examiner to address applicant's traversal.

With regards to issue 2), applicant's attention is directed to the bottom of the first page of the Detailed Action (labeled as "Page 2") of the final Office action. The examiner indicates that "in response to applicant's arguments regarding the Official Notice, the examiner has provided Wechsel as evidence in the office action to support her proposition." MPEP 2144.03 sets forth that "if the examiner adds a reference in the next Office action after applicant's rebuttal, and the newly added reference is added only as directly corresponding evidence to support the prior common knowledge finding, and it does not result in a new issue or constitute a new ground of rejection, the Office action may be made final. If no amendments are made to the claims, the examiner must not rely on any other teachings in the reference if the rejection is made final. If the newly cited reference is added for reasons other than to support the prior common knowledge statement and a new ground of rejection is introduced by the examiner that is not necessitated by applicant's amendment of the claims, the rejection may not be made final. See MPEP § 706.07(a)."

A review of the non-final and final Office action shows that the examiner took Official Notice that "it is well known in the art to check a shipment for damage before logging it in to inventory." In the final Office action, the examiner provided Wechsel as "directly corresponding evidence to support the prior common knowledge finding" since Wechsel teaches that "customers inspect the ordered items and the condition of the items is then updated accordingly." Thus, the introduction of Wechsel did not result in a new issue or constitute a new grounds of rejection.

Accordingly, the finality of the Office action mailed October 18, 2011 is proper and applicants' request for the withdrawal of finality is dismissed. Any inquiries regarding this decision should be directed to Teri P. Luu, Quality Assurance Specialist, at (571) 272-7045

Katherine Matecki

Katherine Matecki, Director
Patent Technology Center 3600
(571) 272-5350

KM/tl: 01/25/12

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SHERIDAN ROSS PC
1560 BROADWAY
SUITE 1200
DENVER, CO 80202

MAILED
AUG 29 2011
OFFICE OF PETITIONS

In re Application of	:	
Christopher J. Rennie, et al.	:	
Application No. 12/749,325	:	DECISION ON PETITION
Filed: March 29, 2010	:	TO WITHDRAW
Attorney Docket No. 5611-1-CON-2	:	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 10, 2011.

The request is **NOT APPROVED** because it is moot.

A review of the file record indicates that the power of attorney to Sheridan Ross PC has been revoked by the assignee of the patent application on August 11, 2011. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

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

/Terri Johnson/
Terri Johnson
Petitions Examiner
Office of Petitions

cc: **CONCATEN, INC**
24918 GENESSE TRAIL ROAD
GOLDEN, CO 80401

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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RICHARD M. KLEIN, ESQ.
FAY SHARPE LLP
HALLE BUILDING
128 EUCLID AVENUE, FIFTH FLOOR
CLEVELAND OH 44115

MAILED
JUL 08 2011
OFFICE OF PETITIONS

In re Application of	:	
Presz et al.	:	DECISION ON PETITION
Application No. 12/749,341	:	TO WITHDRAW
Filed: March 29, 2010	:	FROM RECORD
Attorney Docket No. FDWT 200027US01	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed June 13, 2011.

The request is **NOT APPROVED**.

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

The request was signed by Richard M. Klein on behalf of all attorneys of record, but reflects an incorrect Customer Number. Accordingly, since the practitioners were appointed by a Customer Number, the Request must reflect withdrawal of practitioners associated with the same Customer Number.

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.***

According to a review of current USPTO records petitioner has not requested the address be changed to a properly recorded assignee or the first listed inventor. The Customer Number 14894 is neither the first named inventor nor the assignee who properly became of record under 37 CFR 3.71.

Additionally, there is currently no Statement under 37 CFR 3.73(b) of record in the instant application.

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

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

Telephone inquires concerning this decision should be directed to the undersigned at (571) 272-7751.

/Joan Olszewski/
Joan Olszewski
Petitions Examiner
Office of Petitions

Popovici, Dov

From: pair@silverbrookresearch.com
Sent: Tuesday, March 29, 2011 8:03 PM
To: Popovici, Dov
Subject: Re: FW: FW: 12/749,362

Dear Examiner Popovici,

Thank you for your further email below.
The letter has been filed via e-filing and pasted into the email as requested.

Kind Regards,
Patent Department
Silverbrook Research Pty Ltd

would be better to do both, send the content of the attached letter by e-mail and e-file the attached letter.

Thank you,

Dov

From: Popovici, Dov
Sent: Tuesday, March 29, 2011 7:45 PM
To: 'pair@silverbrookresearch.com'
Subject: FW: FW: 12/749,362

Thank you for you quick reply. Can you please e-file the attached letter into the application, since it's content is not captured or shown in the body of the e-mail below. Thank you so much. Dov

---

From: pair@silverbrookresearch.com [mailto:pair@silverbrookresearch.com]
Sent: Tuesday, March 29, 2011 7:40 PM
To: Popovici, Dov
Subject: Re: FW: 12/749,362

Dear Examiner Popovici,

Thank you for your email below.
Please see the attached letter from the inventor of the application, Kia Silverbrook.

Kind Regards,
Patent Department
Silverbrook Research Pty Ltd

Popovici, Dov wrote:

> I would like very much to get this case out today, if posaible. Can you please reply today with your answer or approval. Thank you.
>
> ---
>
> **From:** Popovici, Dov
> **Sent:** Tuesday, March 29, 2011 10:41 AM
> **To:** 'pair@silverbrookresearch.com'
> **Subject:** 12/749,362
>
> Hi,
>
> Below is a proposed examiner's amendment. Please provide me with the name and the registration number of the approving official who is approving the examiner's amendment.
>
> Thanks
>
> Dov

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Kia Silverbrook on 3/29/2011.

The application has been amended as follows:

In the abstract:

In the abstract, lines 4-5, change the recitation of "in server" to --in a server--.

In the abstract, lines 9-11, change the recitation of "retrieve for a page description" to --retrieve a page description--.

In the claims:

In claim 1, line 14, before "second interactive document", change "the" to --a--.

In claim 1, line 15, after "print engine to", insert --print--.

In claim 1, line 16, before "second interactive document", change "a" to --the--.

In claim 3, line 3, before "first indicating data", delete "the".

In claim 6, line 2, before "visible", insert --the--.

SILVERBROOK RESEARCH Pty Ltd
393 Darling Street Balmain NSW 2041 Australia
PO Box 207 Balmain NSW 2041 Australia
Phone: +61 2 9818 6633 Fax: + 61 2 9818 6711
Email: patentdept@silverbrookresearch.com
ACN 086 573 671

March 30, 2011

Assistant Commissioner for Patents
Washington, District of Columbia 20231
USA

Dear Examiner Popovici,

United States Patent Application No. 12749362
Assignee: SILVERBROOK RESEARCH PTY LTD
Title: "INTERACTIVE DOCUMENT RETRIEVAL DEVICE "
Our Ref: NPP122US

Thank you for your email of March 29, 2011.

I, the inventor Kia Silverbrook, do not have a registration number.

I approve of the Examiners Amendments to the Abstract and Claims 1, 3 and 6 as suggested.

Thank you for your kind assistance in this matter.

Yours faithfully

Kia Silverbrook
Managing Director
Silverbrook Research Pty Ltd

Popovici, Dov wrote:

> Or you can copy and paste your attached letter contents into the next e-mail coming from you, since the attached letter content is not shown below in the body of the e-mail, therefore, the agreement is not shown. But maybe preferably it

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/749,537	03/30/2010	Ryoichi NAKANO	FS-F05169-01	7211

7590 06/23/2011
Solaris Intellectual Property Group, PLLC
401 Holland Lane, Suite 407
Alexandria, VA 22314

EXAMINER
HARM, NICKOLAS R

ART UNIT	PAPER NUMBER
1745	

MAIL DATE	DELIVERY MODE
06/23/2011	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

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

The petition is granted.

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

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

Nioni Jarmes

Patent Publication Branch
Office of Data Management

FORM PET651G (Rev. 08/07)

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BANNER & WITCOFF, LTD.
28 STATE STREET
SUITE 1800
BOSTON MA 02109-1701

MAILED

NOV 22 2010

OFFICE OF PETITIONS

In re Application of	:	
Barry PORTER	:	
Application No. 12/749,562	:	DECISION ON PETITION
Filed: March 30, 2010	:	TO WITHDRAW
Attorney Docket No. 007320.00005	:	FROM RECORD
	:	

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

The request is **NOT APPROVED.**

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

The request cannot be approved because there is no clear indication that the acts noted above at Items 1 and 3 have been performed. Please see the attached form PTO/SB/83 – Request for Withdrawal of as Attorney or Agent.

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

In this regard, the request cannot be approved because the change of address is not that of a new representative who has filed a proper power of attorney with the Office nor is it to the first named inventor or an assignee of the entire interest who has properly become of record under 37 CFR 3.71.

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

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

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

Attachment: PTO/SB/83 – Request for Withdrawal as Attorney or Agent

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28 STATE STREET
SUITE 1800
BOSTON MA 02109-1701

MAILED

JAN 03 2011

OFFICE OF PETITIONS

In re Application of	:	
Barry PORTER	:	
Application No. 12/749,562	:	DECISION ON PETITION
Filed: March 30, 2010	:	TO WITHDRAW
Attorney Docket No. 007320.00005	:	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 3, 2010.

The request is **APPROVED**.

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

The request was signed by Ernest V. Linek on behalf of the attorneys of record associated with Customer No. 22910.

The attorneys of record associated with Customer No. 22910 have been withdrawn.

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

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

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

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

cc: BARRY W. PORTER
918 OLD BARN ROAD
ORLANDO FL 32825

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/749,562	03/30/2010	Barry Porter	007320.00005

CONFIRMATION NO. 7264

POWER OF ATTORNEY NOTICE

22910
BANNER & WITCOFF, LTD.
28 STATE STREET
SUITE 1800
BOSTON, MA 02109-1701

OC000000045235515

Date Mailed: 01/03/2011

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 12/03/2010.

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

/dcgoodwyn/

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

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MAR 07 2011

OFFICE OF PETITIONS

IDEPA INC.
ATTN: JOHANNES SCHNEEBERGER
P.O. BOX 358
BRISBANE, CA 94005

In re Application of	:	
LARKIN, Kevin B.	:	
Application No. 12/749,645	:	DECISION ON PETITION
Filed: March 30, 2010	:	TO WITHDRAW
Attorney Docket No. **059239-01-5006-US02**	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed January 27, 2011.

The request is **NOT APPROVED** as moot.

A review of the file record indicates that the power of attorney to **IDEPA INC.** has been revoked by the applicant of the patent application on February 14, 2011. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

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

/Tredelle D. Jackson/
Petitions Examiner
Office of Petitions

cc: **MORGAN, LEWIS & BOCKIUS, LLP. (PA)**
2 PALO ALTO SQUARE
3000 EL CAMINO REAL, SUITE 700
PALO ALTO CA 94306

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FOLEY & LARDNER LLP
111 HUNTINGTON AVENUE
26TH FLOOR
BOSTON MA 02199-7610

MAILED
DEC 12 2011
OFFICE OF PETITIONS

In re Application of
Hanna et al.
Application No. 12/749,663
Filed: March 30, 2010
Attorney Docket No. 101546-0122(EYE-021US)

DECISION ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed December 1, 2011, to revive the above-identified application.

The petition is **GRANTED**.

This above-identified application became abandoned for failure to timely file a reply to a non-final Office action mailed February 23, 2011. The Office Action set a three (3) month shortened statutory period for reply. No extensions of time were obtained under the provisions of 37 CFR 1.136(a). Accordingly, this application became abandoned on May 24, 2011. A Notice of Abandonment was mailed on October 17, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment and replacement drawings (2) the petition fee of $930.00, and (3) a statement of unintentional delay.

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR §10.18(b). In the event that such an inquiry has not been made, Petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR §1.137(b) was unintentional, petitioner must notify the Office.

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. *See* In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Since the $635 extension of time fee submitted with the petition on December 1. 2011 was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credited.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3215.

This application is being referred to Technology Center AU 2862 for appropriate action by the Examiner in the normal course of business on the reply received

Charlema Grant
Attorney Advisor
Office of Petitions

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P.O. Box 1450
Alexandria, VA 22313-1450
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HOLTZ, HOLTZ, GOODMAN & CHICK PC
220 Fifth Avenue
16TH Floor
NEW YORK NY 10001-7708

MAILED
MAR 14 2012
OFFICE OF PETITIONS

In re Application of
Akira Hamada
Application No.: 12/749,733
Filed: March 30, 2010
Attorney Docket No.: 10129/LH
For: APPARATUS IMAGE COMPOSING APPARATUS AND COMPUTER READABLE RECORDING MEDIUM

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

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed November 9, 2011, to make the above-identified application special.

The request and petition are **GRANTED**.

Discussion

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

1. The U.S. application is

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

    or

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

    or

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

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

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

Telephone inquiries concerning this decision should be directed to 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://uspto.gov/ebc/index.html.

David Bucci
Petitions Examiner
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 3/14/12

TO SPE OF : ART UNIT: 2871

SUBJECT : Request for Certificate of Correction for Appl. No.: 12/749,761 Patent No. 7,944,515

CofC mailroom date 3/6/12

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

FOR IFW FILES:

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

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

FOR PAPER FILES:

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

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

Ernest C. White, LIE

Certificates of Correction Branch

703-756-1814 _____

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

☐ **Approved**	**All** changes apply.
X Approved in Part	Specify below which changes **do not** apply.
☐ **Denied**	State the reasons for denial below.

Comments: The requested changes to claims 7, 10 and 12 have been denied because the scope or meaning of the claims would be changed.

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

2871

SPE Art Unit

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MAIL

SEP 02 2010
DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

WENDEROTH, LIND & PONACK L.L.P.
1030 15th Street, N.W.
Suite 400 East
Washington DC 20005-1503

In re Application of	:	
SASAKI, TAIJI, et al.	:	DECISION ON REQUEST TO
Application No. 12/749,830	:	PARTICIPATE IN PATENT
Filed: March 30, 2010	:	PROSECUTION HIGHWAY
Attorney Docket No. **2010_0456A**	:	PROGRAM AND PETITION
	:	TO MAKE SPECIAL UNDER
	:	37 CFR 1.102(d)

This is a decision on the request to participate in the PCT Patent Prosecution Highway (PPH) pilot program and the petition under 37 CFR 1.102(d), filed July 21, 2010 to make the above-identified application special.

The request and petition are **GRANTED**.

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

(1) The U.S. application be (a) a national stage entry of the corresponding PCT application, or (b) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (c) a national stage application that claims domestic/foreign priority to the corresponding PCT application, (d) a national application which forms the basis for the priority claim in the corresponding PCT application, or (e) a continuation application of the U.S. application which satisfies one of the above (a) to (d) scenarios.
(2) A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the corresponding PCT application(s) which indicates at least one claim in the PCT application has novelty, inventive step, and industrial applicability.
(3) A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the corresponding PCT application(s).
(4) English translations of the documents in (2) and (3) (if the documents are not in the English language).
(5) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the claims which were indicated as having novelty, inventive step, and industrial applicability in the corresponding PCT application(s).
(6) Examination of the U.S. application has not begun;

(7) An information disclosure statement listing the documents cited in the international work products (ISR, WO/ISA. WO/IPEA, IPER) of the corresponding PCT application(s) and
(8) The petition fee under 37 CFR 1.17(h).

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

Telephone inquiries concerning this decision should be directed to 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.

/Kenneth A. Wieder/

Kenneth A. Wieder
Quality Assurance Specialist
Technology Center 2600
Communications

UNITED STATES PATENT AND TRADEMARK OFFICE

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

SHAY GLENN LLP
2755 CAMPUS DRIVE
SUITE 210
SAN MATEO, CA 94403

MAILED

NOV 17 2010

OFFICE OF PETITIONS

In re Application of Joe Paul Tupin, Jr., et al. Application No. 12/749,861 Filed: March 30, 2010 Attorney Docket No.: 11040-702.201	: : : : :	DECISION ACCORDING STATUS UNDER 37 CFR 1.47(a)

This is a decision in response to the petition under 37 CFR 1.47(a) filed October 7, 2010.

The petition is not signed by a registered practitioner of record. However, in accordance with 37 CFR 1.34, the signature of Mr. Richard D. Shoop appearing on the correspondence shall constitute a representation to the United States Patent and Trademark Office that he is authorized to represent the particular party in whose behalf he acts.

The petition is **GRANTED**.

Petitioner has shown that the non-signing inventor, John David Tupin, has refused to join in the filing of the above-identified application.

The application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

As provided in 37 CFR 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

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

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3204.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MR. JOHN DAVID TUPIN
2730 OTTOWA AVENUE
DAVIS, CA 95616

MAILED
NOV 17 2010
OFFICE OF PETITIONS

In re Application of.
Joe Paul Tupin, Jr., Joe Paul Tupin,
Kenneth Arlan Murray, Jr. and John David Tupin
Application No. 12/749,861
Filed: March 30, 2010
For: APPARATUS AND METHOD FOR CONTINUOUS NONINVASIVE MEASUREMENT OF RESPIRATORY FUNCTION AND EVENTS

LETTER

Dear Mr. Tupin:

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

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

Telephone inquiries regarding this communication should be directed to the undersigned at (571) 272-3204. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to the Certification Division at (571) 272-3150 or 1 (800) 972-6382 (outside the Washington, DC area).

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

cc: SHAY GLENN LLP
2755 CAMPUS DRIVE
SUITE 210
SAN MATEO, CA 94403

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

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

PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Attorney Docket Number: 075588-0041	Application Number (if known): 12/749,867	Filing date: March 30, 2010

First Named Inventor: David P. RAMER, et al.

Title: LIGHTING APPLICATIONS WITH LIGHT TRANSMISSIVE OPTIC CONTOURED TO PRODUCTE TAILORED LIGHT OUTPUT DISTRIBUTION

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

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

1. By filing this petition:

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

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

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

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

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

6. Other attachments: PRELIMINARY AMENDMENT AND STATEMENT OF SPECIAL STATUS FOR ELIGIBILITY REQUIREMENT

Signature	Date April 5, 2011
Name (Print/Typed) Brian K. Seidleck	Registration Number 51,321

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

☐ *Total of _____ forms are submitted.

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/749,867	03/30/2010	David P. RAMER	075588-0041	7813

20277 7590 04/21/2011
MCDERMOTT WILL & EMERY LLP
600 13TH STREET, N.W.
WASHINGTON, DC 20005-3096

EXAMINER

ART UNIT	PAPER NUMBER
2821	

MAIL DATE	DELIVERY MODE
04/21/2011	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
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MCDERMOTT WILL & EMERY LLP
600 13TH STREET, N.W.
WASHINGTON DC 20005-3096

In re Application of	:	
RAMER et al.	:	DECISION ON PETITION
Application No. 12/749,867	:	TO MAKE SPECIAL UNDER
Filed: March 30, 2010	:	THE GREEN TECHNOLOGY
Attorney Docket No. 075588-0041	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed on April 05, 2011, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **GRANTED**.

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

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

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

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

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

The application is being forwarded to the Technology Center Art Unit 2821 for action on the merits commensurate with this decision.

Lee W. Young
Quality Assurance Specialist
Technology Center 2800

UNITED STATES PATENT AND TRADEMARK OFFICE

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

RICHARD M. KLEIN, ESQ.
FAY SHARPE LLP
HALLE BUILDING
128 EUCLID AVENUE, FIFTH FLOOR
CLEVELAND OH 44115

MAILED
JUL 08 2011
OFFICE OF PETITIONS

In re Application of	:	
Presz et al.	:	DECISION ON PETITION
Application No. 12/749,951	:	TO WITHDRAW
Filed: March 30, 2010	:	FROM RECORD
Attorney Docket No. FDWT 2 00034US01	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed June 13, 2011.

The request is **NOT APPROVED**.

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

The request was signed by Richard M. Klein on behalf of all attorneys of record, but reflects an incorrect Customer Number. Accordingly, since the practitioners were appointed by a Customer Number, the Request must reflect withdrawal of practitioners associated with the same Customer Number.

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.***

According to a review of current USPTO records petitioner has not requested the address be changed to a properly recorded assignee or the first listed inventor. The Customer Number 14894 is neither the first named inventor nor the assignee who properly became of record under 37 CFR 3.71.

Additionally, there is currently no Statement under 37 CFR 3.73(b) of record in the instant application.

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

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

Telephone inquires concerning this decision should be directed to the undersigned at (571) 272-7751.

/Joan Olszewski/
Joan Olszewski
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MAILED

APR 05 2011

OFFICE OF PETITIONS

BASF Catalysts LLC
100 Campus Drive
Florham Park, New Jersey 07932

In re Application of	:	
Chung-Zong WAN et al.	:	DECISION GRANTING PETITION
Application No. 12/750,001	:	UNDER 37 CFR 1.137(b)
Filed: March 30, 2010	:	
Atty. Docket No.: EH5551US	:	

This is a decision on the petition under 37 CFR 1.137(b), filed January 13, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to Notice to File Missing Parts mailed April 14, 2010 ("Notice"), which set a statutory period for reply of two (2) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. The application thus became abandoned on April 15, 2010, and a Notice of Abandonment was mailed December 28, 2010.

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

The petition satisfies the conditions for revival pursuant to 37 CFR 1.137(b) by including (1) a reply in the form of a new declaration, plus fee surcharge ($130), (2) a petition fee of $1620.00, and (3) a Statement of unintentional delay. The reply to the Notice is accepted as having been unintentionally delayed.

In accordance with petitioner's instructions, deposit account 051070 will be charged $130.

There is no indication that the person signing the instant petition was ever given a power of attorney or authorization of agent to prosecute the above-identified application. If the person signing the instant petition desires to receive future correspondence regarding this application, the appropriate power of attorney or authorization of agent must be submitted.

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

The application file will be referred to Office of Initial Patent Processing for further processing..

David Bucci
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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HOLTZ, HOLTZ, GOODMAN & CHICK
PC
220 Fifth Avenue
16TH Floor
NEW YORK NY 10001-7708

MAILED

FEB 08 2012

OFFICE OF PETITIONS

In re Application of
Mitsuyasu Nakajima
Application No.: 12/750,004
Filed: March 30, 2010
Attorney Docket No.: 10188/LH
For: IMAGING APPARATUS, IMAGING CONTROL METHOD, AND RECORDING MEDIUM

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

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed November 29, 2011, to make the above-identified application special.

The request and petition are **GRANTED**.

Discussion

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

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

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

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

Inquiries concerning this decision should be directed to JoAnne Burke at 571-272-4584.

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

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

David Buck
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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LEYDIG VOIT & MAYER, LTD
700 THIRTEENTH ST. NW
SUITE 300
WASHINGTON DC 20005-3960

MAILED
AUG 0 9 2011
OFFICE OF PETITIONS

In re Application of	:	
Ross John Bartlett et al	:	
Application No. 12/750,016	:	ON PETITION
Filed: March 30, 2010	:	
Attorney Docket No. 706194	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed June 22, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a continuing application under 37 CFR 1.53(b); (2) the petition fee of $1620; and (3) a proper statement of unintentional delay.

This application is being revived solely for purposes of continuity. As continuity has been established by this decision, the application is again abandoned in favor of continuing application No. 13/154,502.

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

Irvin Dingle
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.
12/750,022	03/30/2010	Koji YAMADA	740145-405	8102

25570 7590 04/20/2011
ROBERTS MLOTKOWSKI SAFRAN & COLE, P.C.
Intellectual Property Department
P.O. Box 10064
MCLEAN, VA 22102-8064

EXAMINER

ART UNIT	PAPER NUMBER
2821	

NOTIFICATION DATE	DELIVERY MODE
04/20/2011	ELECTRONIC

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

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

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

lgallaugher@rmsclaw.com
dbeltran@rmsclaw.com
docketing@rmsclaw.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

ROBERTS MLOTKOWSKI SAFRAN & COLE, P.C.
Intellectual Property Department
P.O. Box 10064
MCLEAN VA 22102-8064

In re Application of	
YAMADA et al.	**: DECISION ON REQUEST TO**
Application No.: 12/750,022	**: PARTICIPATE IN THE PATENT**
Filed: 30 March 2010	**: PROSECUTION HIGHWAY**
Attorney Docket No.: 740145-405	**: PROGRAM AND PETITION**
For: HIGH PRESSURE DISCHARGE	**: TO MAKE SPECIAL UNDER**
LAMP LIGHT SOURCE DEVICE	**: 37 CFR 1.102(a)**

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed 31 March 2011, to make the above-identified application special.

The request and petition are **DISMISSED**.

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

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

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

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

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

5. Applicant must submit:
    a. Documentation of prior office action:
        i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claim(s) or
        ii. if the allowable/patentable claims(s) are from a "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
        iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form;

    Further, if a copy of the documents from a or b above is available via the Dossier Access System (DAS) applicant may request the USPTO obtain a copy from the DAS, however if the USPTO is unable to obtain a copy from the DAS the applicant will be required to submit a copy;
    b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above
    c. A statement that the English translation is accurate;

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

Conditions (4-6) above are considered to have been met. However, the request to participate in the PPH pilot program and petition fails meet conditions (1) and (2).

Regarding the requirement of condition (1), applicant has failed to identify the JPO application having the allowed/patentable claims.

Regarding the requirement of condition (2), applicant has failed to submit a copy of the allowable/patentable claims from the JPO application, a translation of the claims, and a statement that the translation is accurate.

Regarding the requirement of condition (3), it cannot be determined if condition (3) is met since condition (2) has not been met.

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

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

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

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

Lee W. Young
TQAS Technology Center 2800

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.
12/750,022	03/30/2010	Koji YAMADA	740145-405	8102

25570 7590 05/11/2011
ROBERTS MLOTKOWSKI SAFRAN & COLE, P.C.
Intellectual Property Department
P.O. Box 10064
MCLEAN, VA 22102-8064

EXAMINER

ART UNIT	PAPER NUMBER
2821	

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):

lgallaugher@rmsclaw.com
dbeltran@rmsclaw.com
docketing@rmsclaw.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

ROBERTS MLOTKOWSKI SAFRAN & COLE, P.C.
Intellectual Property Department
P.O. Box 10064
MCLEAN VA 22102-8064

In re Application of	
YAMADA et al.	**: DECISION ON REQUEST TO**
Application No.: 12/750,022	**: PARTICIPATE IN THE PATENT**
Filed: 30 March 2010	**: PROSECUTION HIGHWAY**
Attorney Docket No.: 740145-405	**: PROGRAM AND PETITION**
For: HIGH PRESSURE DISCHARGE	**: TO MAKE SPECIAL UNDER**
LAMP LIGHT SOURCE DEVICE	**: 37 CFR 1.102(a)**

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed 31 March 2011 and renewed on 02 May 2011, to make the above-identified application special.

The request and petition are **DENIED**.

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

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

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

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

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

5. Applicant must submit:
    a. Documentation of prior office action:
        i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claim(s) or
        ii. if the allowable/patentable claims(s) are from a "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
        iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form;

    Further, if a copy of the documents from a or b above is available via the Dossier Access System (DAS) applicant may request the USPTO obtain a copy from the DAS, however if the USPTO is unable to obtain a copy from the DAS the applicant will be required to submit a copy;
    b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above
    c. A statement that the English translation is accurate;

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

Conditions (1) and (4-6) above are considered to have been met. However, the request to participate in the PPH pilot program and petition fails meet conditions (2) and (3).

Regarding the requirement of condition (2), applicant has failed to submit a statement that the English translation of the allowed/patentable claims is accurate. The provided machine translation does not satisfy this requirement.

Regarding the requirement of condition (3), applicant has failed to ensure that all the claims in the U.S. application sufficiently correspond to the allowable/patentable claims in the JPO application. For example, JPO claim 1 requires silica glass while US claim 1 requires quartz glass. Also, US claim 1 requires the current of the low electric power lighting mode to be 40-70% of the nominal electric power consumption but this limitation is not required by JPO claim 1. The claims clearly do not correspond.

No further consideration will be undertaken on this matter.

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

Lee W. Young
TQAS Technology Center 2800

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Named Inventor: Scott Daniel FELDMAN-PEABODY	)
Confirmation No.: 8164	)
	)
Serial No.: 12/750,056	)
	)
Filing Date: 03-30-2010	)
	)
Atty Docket No.: 242629-1 (PRSS-23)	)

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

Statement Concerning the Basis for the Special Status

SIR:

The subject matter disclosed herein relates generally to forming a conductive transparent oxide film layer. More particularly, the subject matter disclosed herein relates to methods of forming a conductive transparent oxide film layer for use in cadmium telluride thin film photovoltaic devices. (See [0001]).

Thin film photovoltaic (PV) modules (also referred to as "solar panels") based on cadmium telluride (CdTe) paired with cadmium sulfide (CdS) as the photo-reactive components are gaining wide acceptance and interest in the industry. CdTe is a semiconductor material having characteristics particularly suited for conversion of solar energy to electricity. For example, CdTe has an energy bandgap of about 1.45 eV, which enables it to convert more energy from the solar spectrum as compared to lower bandgap semiconductor materials historically used in solar cell applications (e.g., about 1.1 eV for silicon). Also,

CdTe converts radiation energy in lower or diffuse light conditions as compared to the lower bandgap materials and, thus, has a longer effective conversion time over the course of a day or in cloudy conditions as compared to other conventional materials. The junction of the n-type layer and the p-type layer is generally responsible for the generation of electric potential and electric current when the CdTe PV module is exposed to light energy, such as sunlight. Specifically, the cadmium telluride (CdTe) layer and the cadmium sulfide (CdS) form a p-n heterojunction, where the CdTe layer acts as a p-type layer (i.e., a positive, electron accepting layer) and the CdS layer acts as a n-type layer (i.e., a negative, electron donating layer). (See [0002]).

A transparent conductive oxide ("TCO") layer is commonly used between the window glass and the junction forming layers. For example, the TCO layer may be sputtered from a cadmium stannate (i.e., Cd_2SnO_4) target by either of two processes: hot sputtering or cold sputtering. When hot sputtered, the TCO layer is typically deposited at sputtering temperatures above about 250° C in a one step sputtering process. When cold sputtered (e.g., at about room temperature), the TCO layer must be annealed following sputtering of the layer in a second step to convert the layer from an amorphous layer to a crystalline layer. (See [0003]).

Though the hot sputtering process is more streamlined (i.e., only requiring a single step), the hot sputtered TCO layers can have a much higher resistivity than the cold sputtered TCO layers – even when sputtered from the same material (e.g., cadmium stannate) – making the hot sputtered TCO layer less

attractive for the end use. Although not wishing to be bound by any particular theory, it is believed that this difference in resistivities between the hot sputtered layer and the cold sputtered layer likely stems from a difference in the as-deposited stoichiometry. For example, when sputtering from a cadmium stannate target, it is presently believed that cold sputtering produces a layer having the stoichiometry Cd_2SnO_4, which is the desired stoichiometry for cadmium stannate. On the other hand, hot sputtering from a cadmium stannate target at certain elevated temperatures is presently believed to produce a layer having the stoichiometry of about $CdSnO_3$ + SnO_2, although the exact stoichiometry of the layer is likely some function of temperature. Thus, it is desirable to form the TCO layer via cold sputtering to obtain the desired stoichiometry. (See [0004]).

However, other processing issues exist that hinders the viability of cold sputtering to form the TCO layer, especially from a cadmium stannate target. First, the annealing process can sublimate cadmium atoms off of the TCO layer, altering the stoichiometry of the TCO layer, especially along its outer surface. Second, the annealing process can cause cracks and/or delamination of the TCO layer on the substrate, probably forming while increasing the substrate temperature from the sputtering temperature to the anneal temperature, while cooling from the anneal temperature back to room temperature, and/or from the phase change from amorphous to crystalline which also may result in a density/volume change. These two processing issues can lead to the stability problems in the TCO layers of the resulting PV devices, whereas such issues are

not present in PV devices formed with TCO layers formed via hot sputtering. (See [0005]).

Thus, a need exists for a TCO layer having the conductivity of those cold sputtered layers with the processing and device stability found in those hot sputtered layers. (See [0006]).

Methods are generally provided for forming a conductive oxide layer on a substrate. In one particular embodiment, the method can include sputtering a transparent conductive oxide layer on a substrate at a sputtering temperature from about 10° C to about 100° C. A cap layer including cadmium sulfide can be deposited directly on the transparent conductive oxide layer. The transparent conductive oxide layer can be annealed at an anneal temperature from about 450° C to about 650° C. (See [0008]).

Methods are also generally provided for manufacturing a cadmium telluride based thin film photovoltaic device. For example, one particular embodiment of the method can include sputtering a transparent conductive oxide layer on a substrate at a sputtering temperature from about 10° C to about 100° C. A cap layer including cadmium sulfide can be deposited directly on the transparent conductive oxide layer, wherein the cap layer comprises cadmium sulfide. The transparent conductive oxide layer can be annealed at an anneal temperature from about 450° C to about 650° C. Finally, a resistive transparent buffer layer can be formed over the transparent conductive oxide layer; a cadmium sulfide layer can be formed on the resistive transparent layer; a

cadmium telluride layer can be formed on the cadmium sulfide layer; and, a back contact layer can be formed on the cadmium telluride layer. (See [0009]).

An intermediate substrate is also provided for use to manufacture a thin film photovoltaic device. The substrate comprises a glass substrate, a transparent conductive oxide layer (e.g., comprising a cadmium tin oxide) on the glass substrate, and a removable cap layer directly on the transparent conductive oxide layer. The removable cap layer comprises cadmium sulfide and has a thickness of about 10 nm to about 150 nm. (See [0010]).

Accordingly, Applicant respectfully submits that Special Status is sought on the basis that the present invention materially contributes to the discovery or development of renewable energy resources for at least the reason that the claimed embodiments reduce costs associated with the production of solar energy systems using CdTe PV modules (solar panels), which are generally recognized as the most cost efficient of the commercially available solar systems in terms of cost per watt of power generated.

The undersigned representative may be contacted at the number below to facilitate the resolution of any matters. Please charge any fees that are incurred in connection with this Statement to deposit account no. 09-0470.

Respectfully submitted,

General Electric Company

By : /Allison W. Mages/
Allison W. Mages
Reg. No. 57,275

Dated: November 28, 2011

GE Global Patent Operation
2 Corporate Drive, Suite 648
Shelton, CT 06484
203-944-6730

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

PTO/SB/420 (03-11)

PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Attorney Docket Number: 242629-1 (PRSS-23)	Application Number (if known): 12/750,056	Filing date: 03-30-2010

First Named Inventor: Scott Daniel FELDMAN-PEABODY

Title: METHODS OF FORMING A CONDUCTIVE TRANSPARENT OXIDE FILM LAYER FOR USE IN A CADMIUM TELLURIDE BASED THIN FILM PHOTOVOLTAIC DEVICE

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

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

1. By filing this petition:

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

2. By filing this petition: applicant is agreeing to make an election without traverse in a telephonic interview and elect an invention that meets the eligibility requirements for the Green Technology Pilot Program, if the Office determines that the claims are not obviously directed to a single invention. See Instruction Sheet.

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

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

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

6. Other attachments: Statement Concerning the Basis for the Special Status

Signature /Allison W. Mages/	Date November 28, 2011
Name (Print/Typed) Allison W. Mages	Registration Number 57,275

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

☐ *Total of _____ forms are submitted.

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

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

(Not to be Submitted to the USPTO)

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

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

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

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

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

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

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

Privacy Act Statement

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/750,056	03/30/2010	Scott Daniel Feldman-Peabody	242629 (PRSS-23)	8164

93081 7590 12/14/2011
Dority & Manning, P.A. and Primestar Solar Inc.
Post Office Box 1449
Greenville, SC 29602

EXAMINER
ROBINSON, LAUREN E

ART UNIT	PAPER NUMBER
1784	

MAIL DATE	DELIVERY MODE
12/14/2011	PAPER

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Dority & Manning, P.A. and Primestar Solar Inc.
Post Office Box 1449
Greenville SC 29602

12/14/11

In re Application of	:	
Feldman-Peabody et al.	:	DECISION ON PETITION
Application No. 12/750,056	:	TO MAKE SPECIAL UNDER
Filed: 3/30/2010	:	THE GREEN TECHNOLOGY
Attorney Docket No. **242629 (PRSS-23)**	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed 11/29/2011, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **GRANTED**.

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

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

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

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

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

The application is being forwarded to the Technology Center Art Unit 1784 for action on the merits commensurate with this decision.

/Tom Dunn/

Tom Dunn
Quality Assurance Specialist
Technology Center 1700

UNITED STATES PATENT AND TRADEMARK OFFICE

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

CHOATE, HALL & STEWART/CITRIX SYSTEMS, INC.
TWO INTERNATIONAL PLACE
BOSTON MA 02110

MAILED

NOV 26 2010

OFFICE OF PETITIONS

In re Application of	:	
Richard SHARP, et al	:	
Application No. 12/750,089	:	DECISION ON PETITION
Filed: March 30, 2010	:	TO WITHDRAW
Attorney Docket No. 2006579-1925 (CTX-602)	:	FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent under 37 C.F.R. § 1.36(b) filed November 10, 2010.

The request is **NOT APPROVED**.

The Office will no longer approve requests from practitioners to withdraw from applications where the requesting practitioner is acting, or has acted, in a representative capacity pursuant to 37 CFR 1.34. In these situations, the practitioner is responsible for the correspondence the practitioner files in the application while acting in a representative capacity. As such, there is no need for the practitioner to obtain the Office's permission to withdraw from representation. However, practitioners acting in a representative capacity, like practitioners who have a power of attorney in the application, remain responsible for noncompliance with 37 CFR 1.56, as well as 37 CFR 10.18, with respect to documents they file.

A review of the file record indicates that Brenda Herschbach Jarrell does not have power of attorney in this patent application. See 37 C.F.R. § 10.40. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is not applicable.

All future communications from the Office will continue to be directed to the above-identified address until otherwise properly notified.

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

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

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WASHINGTON DC 20005

MAILED
FEB 13 2012
OFFICE OF PETITIONS

In re Application of :
Kim et al. :
Application No. 12/750,127 : NOTICE
Filed: March 30, 2010 :
Attorney Docket No. 2044.1014C :

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28(c), filed January 11, 2012.

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(c) is hereby **ACCEPTED**.

Pursuant to petitioners' authorization, deposit account no. 19-3935 was charged $628.00.

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

Inquiries related to this communication should be directed to the undersigned at (571) 272-3230.

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

WONG, CABELLO, LUTSCH, RUTHERFORD & BRUCCULERI, L.L.P.
20333 SH 249 6th Floor
HOUSTON TX 77070

MAILED
MAY 27 2011
OFFICE OF PETITIONS

In re Application of Vincent Joseph Kowalski Application No. 12/750,143 Filed: February 26, 2010 Attorney Docket No. **08-044-US-C (149-0233USC)**	: : : : :	DECISION ON PETITION TO WITHDRAW FROM RECORD

This is a decision on the request to withdraw as attorney of record under 37 CFR § 1.36(b), filed May 17, 2011.

The request is **NOT APPROVED**.

The request cannot be approved because it lacks the name of the first inventor or the assignee of record that is associated with the address listed in the request. Therefore, the change of correspondence address is considered improper.

The Office will only accept correspondence address changes to the most current address information provided for the assignee of the entire interest *who properly became of record under 37 CFR 3.71,* or, if no assignee of the entire interest has properly been made of record, the most current address information provided for the first named inventor. 37 CFR 3.71(c) states:

> *An assignee becomes of record either in a national patent application or a reexamination proceeding by filing a statement in compliance with § 3.73(b) that is signed by a party who is authorized to act on behalf of the assignee.*

The assignee must establish its ownership of the patent to the satisfaction of the Director. In this regard, the statement under 37 CFR 3.73(b) must have either: (i) documentary evidence of a chain of title from the original owner to the assignee (*e.g.*, copy of an executed assignment), and a statement affirming that the documentary evidence of the chain of title from the original owner to the assignee was or concurrently is being submitted for recordation pursuant to § 3.11; or (ii) a statement specifying where documentary evidence of a chain of title from the original owner to the assignee is recorded in the assignment records of the Office (*e.g.*, reel and frame number).

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

Telephone inquires concerning this decision should be directed to the undersigned at (571) 272-4584.

JoAnne Burke
Petitions Examiner
Office of Petitions

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P.O. Box 1450
Alexandria, VA 22313-1450
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20333 SH 249 6th Floor
HOUSTON TX 77070

MAILED

JUN 20 2011

OFFICE OF PETITIONS

In re Application of :
Vincent Joseph Kowalski :
Application No. 12/750,143 :
Filed: February 26, 2010 :
Attorney Docket No. **08-044-US-C (149-0233USC)** :

DECISION ON PETITION TO WITHDRAW FROM RECORD

This is a decision on the renewed request to withdraw as attorney of record under 37 CFR § 1.36(b), filed June 15, 2011.

The request is **NOT APPROVED**.

The request cannot be approved because the Office no longer accept address changes to a new practitioner/customer number or law firm filed with a request, absent the filing of a power of attorney to the new representative. Therefore, the change of correspondence address is still considered to be improper.

As stated in the previous decision of May 27, 2011, the Office will only accept correspondence address changes to the most current address information provided for the assignee of the entire interest *who properly became of record under 37 CFR 3.71*, or, if no assignee of the entire interest has properly been made of record, the most current address information provided for the first named inventor. 37 CFR 3.71(c) states:

> *An assignee becomes of record either in a national patent application or a reexamination proceeding by filing a statement in compliance with § 3.73(b) that is signed by a party who is authorized to act on behalf of the assignee.*

The assignee must establish its ownership of the patent to the satisfaction of the Director. In this regard, the statement under 37 CFR 3.73(b) must have either: (i) documentary evidence of a chain of title from the original owner to the assignee (*e.g.*, copy of an executed assignment), and a statement affirming that the documentary evidence of the chain of title from the original owner to the assignee was or concurrently is being submitted for recordation pursuant to § 3.11; or (ii) a statement specifying where documentary evidence of a chain of title from the original owner to the assignee is recorded in the assignment records of the Office (*e.g.*, reel and frame number).

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

Telephone inquires concerning this decision should be directed to the undersigned at (571) 272-4584.

JoAnne Burke
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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LAW OFFICE OF MARK C. PICKERING
PO BOX 151440
SAN RAFAEL, CA 94915-1440

MAILED
AUG 18 2011
OFFICE OF PETITIONS

In re Application of :
Peter Smeys, et al. :
Application No. 12/750,145 : DECISION GRANTING PETITION
Filed: March 30, 2010 : UNDER 37 CFR 1.313(c)(2)
Attorney No. 100-34311 (P07107-D1-F1) :

This is a decision on the renewed petition under 37 CFR 1.313(c)(2), filed August 17, 2011, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is not signed by an attorney of record. Nevertheless, in accordance with 37 CFR 1.34, the signature of Mr. Mark C. Pickering appearing on the correspondence shall constitute a representation to the United States Patent and Trademark Office that he is authorized to represent the particular party on whose behalf he acts. If Mr. Pickering desires to receive future correspondence regarding this file, the appropriate power of attorney documents must be submitted. All future correspondence regarding this application file will be directed solely to the above-noted correspondence address of record.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on July 31, 2011 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries regarding this decision should be directed to undersigned at (571) 272-1642. All other inquiries concerning the examination or status of this application should be directed to the Technology Center.

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

This application is being referred to Technology Center AU 2822 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

/AMW/
April M. Wise
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. Box 1450
Alexandria, VA 22313-1450
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Delphi Technologies, Inc.
M/C 480-410-202
P.O. Box 5052
Troy MI 48007

MAILED

MAY 16 2011

OFFICE OF PETITIONS

In re Application of :
John R. Morello et al. :
Application No. 12/750,146 : DECISION ON PETITION
Filed: March 30, 2010 :
Attorney Docket No. DP-319240 :

This is a decision on the petition filed April 26, 2011, to revive the above identified application.

The petition is **dismissed**.

The rules and statutory provisions governing the operations of the U.S. Patent and Trademark Office require payment of a fee on filing each petition to revive an abandoned application for patent based on unintentional delay or to accept an unintentionally delayed payment of a fee for issuing a patent. In this instance, the fee required by law is $1,620. If applicant can qualify as a "small entity" and does so prior to or together with the payment of the fee, the fee will be one-half of the amount indicated. See 37 CFR 1.27.

The petition in the above-identified application was not accompanied by payment of the required fee. No consideration on the merits can be given to the petition until the required fee is received.

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

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

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

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

Any questions concerning this matter may be directed to the undersigned at (571) 272-4584.

JoAnne Burke
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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Delphi Technologies, Inc.
M/C 480-410-202
P.O. Box 5052
Troy MI 48007

MAILED

JUN 29 2011

OFFICE OF PETITIONS

In re Application of :
John R. Morello et al. :
Application No. 12/750,146 : DECISION ON PETITION
Filed: March 30, 2010 :
Attorney Docket No. **DP-319240** :

This is a decision on the petition, filed May 19, 2011, which is being treated as a petition under 37 CFR 1.8(b), requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration of this decision should be submitted within two (2) months from the mail date of this decision and be entitled "Renewed Petition to Withdraw the Holding of Abandonment under 37 CFR 1.181." *See* 37 CFR 1.181(f).

This application was held abandoned for failure to timely pay the issue and publication fees on or before March 17, 2011, as required by the Notice of Allowance and Fee(s) Due, mailed December 17, 2010.

Petitioner states that a timely reply via Facsimile on March 11, 2011, which included the following papers: Issue Fee Transmittal Form PTOL-85(b). Petitioner has submitted a copy of the previously facsimile correspondence, which bears a certificate of mailing dated March 11, 2011, which would have rendered the reply timely if received.

The instant petition was not signed. Therefore, since the petition was submitted without a signature, the petition can not be granted at this time. In this regard, petitioner's attention is directed to 37 CFR 1.33(b), which states.

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

(1) A registered patent attorney or patent agent of record appointed in compliance with § 1.32(b);

(2) A registered patent attorney or patent agent not of record who acts in a representative capacity under the provisions of § 1.34;

(3) An assignee as provided for under §3.71(b) of this chapter; or

(4) All of the applicants (§ 1.41(b)) for patent, unless there is an assignee of the entire interest and such assignee has taken action in the application in accordance with § 3.71 of this chapter.

An unsigned amendment (or other paper) or one not properly signed by a person having authority to prosecute the application is not entered. This applies, for instance, where the amendment (or other paper) is signed by only one of two applicants and the one signing has not been given a power of attorney by the other applicant.

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

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

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

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

Telephone inquiries related to this decision may be directed to JoAnne Burke at (571) 272-4584.

/Ramesh Krishnamurthy/
Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions

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Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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MAILED
SEP 13 2011
OFFICE OF PETITIONS

Delphi Technologies, Inc.
M/C 480-410-202
P.O. Box 5052
Troy MI 48007

In re Application of	:	
John R. Morello et al.	:	
Application No. 12/750,146	:	DECISION ON PETITION
Filed: March 30, 2010	:	
Attorney Docket No. **DP-319240**	:	

This is a decision on the renewed petition, filed August 24, 2011, which is being treated as a petition under 37 CFR 1.8(b), requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is **GRANTED**.

This application was held abandoned for failure to timely pay the issue and publication fees on or before March 17, 2011, as required by the Notice of Allowance and Fee(s) Due, mailed December 17, 2010.

Petitioner states that a timely reply via Facsimile on March 11, 2011, which included the following papers: Issue Fee Transmittal Form PTOL-85(b). Petitioner has submitted a copy of the previously facsimile correspondence, which bears a certificate of mailing dated March 11, 2011, which would have rendered the reply timely if received.

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

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

decided with prejudice, the correspondence will be considered timely if the party who forwarded such correspondence:

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

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

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

The petition satisfies the above requirements of 37 CFR 1.8(b). Accordingly, the holding of abandonment for failure to timely file a reply to the Notice of Allowance of December 17, 2010 is hereby withdrawn and the application restored to pending status.

The copy of the reply received with the petition will be accepted in place of the reply shown to have been mailed (or transmitted by facsimile) on March 11, 2011.

Telephone inquiries concerning this decision should be directed to JoAnne Burke at (571) 272-4584.

This application is being referred to the Office of Data Management for appropriate action in the normal course of business on the reply received with petition.

Ramesh Krishnamurthy

Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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TRIANGLE PATENTS, PLLC
P.O. BOX 28539
RALEIGH, NC 27611-8539

MAILED

DEC 20 2010

OFFICE OF PETITIONS

In re Application of
Craig Bury, et al.
Application No. 12/750,171
Filed: March 30, 2010
Attorney Docket No. 4144-001

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

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 November 1, 2010.

The request is **NOT APPROVED**.

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

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

Accordingly, the request to withdraw from record does not include an acceptable current correspondence address for future communications from the Office.

All future communications from the Office will continue to be directed to the 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

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
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W. EDWARD RAMAGE
COMMERCE CENTER SUITE 1000
211 COMMERCE ST
NASHVILLE TN 37201

MAILED
AUG 30 2011
OFFICE OF PETITIONS

In re Application of :
Walter et al. :
Application No. 12/750,211 :
Filed: March 30, 2010 :
For: APPARATUS AND METHOD FOR :
DETERMINING FORCES ACTING ON A :
VEHICLE IN A WIND TUNNEL

ON PETITION

This is in response to the petition filed July 15, 2011, which is being treated as a request to withdraw the holding of abandonment pursuant to 37 CFR 1.181.

The petition is **DISMISSED**.

Any request for reconsideration of this decision should be submitted within two (2) months from the mail date of this decision and be entitled "Renewed Petition to Withdraw the Holding of Abandonment under 37 CFR 1.181." *See* 37 CFR 1.181(f).

On April 15, 2010, the Office mailed a Notice to File Missing Parts, which set a two month shortened statutory period to reply. An incomplete reply and a three month extension of time were submitted on September 15, 2010. A Notice of Incomplete Reply was mailed on September 22, 2010. An incomplete reply was submitted on September 30, 2010. The application became abandoned on September 16, 2010, for failure to submit a timely complete response to the April 15, 2010 Notice. On June 14, 2011, the Office mailed a Notice of Abandonment.

In the present petition, petitioner requests that the Office withdraw the holding of abandonment because a complete reply was filed.

This application was held abandonment on September 16, 2010, because petitioner failed to completely respond to the Notice to File Missing Parts. The Notice provided petitioner an extendable two month reply period. Applicant purchased a three month extension of time thus a timely complete reply could be submitted no later than September 15, 2010. A review of the record shows that although applicant submitted the $65 surcharge on September 30, 2010 a request and fee for additional extension of time was not included. Thus, the submission of the surcharge was untimely. The Notice of Incomplete Reply mailed on September 22, 2010 did not provide an additional reply period, as the reply period continued to run from the Notice of

Missing Parts. The incomplete reply did not toll the time period provided in the Notice to File Missing Parts.

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).

In view of the above, the application was properly held abandoned.

Petitioner may wish to file a petition under 37 CFR 1.137 (b).

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

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

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

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

Telephone inquiries related to this decision may be directed to the undersigned at (571) 272-3215.

Charlema Grant
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

W. EDWARD RAMAGE
COMMERCE CENTER SUITE 1000
211 COMMERCE ST
NASHVILLE TN 37201

MAILED
SEP 07 2011
OFFICE OF PETITIONS

In re Application of :
Walter et al. :
Application No.12/750,211 : ON PETITION
Filed: March 30, 2010 :
For: APPARATUS AND METHOD FOR :
DETERMINING FORCES ACTING ON A
VEHICLE IN A WIND TUNNEL

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed September 1, 2011, to revive the above-identified application.

The petition is **GRANTED**.

This above-identified application became abandoned for failure to file a response to a Notice to File Missing Parts, which was mailed on April 15, 2010. The Notice to File Missing Parts set an extendable two (2) month period for reply. An incomplete reply and a three month extension of time were submitted on September 15, 2010. A Notice of Incomplete Reply was mailed on September 22, 2010. An incomplete reply was submitted on September 30, 2010. The application became abandoned on September 16, 2010, for failure to submit a timely complete response to the April 15, 2010 Notice. On June 14, 2011, the Office mailed a Notice of Abandonment. A petition filed under 37 CFR 1.181 was dismissed on August 29, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a declaration and surcharge (2) the petition fee of $810, and (3) a statement of unintentional delay.

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

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3215.

Charlema Grant
Petitions Attorney
Office of Petitions

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	12750223
Filing Date	30-Mar-2010
First Named Inventor	Aide Fitch
Art Unit	3629
Examiner Name	JAMISUE PLUCINSKI
Attorney Docket Number	1510-0002
Title	SYSTEMS AND METHODS OF MODELING ENERGY CONSUMPTION OF BUILDINGS

◉ Please withdraw me as attorney or agent for the above identified patent application and the practitioners of record associated with Customer Number: 89320

The reason(s) for this request are those described in 37 CFR:

10.40(b)(4)

10.40(c)(1)(vi)

Certifications

☒ I/We have given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intend to withdraw from employment

☒ I/We have delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled

☒ I/We have notified the client of any responses that may be due and the time frame within which the client must respond

Change the correspondence address and direct all future correspondence to the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71:

Name	Aide Audra Fitch
Address	1616 Broadmoor Drive
City	Austin
State	TX
Postal Code	78723

Country	US
I am authorized to sign on behalf of myself and all withdrawing practitioners.	
Signature	/paul j. polansky/
Name	Paul J. Polansky
Registration Number	33992

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Decision Date : January 27, 2012

In re Application of :

Aide Fitch

Application No : 12750223

Filed : 30-Mar-2010

Attorney Docket No : 1510-0002

DECISION ON REQUEST TO WITHDRAW AS ATTORNEY/AGENTOF RECORD

This is an electronic decision on the Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed January 27, 2012

The request is **APPROVED.**

The request was signed by Paul J. Polansky (registration no. 33992) on behalf of all attorneys/agents associated with Customer Number 89320 . All attorneys/agents associated with Cusotmer Number 89320 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	Aide Audra Fitch
Name2	
Address 1	1616 Broadmoor Drive
Address 2	
City	Austin
State	TX
Postal Code	78723
Country	US

As a reminder, requester is required to inform the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71 of the electronically processed petition.

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

Office of Petitions

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Alexandria, VA 22313-1450
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AIDE AUDRA FITCH
1616 BROADMOOR DRIVE
AUSTIN TX 78723

MAILED
FEB 10 2012
OFFICE OF PETITIONS

In re Application of
Aide Audra Fitch et al
Application No. 12/750,223
Filed: March 30, 2010
Attorney Docket No. 1510-0002

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent under 37 C.F.R. § 1.36(b) or 37 C.F.R. § 10.40 filed February 6, 2012.

The request is **APPROVED**.

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

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

Irvin Dingle
Petitions Examiner
Office of Petitions

cc: Paul J. Polansky
12117 Fm 2244, 3-160
Austin, TX 78738

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.
12/750,257	03/30/2010	Takashi HIBI	0425-1357PUS1	8483

2292 7590 01/21/2011
BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH, VA 22040-0747

EXAMINER

ART UNIT	PAPER NUMBER
1747	

NOTIFICATION DATE	DELIVERY MODE
01/21/2011	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

January 20, 2011 BC

In re application of Takashi Hibi et al. Serial No. 12/750,257 Filed: March 30, 2010 For: METHOD OF PACKAGING A COMPRESSED FILTER TOW BALE	: : : : : :	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 November 16, 2010.

The request and petition are **GRANTED**.

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

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

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

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

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

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

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

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

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

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

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

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

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

/Blaine Copenheaver/

Blaine Copenheaver
Quality Assurance Specialist
Technology Center 1700

UNITED STATES PATENT AND TRADEMARK OFFICE

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

WONG, CABELLO, LUTSCH, RUTHERFORD & BRUCCULERI, L.L.P.
20333 SH 249 6th Floor
HOUSTON TX 77070

MAILED
MAY 27 2011
OFFICE OF PETITIONS

In re Application of Govindarajan Rangarajan et al. Application No. 12/750,291 Filed: March 30, 2010 Attorney Docket No. **09-070-US (149-0244US)**	: : : : :	DECISION ON PETITION TO WITHDRAW FROM RECORD

This is a decision on the request to withdraw as attorney of record under 37 CFR § 1.36(b), filed May 17, 2011.

The request is **NOT APPROVED**.

The request cannot be approved because it lacks the name of the first inventor or the assignee of record that is associated with the address listed in the request. Therefore, the change of correspondence address is considered improper.

The Office will only accept correspondence address changes to the most current address information provided for the assignee of the entire interest *who properly became of record under 37 CFR 3.71,* or, if no assignee of the entire interest has properly been made of record, the most current address information provided for the first named inventor. 37 CFR 3.71(c) states:

> *An assignee becomes of record either in a national patent application or a reexamination proceeding by filing a statement in compliance with § 3.73(b) that is signed by a party who is authorized to act on behalf of the assignee.*

The assignee must establish its ownership of the patent to the satisfaction of the Director. In this regard, the statement under 37 CFR 3.73(b) must have either: (i) documentary evidence of a chain of title from the original owner to the assignee (*e.g.*, copy of an executed assignment), and a statement affirming that the documentary evidence of the chain of title from the original owner to the assignee was or concurrently is being submitted for recordation pursuant to § 3.11; or (ii) a statement specifying where documentary evidence of a chain of title from the original owner to the assignee is recorded in the assignment records of the Office (*e.g.*, reel and frame number).

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

Telephone inquires concerning this decision should be directed to the undersigned at (571) 272-4584.

JoAnne Burke
Petitions Examiner
Office of Petitions

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20333 SH 249 6th Floor
HOUSTON TX 77070

MAILED

JUN 20 2011

OFFICE OF PETITIONS

In re Application of :
Govindarajan Rangarajan et al. :
Application No. 12/750,291 :
Filed: March 30, 2010 :
Attorney Docket No. **09-070-US (149-0244US)** :

DECISION ON PETITION TO WITHDRAW FROM RECORD

This is a decision on the renewed request to withdraw as attorney of record under 37 CFR § 1.36(b), filed June 15, 2011.

The request is **NOT APPROVED**.

The request cannot be approved because the Office no longer accept address changes to a new practitioner/customer number or law firm filed with a request, absent the filing of a power of attorney to the new representative. Therefore, the change of correspondence address is still considered to be improper.

As stated in the previous decision of May 27, 2011, the Office will only accept correspondence address changes to the most current address information provided for the assignee of the entire interest *who properly became of record under 37 CFR 3.71,* or, if no assignee of the entire interest has properly been made of record, the most current address information provided for the first named inventor. 37 CFR 3.71(c) states:

> *An assignee becomes of record either in a national patent application or a reexamination proceeding by filing a statement in compliance with § 3.73(b) that is signed by a party who is authorized to act on behalf of the assignee.*

The assignee must establish its ownership of the patent to the satisfaction of the Director. In this regard, the statement under 37 CFR 3.73(b) must have either: (i) documentary evidence of a chain of title from the original owner to the assignee (*e.g.*, copy of an executed assignment), and a statement affirming that the documentary evidence of the chain of title from the original owner to the assignee was or concurrently is being submitted for recordation pursuant to § 3.11; or (ii) a statement specifying where documentary evidence of a chain of title from the original owner to the assignee is recorded in the assignment records of the Office (*e.g.*, reel and frame number).

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

Telephone inquires concerning this decision should be directed to the undersigned at (571) 272-4584.

JoAnne Burke
Petitions Examiner
Office of Petitions

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: 04-0047	Application Number (if known): 12/750,300	Filing date: 03/30/2010
First Named Inventor: Shervin Shokouh Ahmady		
Title: TANK WATER CONSERVATION SYSTEM		

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

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

1. By filing this petition:

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

2. By filing this petition: applicant is agreeing to make an election without traverse in a telephonic interview and elect an invention that meets the eligibility requirements for the Green Technology Pilot Program, if the Office determines that the claims are not obviously directed to a single invention. See Instruction Sheet.

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

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

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

6. Other attachments: _____

Signature /George R. Reardon/	Date 05/02/2011
Name (Print/Typed) George R. Reardon	Registration Number 53,505

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

☒ *Total of 1 forms are submitted.

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

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

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

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

(Not to be Submitted to the USPTO)

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

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

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

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

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

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

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

Privacy Act Statement

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

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

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

STATEMENT OF SPECIAL STATUS FOR THE ELIGIBILITY REQUIREMENT

The basis for the special status of Application 12/750,300 is energy conservation.

Application 12/750,300 pertains to the conservation of water and the corresponding energy required for providing potable water. Water is a renewable resource.

Wikipedia states "The goals of water conservation efforts include as follows:

- Sustainability. To ensure availability for future generations, the withdrawal of fresh water from an ecosystem should not exceed its natural replacement rate.
- **Energy conservation**. Water pumping, delivery, and wastewater treatment facilities consume a significant amount of energy. In some regions of the world (for example, California) over 15% of total electricity consumption is devoted to water management.
- Habitat conservation. Minimizing human water use helps to preserve fresh water habitats for local wildlife and migrating waterfowl, as well as reducing the need to build new dams and other water diversion infrastructure.

Fresh water is a renewable resource, yet the world's supply of clean, fresh water is steadily decreasing. Water demand already exceeds supply in many parts of the world and as the world population continues to rise, so too does the water demand. Awareness of the global importance of preserving water for ecosystem services has only recently emerged as, during the 20th century, more than half the world's wetlands have been lost along with their valuable environmental services. Biodiversity-rich freshwater ecosystems are currently declining faster than marine or land ecosystems."

Therefore, application 12/750,300 meets the requirements of eligibility for the Green Technology Pilot Program, Docket No. PTO-P-2010-0083.

/George R. Reardon/

George R. Reardon

May 2, 2011

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/750,300	03/30/2010	Shervin Shokouh Ahmady	04-0047	8561

36389 7590 05/19/2011
GEORGE R. REARDON
3356 STATION COURT
LAWRENCVILLE, GA 30044

EXAMINER

ART UNIT	PAPER NUMBER
3753	

NOTIFICATION DATE	DELIVERY MODE
05/19/2011	ELECTRONIC

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

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

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

rreardon@patentsandmore.com
rreardon@bellsouth.net

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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GEORGE R. REARDON
3356 STATION COURT
LAWRENCVILLE GA 30044

In re Application of	:	
AHMADY, SHERVIN SHOKOUH	:	DECISION ON PETITION
Application No. 12/750,300	:	TO MAKE SPECIAL UNDER
Filed: March 30, 10	:	THE GREEN TECHNOLOGY
Attorney Docket No. 04-0047	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed may 2, 2011, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **dismissed**.

If reconsideration of this decision is desired, a petition for reconsideration must be filed within ONE (1) MONTH OR THIRTY (30) DAYS from the mail date of this decision, whichever is longer. No extension of this time limit can be granted under 37 CFR 1.136(a) or (b). The petition for reconsideration should include an exhaustive attempt to provide the lacking item(s) noted below, since, after a decision on the petition for reconsideration, no further reconsideration or review of the matter will be undertaken by the Director.

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

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed

invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived. The petition lacks item # 4.

In regard to item 4, petitioner should note that the instant petition includes a statement identifying the basis for the special status (i.e., whether the instant invention (1) materially enhances the quality of the environment or materially contributes to (2) development of renewable energy resources or energy conservation, or (3) greenhouse gas reduction) as required by sections II and III of the notice. However, as stated in the notice, applicant must also provide a statement pertaining to the materiality standard if the application disclosure is not clear on its face as to the materiality of the basis for the special status of the invention. This petition lacks such a statement and it is not agreed that the application on its face meets that materiality standard. Petitioner indicates that the claimed invention relates to conservation of water. This is not convincing. For example, it is not clear how the claimed valve control for water usage will provide and enhance the quality of the environment or contribute to energy conservation or greenhouse gas reduction.

Any reconsideration of this decision should be submitted through the USPTO electronic filing system, EFS-Web, and selecting the document description of "Petition for Green Tech Pilot" on the EFS-Web screen.

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

The application is currently undergoing pre-examination processing. The application will be forwarded to the Technology Center Art Unit 3753 for action in its regular turn.

/Henry C. Yuen/

Henry C. Yuen
Quality Assurance Specialist
Technology Center 3700

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DIW Nov-10

BIOMEDICA MANAGEMENT CORPORATION
C/O GEORGE D. FALUS, PHD
760 PARKSIDE AVENUE
NO. 210
BROOKLYN NY 11226

MAILED
NOV 10 2010
OFFICE OF PETITIONS

In re Application of	:	
George Falus	:	
Application Number: 12/750316	:	DECISION ON PETITION
Filing Date: 03/30/2010	:	
For: TISSUE SEALANT FOR USE IN NON COMPRESSIBLE HEMORRHAGE	:	

This is a decision on the papers filed on August 24, 2010, which are treated as a petition under 37 CFR 1.53(e) to accord the above-identified application a filing date of March 30, 2010.

The petition is **GRANTED**.

On March 30, 2010, the application was deposited without drawings.

On April 14, 2010, the Office of Patent Application Processing mailed a Notice of Incomplete Nonprovisional Application, stating that the application had been deposited without drawings, and that applicant should reconsider whether drawings were necessary under 35 U.S.C. § 113 (first sentence). The Notice stated that the filing date would be the date of receipt of the missing drawings. Additionally, the application search fee and examination fee were required.

On May 20, 2010, six (6) sheets of drawings were filed. Accordingly, on August 20, 2010, a Notice to File Corrected Application Papers was mailed, stating that the application had been accorded a filing date of May 20, 2010, but that replacement drawings in accordance with 37 CFR 1.84 and 1.121(d) were required, along, with a surcharge for its late filing, and additional fee(s) of $197 for a small entity.

On August 24, 2010, the subject petition was filed. Petitioner asserts that the application, as filed, is entitled to a filing date of March 30, 2010, because the application is a continuation-in-part of a prior-filed application, No. 12/419,734, and that no new oath or declaration or additional fees are required.

Petitioner's argument is persuasive, to a point.

It has been PTO practice to treat an application that contains at least one process or method claim as an application for which a drawing is not necessary for an understanding of the invention under 35 U.S.C. 113 (first sentence).[1] The same practice has been followed in composition applications. A review of the record reveals that, as originally filed on March 30, 2010, Claims 1-12 are composition claims and Claims 13-27 are method claims. Therefore, the present application is deemed to be an application which does not require a drawing for an understanding of the invention. Accordingly, the application, as filed, is entitled to a filing date.

Since the petition was necessitated by an error on the part of the USPTO, no petition fee is necessary, and none has been paid.

The "Notice of Incomplete Nonprovisional Application" mailed on March 30, 2010, was sent in error and is hereby vacated to the extent it stated the application was incomplete. Further, the Notice to File Corrected Application Papers mailed on August 20, 2010, is vacated to the extent it stated that the application was accorded a filing date of May 20, 2010.

The application will processed and examined using the papers filed on March 30, 2010. The copy of six (6) sheets of drawings filed on May 20, 2010 will not be used for processing or examination, but will be retained in the application file.

Petitioners may wish to file the drawings as a preliminary amendment. If the drawings are filed as a preliminary amendment, the amendment will be reviewed by the examiner for new matter.

Petitioners should note that while 37 CFR 1.63(d) states that a newly executed oath or declaration is not required in a continuation or divisional application, the subject application is a continuation-in-part of the prior-filed application. A newly executed oath or declaration **is** required in a continuation

[1] MPEP 601.01(f).

or divisional application filed under 37 CFR 1.53(b) naming an inventor not named in the prior application, and in a continuation-in-part application.[2]

Further, the application will be referred to the Office of Patent Application Processing (OPAP) for reprocessing with a filing date of March 30, 2010. OPAP will determine whether any additional fees are required, and notify petitioner thereof.

The application is being referred to OPAP for reprocessing with a filing date of **March 30, 2010**, using only the application papers filed on that date.

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

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

[2] MPEP 201.06(c).

Doc code : PET.OP.AGE
Description : Petition to make special based on Age/Health

PTO/SB/130 (07-09)
Approved for use through 07/31/2012. OMB 0651- 0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
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PETITION TO MAKE SPECIAL BASED ON AGE FOR ADVANCEMENT OF EXAMINATION UNDER 37 CFR 1.102(c)(1)

Application Information

Application Number	12750316	Confirmation Number	8585	Filing Date	2010-03-30
Attorney Docket Number (optional)		Art Unit		Examiner	McDermont Corrine Marie
First Named Inventor	George Falus				
Title of Invention	Tissue Sealant for Use in Non Compressible Hemorrhage				

Attention: Office of Petitions
An application may be made special for advancement of examination upon filing of a petition showing that the applicant is 65 years of age, or more. No fee is required with such a petition. See 37 CFR 1.102(c)(1) and MPEP 708.02 (IV).

APPLICANT HEREBY PETITIONS TO MAKE SPECIAL FOR ADVANCEMENT OF EXAMINATION IN THIS APPLICATION UNDER 37 CFR 1.102(c)(1) and MPEP 708.02 (IV) ON THE BASIS OF THE APPLICANT'S AGE.

A grantable petition requires one of the following items:
(1) Statement by one named inventor in the application that he/she is 65 years of age, or more; or
(2) Certification by a registered attorney/agent having evidence such as a birth certificate, passport, driver's license, etc. showing one named inventor in the application is 65 years of age, or more.

Name of Inventor who is 65 years of age, or older

Given Name	Middle Name	Family Name	Suffix
George	David	Falus	

A signature of the applicant or representative is required in accordance with 37 CFR 1.33 and 10.18.
Please see 37 CFR 1.4(d) for the format of the signature.

Select (1) or (2) :

- (●) (1) I am an inventor in this application and I am 65 years of age, or more.
- ( ) (2) I am an attorney or agent registered to practice before the Patent and Trademark Office, and I certify that I am in possession of evidence, and will retain such in the application file record, showing that the inventor listed above is 65 years of age, or more.

Signature	/George Falus/	Date (YYYY-MM-DD)	2011-09-22
Name	George D. Falus		

PTO/SB/130 (07-09)
Approved for use through 07/31/2012. OMB 0651- 0031
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Privacy Act Statement

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

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

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

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

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

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

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

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

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

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

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

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In re Application of
George Falus

Application No. 12750316

Filed: March 30,2010

Attorney Docket No.

:
:
:DECISION ON PETITION TO MAKE SPECIAL
:UNDER 37 CFR 1.102(c)(1)
:

This is a decision on the electronic petition under 37 CFR 1.102 (c)(1), filed 22-SEP-2011 to make the above-identified application special based on applicant's age as set forth in MPEP § 708.02, Section IV.

The petition is **GRANTED**.

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

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

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

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

PTO/SB/20PCT-KR (06-10)
Approved for use through 01/31/2012. OMB 0651-0058
U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE KOREAN INTELLECTUAL PROPERTY OFFICE (KIPO) AND THE USPTO

Application No:	12750321	Filing date:	2010-03-30
First Named Inventor:	Hai Long Zhang		
Title of the Invention:	SIMPLIFIED MECHANICAL DESIGN FOR AN ACOUSTIC TOUCH SCREEN		

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

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

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

The corresponding PCT application number(s) is/are: PCT/US2011/028321

The international filing date of the corresponding PCT application(s) is/are: 14 March 2011

I. List of Required Documents:

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

☑ Is attached.

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

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

☑ Is attached.

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

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

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

Approved for use through 01/31/2012. OMB 0651-0058
U.S.Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
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REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM BETWEEN THE KIPO AND THE USPTO

(continued)

Application No.:	12750321
First Named Inventor:	Hai Long Zhang

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

☐ Is attached

☑ Has already been filed in the above-identified U.S. application on 11/28/2011

(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 11/28/2011

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1-23	1-23	Claims are identical

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

Signature /Jonathon A. Szumny/	Date 11/30/2011
Name (Print/Typed) Jonathon A. Szumny	Registration Number 57695

Privacy Act Statement

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

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

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

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OFFICE OF PETITIONS

MARSH, FISCHMANN &
BREYFOGLE LLP
8055 EAST TUFTS AVENUE
SUITE 450
DENVER CO 80237

In re Application of
ZHANG, et al
Application No.: 12/750,321
Filed: March 30, 2010
Attorney Docket No.: 50224-00656
For: SIMPLIEFIED MECHANICAL DESIGN FOR AN ACOUSTIC TOUCH SCREEN

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

This is a decision on the request to participate in the PCT Patent Prosecution Highway (PCT-PPH) pilot program and the petition under 37 CFR 1.102(a), filed on November 30, 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, Australia, Austria, KIPO, NPI, Russia, Spain, Sweden, Finland, China or USPTO;

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

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

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

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

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

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

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 Diane Goodwyn 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 forwarded to Technology Center 2629 for action on the merits commensurate with this decision.

David Bucci
Petitions Examiner
Office of Petitions

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MAY 27 2011
OFFICE OF PETITIONS

In re Application of Sridhar Sodem et al. Application No. 12/750,347 Filed: March 30, 2010 Attorney Docket No. **09-076-US (149-0247US)**	: : : : :	DECISION ON PETITION TO WITHDRAW FROM RECORD

This is a decision on the request to withdraw as attorney of record under 37 CFR § 1.36(b), filed May 17, 2011.

The request is **NOT APPROVED**.

The request cannot be approved because it lacks the name of the first inventor or the assignee of record that is associated with the address listed in the request. Therefore, the change of correspondence address is considered improper.

The Office will only accept correspondence address changes to the most current address information provided for the assignee of the entire interest *who properly became of record under 37 CFR 3.71,* or, if no assignee of the entire interest has properly been made of record, the most current address information provided for the first named inventor. 37 CFR 3.71(c) states:

> *An assignee becomes of record either in a national patent application or a reexamination proceeding by filing a statement in compliance with § 3.73(b) that is signed by a party who is authorized to act on behalf of the assignee.*

The assignee must establish its ownership of the patent to the satisfaction of the Director. In this regard, the statement under 37 CFR 3.73(b) must have either: (i) documentary evidence of a chain of title from the original owner to the assignee (*e.g.*, copy of an executed assignment), and a statement affirming that the documentary evidence of the chain of title from the original owner to the assignee was or concurrently is being submitted for recordation pursuant to § 3.11; or (ii) a statement specifying where documentary evidence of a chain of title from the original owner to the assignee is recorded in the assignment records of the Office (*e.g.*, reel and frame number).

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

Telephone inquires concerning this decision should be directed to the undersigned at (571) 272-4584.

JoAnne Burke
Petitions Examiner
Office of Petitions

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JUN 22 2011

OFFICE OF PETITIONS

In re Application of Sridhar Sodem et al. Application No. 12/750,347 Filed: March 30, 2010 Attorney Docket No. **09-076-US (149-0247US)**	: : : : :	DECISION ON PETITION TO WITHDRAW FROM RECORD

This is a decision on the renewed request to withdraw as attorney of record under 37 CFR § 1.36(b), filed June 15, 2011.

The request is **NOT APPROVED**.

The request cannot be approved because the Office no longer accept address changes to a new practitioner/customer number or law firm filed with a request, absent the filing of a power of attorney to the new representative. Therefore, the change of correspondence address is still considered to be improper.

As stated in the previous decision of May 27, 2011, the Office will only accept correspondence address changes to the most current address information provided for the assignee of the entire interest *who properly became of record under 37 CFR 3.71,* or, if no assignee of the entire interest has properly been made of record, the most current address information provided for the first named inventor. 37 CFR 3.71(c) states:

> *An assignee becomes of record either in a national patent application or a reexamination proceeding by filing a statement in compliance with § 3.73(b) that is signed by a party who is authorized to act on behalf of the assignee.*

The assignee must establish its ownership of the patent to the satisfaction of the Director. In this regard, the statement under 37 CFR 3.73(b) must have either: (i) documentary evidence of a chain of title from the original owner to the assignee (*e.g.*, copy of an executed assignment), and a statement affirming that the documentary evidence of the chain of title from the original owner to the assignee was or concurrently is being submitted for recordation pursuant to § 3.11; or (ii) a statement specifying where documentary evidence of a chain of title from the original owner to the assignee is recorded in the assignment records of the Office (*e.g.*, reel and frame number).

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

Telephone inquires concerning this decision should be directed to the undersigned at (571) 272-4584.

JoAnne Burke
Petitions Examiner
Office of Petitions

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In re Application of Sudhir Sangra et al. Application No. 12/750,370 Filed: March 30, 2010 Attorney Docket No. **09-078-US (149-0248US)**	: : : : :	DECISION ON PETITION TO WITHDRAW FROM RECORD

This is a decision on the request to withdraw as attorney of record under 37 CFR § 1.36(b), filed May 17, 2011.

The request is **NOT APPROVED**.

The request cannot be approved because it lacks the name of the first inventor or the assignee of record that is associated with the address listed in the request. Therefore, the change of correspondence address is considered improper.

The Office will only accept correspondence address changes to the most current address information provided for the assignee of the entire interest *who properly became of record under 37 CFR 3.71,* or, if no assignee of the entire interest has properly been made of record, the most current address information provided for the first named inventor. 37 CFR 3.71(c) states:

> *An assignee becomes of record either in a national patent application or a reexamination proceeding by filing a statement in compliance with § 3.73(b) that is signed by a party who is authorized to act on behalf of the assignee.*

The assignee must establish its ownership of the patent to the satisfaction of the Director. In this regard, the statement under 37 CFR 3.73(b) must have either: (i) documentary evidence of a chain of title from the original owner to the assignee (*e.g.*, copy of an executed assignment), and a statement affirming that the documentary evidence of the chain of title from the original owner to the assignee was or concurrently is being submitted for recordation pursuant to § 3.11; or (ii) a statement specifying where documentary evidence of a chain of title from the original owner to the assignee is recorded in the assignment records of the Office (*e.g.*, reel and frame number).

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

Telephone inquires concerning this decision should be directed to the undersigned at (571) 272-4584.

JoAnne Burke
Petitions Examiner
Office of Petitions

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JUN 20 2011

OFFICE OF PETITIONS

In re Application of Sudhir Sangra et al. Application No. 12/750,370 Filed: March 30, 2010 Attorney Docket No. **09-078-US (149-0248US)**	: : : : :	DECISION ON PETITION TO WITHDRAW FROM RECORD

This is a decision on the renewed request to withdraw as attorney of record under 37 CFR § 1.36(b), filed June 15, 2011.

The request is **NOT APPROVED**.

The request cannot be approved because the Office no longer accept address changes to a new practitioner/customer number or law firm filed with a request, absent the filing of a power of attorney to the new representative. Therefore, the change of correspondence address is still considered to be improper.

As stated in the previous decision of May 27, 2011, the Office will only accept correspondence address changes to the most current address information provided for the assignee of the entire interest *who properly became of record under 37 CFR 3.71,* or, if no assignee of the entire interest has properly been made of record, the most current address information provided for the first named inventor. 37 CFR 3.71(c) states:

> *An assignee becomes of record either in a national patent application or a reexamination proceeding by filing a statement in compliance with § 3.73(b) that is signed by a party who is authorized to act on behalf of the assignee.*

The assignee must establish its ownership of the patent to the satisfaction of the Director. In this regard, the statement under 37 CFR 3.73(b) must have either: (i) documentary evidence of a chain of title from the original owner to the assignee (*e.g.*, copy of an executed assignment), and a statement affirming that the documentary evidence of the chain of title from the original owner to the assignee was or concurrently is being submitted for recordation pursuant to § 3.11; or (ii) a statement specifying where documentary evidence of a chain of title from the original owner to the assignee is recorded in the assignment records of the Office (*e.g.*, reel and frame number).

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

Telephone inquires concerning this decision should be directed to the undersigned at (571) 272-4584.

JoAnne Burke
Petitions Examiner
Office of Petitions

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

PTO/SB/420 (11-10)
Approved for use through 01/31/2011. OMB 0651-0062
U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE
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PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Attorney Docket Number: 81197014	Application Number (if known): 12/750,416	Filing date: March 30, 2010
First Named Inventor: Alex O'Connor Gibson		
Title: METHODS AND SYSTEMS FOR ASSISTED DIRECT START CONTROL		

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

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

1. By filing this petition:

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

2. By filing this petition: applicant is agreeing to make an election without traverse in a telephonic interview and elect an invention that meets the eligibility requirements for the Green Technology Pilot Program, if the Office determines that the claims are not obviously directed to a single invention. See Instruction Sheet.

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

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

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

6. Other attachments: Preliminary Amendment

Signature	Date January 18, 2011
Name (Print/Typed) John D. Russell	Registration Number 47,048

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

X *Total of 1 forms are submitted.

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

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

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants	:	Alex O'Connor Gibson et al.
Application No.	:	12/750,416
Filed	:	March 30, 2010
Title	:	METHODS AND SYSTEMS FOR ASSISTED DIRECT START CONTROL
Group Art Unit	:	3746
Confirmation No.	:	8770
Docket No.	:	81197014

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

CERTIFICATE OF TRANSMISSION

I hereby certify that this correspondence is being transmitted via the U.S. Patent and Trademark Office electronic filing system (EFS-Web) to the USPTO on:

January 18, 2011
Date

Caitlin Fackrell

STATEMENTS OF SPECIAL STATUS

Applicants respectfully request consideration of the following statement concerning the basis for the special status as well as the following statement pertaining to the materiality standard.

I. Statement concerning the basis for special status.

Applicants submit that special status is sought on the following bases: (1) the claimed invention materially contributes to the more efficient utilization and conservation of energy resources; and/or (2) the claimed invention materially contributes to greenhouse gas emission reduction.

II. Statement pertaining to the materiality standard.

As a preliminary matter, Applicants note that the following statement refers explicitly to the elements of independent claim 1, which is the broadest claim in many respects.

Regarding basis (1), Applicants submit that the claimed invention materially contributes to the more efficient utilization and conservation of energy resources by improving fuel economy (*e.g.*, more efficiently utilizing and conserving fossil fuels). As

disclosed at page 1 of Applicants' specification, vehicle fuel economy may be improved by selectively stopping and starting the engine of a vehicle, for example when the vehicle is in heavy stop-and-go traffic. Following an engine idle-stop, pressure may be maintained in the hydraulic line to enable transmission and driveline functionality and to reduce engine restart times. Hydraulic line pressure may be maintained using, for example, auxiliary electric motor driven pumps, accumulators, etc., until the mechanical transmission pump reaches full flow capacity. However, the operation of an auxiliary electric pump during engine idle-stop may degrade fuel savings while increasing component costs. Similarly, the cost and time involved in recharging an accumulator following discharge at restart may limit the engine's ability to perform successive restarts. The claimed invention addresses such issues by improving the flow capacity of the pump at the time of engine restart. For example, claim 1 recites:

> A method of controlling a vehicle system including an engine and a transmission fluid pump driven by the engine, comprising,
>
> during an engine start,
>
> adjusting a speed ratio between the transmission pump and the engine between a first speed ratio and a second speed ratio, the pump rotating faster relative to the engine at the first speed ratio as compared with the second speed ratio.

That is, an engine and a transmission fluid pump driven by the engine are provided. During an engine start, a speed ratio between the transmission pump and the engine is adjusted between a first speed ratio and a second speed ratio. The pump rotates faster relative to the engine at the first speed ratio as compared with the second speed ratio. By rotating faster relative to the engine at the first speed ratio, the pump can have improved flow capacity at the onset of the engine start, even when the engine is at relatively low speeds. Once the engine speed has increased, the pump-engine speed ratio can shift to the second speed ratio, where the pump rotates at the same speed as the engine. Therefore, by utilizing the claimed invention, the need to maintain hydraulic line pressure with auxiliary transmission pumps, such as an electric pump, is substantially reduced. By reducing the need for auxiliary transmission pumps, substantial energy and fuel savings may be achieved without affecting restart times.

Regarding basis (2), Applicants submit that the claimed invention materially contributes to greenhouse gas emission reduction as follows. As discussed above, the

claimed invention improves fuel economy, and thus results in the combustion of less fuel. CO_2 is a product of fuel combustion, and is a greenhouse gas. Accordingly, by improving fuel economy which results in the combustion of less fuel, the claimed invention reduces greenhouse gas emissions.

Please charge any cost incurred in this filing, along with any other costs, to Deposit Account No. 06-1510.

Respectfully submitted,

ALLEMAN HALL MCCOY RUSSELL & TUTTLE LLP

John D. Russell
Registration No. 47,048
Customer No. 36865
Attorney/Agent for Applicants/Assignee
806 S.W. Broadway, Suite 600
Portland, Oregon 97205
Telephone: (503) 459-4141
Facsimile: (503) 459-4142

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/750,416	03/30/2010	Alex O'Connor Gibson	81197014	8770

36865 7590 01/25/2011
ALLEMAN HALL MCCOY RUSSELL & TUTTLE, LLP
806 S.W. BROADWAY, SUITE 600
PORTLAND, OR 97205

EXAMINER

ART UNIT	PAPER NUMBER
3746	

MAIL DATE	DELIVERY MODE
01/25/2011	PAPER

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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ALLEMAN HALL MCCOY RUSSELL & TUTTLE, LLP
806 S.W. BROADWAY, SUITE 600
PORTLAND OR 97205

In re Application of	:	
GIBSON, ALEX O'CONNOR et al	:	DECISION ON PETITION
Application No. 12/750,416	:	TO MAKE SPECIAL UNDER
Filed: March 30, 2010	:	THE GREEN TECHNOLOGY
Attorney Docket No. 81197014	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed Jan. 18, 2011, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **granted.**

If reconsideration of this decision is desired, a petition for reconsideration must be filed within ONE (1) MONTH OR THIRTY (30) DAYS from the mail date of this decision, whichever is longer. No extension of this time limit can be granted under 37 CFR 1.136(a) or (b). The petition for reconsideration should include an exhaustive attempt to provide the lacking item(s) noted below, since, after a decision on the petition for reconsideration, no further reconsideration or review of the matter will be undertaken by the Director.

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

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The

application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

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

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

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

This application will be forwarded to the Technology Center Art Unit 3746 for action on the merits commensurate with this decision.

/Henry C. Yuen/

Henry C. Yuen
Quality Assurance Specialist
Technology Center TC 3700

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/750,509	03/30/2010	Hiroshi SATOU	KATSDC.051AUS	8939

EXAMINER

7590 10/01/2010
KNOBBE MARTENS OLSON & BEAR LLP
2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE, CA 92614

ART UNIT	PAPER NUMBER
2627	

NOTIFICATION DATE	DELIVERY MODE
10/01/2010	ELECTRONIC

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

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

The petition is granted.

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

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

Mimi Farmer

Patent Publication Branch
Office of Data Management

FORM PET651G (Rev. 08/07)

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Decision Date : April 18, 2012

In re Application of :

John Babich

Application No : 12750533

Filed : 30-Mar-2010

Attorney Docket No : 346715-0729

DECISION ON REQUEST TO WITHDRAW AS ATTORNEY/AGENTOF RECORD

This is an electronic decision on the Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed April 18, 2012

The request is **APPROVED.**

The request was signed by Michel Morency (registration no. 50183) on behalf of all attorneys/agents associated with Customer Number 48329 . All attorneys/agents associated with Cusotmer Number 48329 have been withdrawn.

Since there are no remaining attorneys of record, all future communications from the Office will be directed to the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71, with correspondence address:

Name	Mr. John Garvey
Name2	K&L Gates
Address 1	One Lincoln Street
Address 2	
City	Boston
State	MA
Postal Code	02111
Country	US

As a reminder, requester is required to inform the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71 of the electronically processed petition.

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

Office of Petitions

Doc Code: PET.AUTO **Document Description: Petition automatically granted by EFS-Web**	PTO/SB/83 U.S. Patent and Trademark Office Department of Commerce

Electronic Petition Request	**REQUEST FOR WITHDRAWAL AS ATTORNEY OR AGENT AND CHANGE OF CORRESPONDENCE ADDRESS**
Application Number	12750533
Filing Date	30-Mar-2010
First Named Inventor	John Babich
Art Unit	1618
Examiner Name	DAMERON JONES
Attorney Docket Number	346715-0729
Title	Technetium- and Rhenium-Bis(heteroaryl) Complexes, and Methods of Use Thereof

◉ Please withdraw me as attorney or agent for the above identified patent application and the practitioners of record associated with Customer Number: 48329

The reason(s) for this request are those described in 37 CFR:

10.40(b)(4)

Certifications

☒ I/We have given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intend to withdraw from employment

☒ I/We have delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled

☒ I/We have notified the client of any responses that may be due and the time frame within which the client must respond

Change the correspondence address and direct all future correspondence to the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71:

Name	Mr. John Garvey K&L Gates
Address	One Lincoln Street
City	Boston
State	MA
Postal Code	02111
Country	US

I am authorized to sign on behalf of myself and all withdrawing practitioners.	
Signature	/Michel Morency/
Name	Michel Morency
Registration Number	50183

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MAILED

OCT 01 2010

OFFICE OF PETITIONS

SYNTHETIC GENOMICS C/O MOFO
12531 HIGH BLUFF DRIVE, SUITE 100
SAN DIEGO CA 92130

In re Application of	:	
Lei YOUNG, et al	:	
Application No. 12/750,571	:	DECISION ON PETITION
Filed: March 30, 2010	:	TO WITHDRAW
Attorney Docket No. 616872001510	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed September 3, 2010.

The request is **NOT APPROVED because it is moot.**

A review of the file record indicates that the power of attorney to Kate H. Murashige and all the attorneys of record associated with Customer No. 84470, has been revoked by the applicant of the patent application on September 23, 2010. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

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

Cc: SYNTHETIC GENOMICS, INC.
11149 NORTH TORREY PINES ROAD,
SUITE 100
LA JOLLA, CA 92037

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/750,571	03/30/2010	Lei YOUNG	616872001510

CONFIRMATION NO. 9044

POWER OF ATTORNEY NOTICE

84470
Synthetic Genomics c/o MoFo
12531 High Bluff Drive, Suite 100
San Diego, CA 92130

OC000000043761018

Date Mailed: 10/01/2010

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 09/23/2010.

- The Power of Attorney to you in this application has been revoked by the assignee who has intervened as provided by 37 CFR 3.71. Future correspondence will be mailed to the new address of record(37 CFR 1.33).

/sleutchit/

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

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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/750,571	03/30/2010	Lei YOUNG	SGI1310-2

CONFIRMATION NO. 9044

POA ACCEPTANCE LETTER

95432
Synthetic Genomics, Inc.
c/o DLA Piper LLP (US)
4365 Executive Drive
Suite 1100
San Diego, CA 92121-2133

OC000000043761059

Date Mailed: 10/01/2010

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 09/23/2010.

The Power of Attorney in this application is accepted. Correspondence in this application will be mailed to the above address as provided by 37 CFR 1.33.

/sleutchit/

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

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CROCKETT & CROCKETT, P.C.
26020 ACERO
SUITE 200
MISSION VIEJO, CA 92691

MAILED

MAR 03 2011

OFFICE OF PETITIONS

In re Application of	:	
Vayser et al.	:	
Application No. 12/750,581	:	DECISION ON PETITION
Filed: March 30, 2010		TO WITHDRAW FROM RECORD
Attorney Docket No. 028638-001020US	:	
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed January 20, 2011.

The request is **NOT APPROVED** because it is moot.

A review of the file record indicates that on February 10, 2011 the power of attorney to Crockett & Crockett, P.C. was revoked by the assignee of the patent application. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

Telephone inquires 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
Petitions Examiner
Office of Petitions

cc: KILPATRICK TOWNSEND & STOCKTON LLP
TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO CA 94111-3834

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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Alexandria, VA 22313-1450
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DIW Jun-11

ELI WEISS, ESQ.
OAKWOOD LAW GROUP, LLP
14 BOND STREET -- SUITE 386
GREAT NECK NY 11021

MAILED
JUN 21 2011
OFFICE OF PETITIONS

In re Application of	:	
Kai Y. Xu	:	
Application Number: 12/750,617	:	ON PETITION
Filing Date: 03/30/2010	:	
Attorney Docket Number:	:	
10032402	:	

This is a decision in response to the petition under 37 CFR 1.137(b) filed on January 7, 2011, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned on June 20, 2010, for failure to timely reply to the Notice to File Missing Parts of Nonprovisional Application, which set a two (2) month shortened period for reply. No extensions of the time for reply in accordance with 37 CFR 1.136(a) were obtained. Notice of Abandonment was mailed on January 3, 2011.

Receipt of the reply filed on January 7, 2011 is acknowledged.

The address in the petition is different than the correspondence address. A courtesy copy is being mailed to the address in the petition. All future correspondence, however, will be mailed solely to the address of record. A change of correspondence address should be filed if the correspondence address needs to be updated.

The application is referred to the Office of Patent Application Processing for further processing.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3231.

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

Cf: ELI WEISS
OAKWOOD LAW GROUP, LLP
40 WALL ST (38TH FLOOR)
NEW YORK NY 10005

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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KILPATRICK TOWNSEND & STOCKTON LLP
TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO CA 94111-3834

MAILED

JAN 18 2011

OFFICE OF PETITIONS

In re Application of	:	
Joshua Reed Plaisted et al.	:	
Application No. 12/750,631	:	DECISION ON PETITION
Filed: March 30, 2010	:	TO WITHDRAW
Attorney Docket No. 027630-001310US	:	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 16, 2010.

The request is **NOT APPROVED.**

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

The request cannot be approved because there is no indication that the certifications for acts (1) and (2) have been performed.

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

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272- 4618.

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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TRIANGLE PATENTS, P.L.L.C.
P.O. BOX 28539
RALEIGH NC 27611-8539

MAILED

NOV 19 2010

OFFICE OF PETITIONS

In re Application of	:	
Carl Hedges	:	
Application No. 12/750,638	:	DECISION ON PETITION
Filed: March 30, 2010	:	TO WITHDRAW
Attorney Docket No. 4144-002	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed November 1, 2010.

The request is **NOT APPROVED.**

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

Accordingly, the request to withdraw from record cannot be approved because the request to change the correspondence address is not that of: (1) the first named inventor; or (2) an assignee of the entire interest under 37 C.F.R 3.71. If an assignee has ownership in this application, then a current Statement under 37 CFR 3.73(b) or a copy of the actual assignment must be provided with a renewed request.

All future communications from the Office will continue to be directed to the above-identified address until otherwise properly notified.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-4618.

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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TRIANGLE PATENTS, PLLC
P.O. BOX 28539
RALEIGH, NC 27611-8539

MAILED

DEC 20 2010

OFFICE OF PETITIONS

In re Application of
Carl Hedges
Application No. 12/750,645
Filed: March 30, 2010
Attorney Docket No. 4144-003

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

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 November 1, 2010.

The request is **NOT APPROVED**.

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

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

Accordingly, the request to withdraw from record does not include an acceptable current correspondence address for future communications from the Office.

All future communications from the Office will continue to be directed to the 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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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TRIANGLE PATENTS, PLLC
P.O. BOX 28539
RALEIGH, NC 27611-8539

MAILED

DEC 2 0 2010

OFFICE OF PETITIONS

In re Application of
Carl Hedges
Application No. 12/750,652
Filed: March 30, 2010
Attorney Docket No. 4144-004

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

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 November 1, 2010.

The request is **NOT APPROVED**.

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

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

Accordingly, the request to withdraw from record does not include an acceptable current correspondence address for future communications from the Office.

All future communications from the Office will continue to be directed to the 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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Patent No. : **7925430**
Ser. No. **12/750750**
Inventor(s) : **NESBITT, DAVID W.**
Issued : **04/12/2011**
Title : **PRESENTING A TRAVEL ROUTE**
Docket No. : **10587.0442-02000**

Re: Request for Certificate of Correction

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

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

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

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

A. **the processing fee set forth in 37 CFR 1. 17(i) (currently $130);**
B. a statement that the failure to include the correct assignee name on the PTOL-85B was inadvertent; and
C. a copy of the Notice of Recordation of Assignment Document, reflecting the reel and frame number where the assignment(s) is recorded and/or reflecting proof of *the date* the assignment was submitted for recordation.

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

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

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

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

By fax: (703) 872-9306
ATTN: Office of Petitions

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

A Certificate of Correction will be issued for the remaining errors.

Omega Lewis
For Mary Diggs
Decisions & Certificates
of Correction Branch
(703)756-1575 or (703) 756-1814

FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER
LLP
901 NEW YORK AVENUE, NW
WASHINGTON DC 20001-4413

OL

UNITED STATES PATENT AND TRADEMARK OFFICE

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FINNEGAN HENDERSON FARABOW GARRETT & DUNNER LLP
901 NEW YORK AVENUE NW
WASHINGTON DC 20001-4413

MAILED
JUN 20 2011
OFFICE OF PETITIONS

In re Patent No. 7,925,430	:	
Issue Date: April 12, 2011	:	
Application No. 12/750,750	:	DECISION ON PETITION
Filed: March 31, 2010	:	
Attorney Docket No. 10587.0442-02000	:	

This is a decision on the petition under 37 CFR 3.81(b), filed June 8, 2011.

The petition is **GRANTED**.

An application may issue in the name of an assignee rather than the applicant if requested prior to issuance of a patent.[1] However, in the event the request is not made prior to issuance, a Certificate of Correction under 37 CFR 1.323 may be requested. A request for a Certificate of Correction under 37 CFR 1.323 to correct the assignee's name will not be granted unless a petition under 37 CFR 3.81(b) is granted. Such request under 37 CFR 3.81(b) should include:

(A) the processing fee required by 37 CFR 1.17(i);

[1] See 37 CFR 3.81.

(B) a request for issuance of the application in the name of the assignee, or a request that a patent be corrected to state the name of the assignee;

(C) a statement that the assignment was submitted for recordation as set forth in 37 CFR 3.11 before issuance of the patent; and

(D) a request for a certificate of correction under 37 CFR 1.323 accompanied by the fee set forth in 37 CFR 1.20(a).[2]

Receipt of the $130 processing fee is acknowledged. The $100 fee for the Certificate of Correction has been charged to Deposit Account No. 06-0916, as authorized.

The file is being forwarded to the Certificate of Corrections Branch for issuance of the requested Certificate of Correction.

Telephone inquiries related to this decision should be directed to the undersigned at (571)272-3207.

Cliff Congo
Petitions Attorney
Office of Petitions

[2] MPEP 307.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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COATS & BENNETT, PLLC
1400 CRESCENT GREEN, SUITE 300
CARY NC 27518

MAILED

FEB 10 2011

OFFICE OF PETITIONS

In re Application of	:	
Molnar et al.	:	
Application No. 12/750,793	:	DECISION ON PETITION
Filed: March 31, 2010	:	
Attorney Docket No. 4015-6851 / P21296-US2	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed January 5, 2011 and the Supplemental petition filed January 14, 2011, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely pay the issue and publication fees on or before January 4, 2011, as required by the Notice of Allowance and Fee(s) Due mailed October 4, 2010. Accordingly, the date of abandonment of this application is January 5, 2011. A Notice of Abandonment was mailed January 12, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of $1,510.00 and the publication fee of $300.00, (2) the petition fee of $1,620.00; and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-7751.

This application is being referred to the Office of Data Management for processing into a patent.

Joan Olszewski
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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BOSE CORPORATION
IP LEGAL – PATENT SUPPORT
THE MOUNTAIN, MS 40
FRAMINGHAM, MA 01701

MAILED
APR 20 2011
OFFICE OF PETITIONS

In re Application of	:	
Benjamin D. Burge et al	:	DECISION GRANTING STATUS
Application No. 12/750,832	:	UNDER 37 CFR 1.47(a)
Filed: March 31, 2010	:	
Attorney Docket No. N-08-017-US1	:	

This is a decision on the petition filed October 18, 2010 under 37 CFR 1.47(a).

The petition is **GRANTED.**

Petitioner has shown that the non-signing inventor, Marcel Joho, has refused to join in the filing of the above-identified application.

The application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

As provided in 37 CFR 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

The petition fee under 37 CFR 1.47(a) is $200. Petitioner submitted $130 on October 18, 2010 with this petition. As authorized, the $70 balance is being charged to petitioner's Deposit Account No. 50-4282.

This matter is being referred to the Office of Patent Application Processing.

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

David Bucci
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Marcel Joho
12 Donovan Drive
Framingham, MA 01701

MAILED
APR 20 2011
OFFICE OF PETITIONS

In re Application of
Benjamin D. Burge; Ricardo F. Carreras; Marcel Joho
Application No. 12/750,832
Filed: March 31, 2010
For: CONVERTIBLE FILTER

Dear Mr. Joho:

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

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

Telephone inquiries regarding this communication should be directed to the Irvin Dingle at (571) 272-3210. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at (571) 272-3150 or 1 (800) 972-6382 (outside the Washington D.C. area).

David Buell
Petitions Examiner
Office of Petitions

cc: Bose Corporation
IP Legal – Patent Support
The Mountain, MS 40
Framingham, MA 01701

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

PTO/SB/420 (03-11)

PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Attorney Docket Number: 14372/21	Application Number (if known): 12/750,889	Filing date: 31 March 2010

First Named Inventor: Toshio FUWA

Title: TRAVELING DEVICE AND ITS CONTROL METHOD

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

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

1. By filing this petition:

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

2. By filing this petition: applicant is agreeing to make an election without traverse in a telephonic interview and elect an invention that meets the eligibility requirements for the Green Technology Pilot Program, if the Office determines that the claims are not obviously directed to a single invention. See Instruction Sheet.

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

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

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

6. Other attachments: _____

Signature /Daniel G. Shanley/	Date 15 July 2011
Name (Print/Typed) Daniel G. Shanley	Registration Number 54,863

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

☒ *Total of 1 forms are submitted.

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

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

(Not to be Submitted to the USPTO)

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

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

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

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

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

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

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

Privacy Act Statement

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/750,889 *	03/31/2010	Toshio FUWA	14372/21	9618

23838 7590 07/28/2011
KENYON & KENYON LLP
1500 K STREET N.W.
SUITE 700
WASHINGTON, DC 20005

EXAMINER
KEITH, JACK W

ART UNIT	PAPER NUMBER
3663	

MAIL DATE	DELIVERY MODE
07/28/2011	PAPER

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

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

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JUL 2 8 2011

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

In re Application of	:	
TOSHIO FUWA et al.	:	DECISION ON PETITION
Application No. 12/750,889	:	TO MAKE SPECIAL UNDER
Filed: March 31, 2010	:	THE GREEN TECHNOLOGY
Attorney Docket No. 14372/21	:	PILOT PROGRAM

This is a decision on the petitions under 37 CFR 1.102, filed July 15, 2011 to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **DISMISSED**.

If reconsideration of this decision is desired, a petition for reconsideration must be filed within ONE (1) MONTH OR THIRTY (30) DAYS from the mail date of this decision, whichever is longer. No extension of this time limit can be granted under 37 CFR 1.136(a) or (b). The petition for reconsideration should include an exhaustive attempt to provide the lacking item(s) noted below, since, after a decision on the petition for reconsideration, no further reconsideration or review of the matter will be undertaken by the Director.

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

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining

how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

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

The petition lacks item 4.

In regard to item 4, petitioner alleges in the statements of special status that "*Because the invention is directed to a battery operated two-wheeled traveling device that does not create any carbon emissions which could potentially harm the environment.*" However, the claims broadly recite a two-wheeled traveling device which can create carbon and other greenhouse gases emissions. It is noted that the battery's electrical energy typically comes from a power grid which uses coal/fossil fuel to generate electricity so the battery of the claimed two-wheeled traveling device is considered to have the same carbon/greenhouse gas emissions as coal. Furthermore, it is noted that charging a battery is using up energy, and that charging and operation of batteries typically results in the emission of greenhouse gases such as sulfur. Many types of batteries such as nickel-metal hydride batteries have poor efficiency, and lithium-ion batteries have short cycle lives and degrade significantly with age. All batteries have an environmental impact through their construction, use, disposal or recycling.

As the disclosure of the instant application does not show any evidence of reduced carbon emissions, petitioners' assertion of carbon emissions reduction is merely speculative. As stated in the notice, the materiality standard does not permit an applicant to speculate as to how a hypothetical end-user might specially apply the invention in a manner than could materially contribute to category (A) or (B). *Also see MPEP § 708.02 (VI).* Accordingly, it is not agreed that the application on its face meets that materiality standard.

Telephone inquiries concerning this decision should be directed to Lanna Mai at 571-272-6867.

The application is being forwarded to the Technology Center Art Unit 3663 for action in its regular turn.

/Lanna Mai/

Lanna Mai
Quality Assurance Specialist
Technology Center 3600

UNITED STATES PATENT AND TRADEMARK OFFICE

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

FEB 18 2011

OFFICE OF PETITIONS

MICHAEL W. TAYLOR
P.O. BOX 3791
ORLANDO, FL 32802-3791

In re Application of Peter Blixt, et al Application No. 12/750,967 Filed: March 31, 2010 Attorney Docket No.: 0110414	: : : : :	DECISION ACCORDING STATUS UNDER 37 CFR 1.47(a)

This is a decision in response to the petition under 37 CFR 1.47(a) filed December 13, 2010.

The petition is **GRANTED**.

Petitioner has shown that the non-signing inventor, Bengt Rehnstrom, has refused to join in the filing of the above-identified application.

The application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

As provided in 37 CFR 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

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

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3204.

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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MR. BENGT REHNSTROM
NORDANVAGEN 13B
137 38 VASTERHANINGE, SWENDEN

MAILED
FEB 18 2011
OFFICE OF PETITIONS

In re Application of :
Peter Blixt, et al. :
Application No.: 12/750,967 : LETTER
Filed: March 31, 2010 :
For: VISUAL DISPLAY WITH ILLUMINATORS :
FOR GAZE TRACKING :

Dear Mr. Rehnstrom:

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

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

Telephone inquiries regarding this communication should be directed to (571) 272-3204. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to the Certification Division at (571) 272-3150 or 1 (800) 972-6382 (outside the Washington, DC area).

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

cc: MICHAEL W. TAYLOR
P.O. BOX 3791
ORLANDO, FL 32802-3791

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SEP 23 2010

OFFICE OF PETITIONS

VERTEX PHARMACEUTICALS INC.
130 WAVERLY STREET
CAMBRIDGE, MA 02139-4242

In re Application of	:	
David Lauffer, et al.	:	DECISION REFUSING STATUS
Application No.: 12/751,016	:	UNDER 37 CFR 1.47(a)
Filed: March 31, 2010	:	
Docket No.: VPI/07-138 US CN1	:	

This is a decision on the petition filed, August 19, 2010, under the provisions of 37 CFR 1.47(a).

The petition is **DISMISSED**.

Rule 47 applicant is given TWO MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(a)," and should only address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventor. **FAILURE TO RESPOND WILL RESULT IN ABANDONMENT OF THE APPLICATION.** Extensions of time may be obtained in accordance with 37 CFR 1.136(a).

The above-identified application was filed on March 31, 2010, without an executed oath or declaration. Accordingly, on April 19, 2010, a Notice to File Missing Parts of Nonprovisional Application was mailed, requiring an executed oath or declaration, including a surcharge for its late filing. A two (2) month period for reply was set. In response, on August 19, 2010, applicant filed, an appropriate 2-month petition for extension of time and fee, a partially executed declaration and the present petition under 37 CFR 1.47(a). The $200 petition fee is being charged to counsel's deposit account as authorized.

A grantable petition under 37 CFR 1.47(a) requires:

(1) proof that the non-signing inventor cannot be reached or located, notwithstanding diligent effort, or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings);

(2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116;

(3) the $200 petition fee;

(4) a surcharge of $130 or $65 (small entity) if the petition and/or declaration is not filed at the time of filing the application, and

(5) a statement of the last known address of the non-signing inventor.

The petition lacks items (1).

Before a refusal to sign an oath or declaration can be alleged, it must be demonstrated that a *bona fide* effort has been made to present a complete copy of the application papers (specification, including claims, drawings, and oath or declaration) to the non-signing inventor at the non-signing inventor's last know address.

Petitioner indicates that the application was sent to the non-signing inventor via Federal Express on July 21, 2010, preceded by an e-mail on May 13, 2010 requesting, inter alia, execution of the declaration, but that the non-signing inventor did not thereafter sign the declaration. Refusal by inventor Kia McGinty cannot be inferred as the evidence submitted does not indicates that the application was actually received by her at her last known address. Similarly, while the transmission of documents via e-mail is common practice, it can be problematic. Transmission and receipt of documents-whether in image, word-processing, spreadsheet or other form-can be effected by differences in software generation between the sender and recipient(s), and other interferences include but are not limited to sender's and recipient's Internet service provider's (ISP) and/or office/personal security firewall systems.

Thus, in the absence of an express statement from a non-signing inventor(s) that she has received, opened and read a document, unlike a printed page in the language of the recipient there is as of this writing no basis <u>to presume</u> that an Emailed document was in a form that can be read <u>and</u> comprehended.

Therefore, at the very least, petitioner should mail correspondence to the last known address of joint inventor, return receipt and/or forwarding address requested. If a forwarding address is provided, petitioner should then mail a complete copy of the application papers (specification, claims, drawings, oath, etc.) to that address, return receipt requested, along with a cover letter of instructions which includes a deadline or a statement that no response will constitute a

refusal. This sort of ultimatum lends support to a finding of refusal by conduct.

In the event that the application papers are returned as undeliverable, petitioners may show diligent efforts to locate the non-signing inventor by providing a copy of an envelope showing that a letter sent to the last known address of the non-signing inventor was returned as undeliverable by the post office. Furthermore, details of the efforts made to locate the non-signing inventor should be set forth in an affidavit or declaration of facts by a person having first-hand knowledge of the details.

Where there is an express or oral refusal, that fact, along with the time and place of the refusal, must be stated in an affidavit or declaration by the party to whom the refusal was made. Where there is a written refusal, a copy of the document(s) evidencing that refusal must be made part of the affidavit or declaration.

If repeated attempts to contact the non-signing inventor are unsuccessful, petitioners will have demonstrated that the inventors cannot be reached, despite diligent efforts, or have refused to sign the declaration.

Further correspondence with respect to this matter should be delivered through one of the following mediums:

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

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

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

By Internet: EFS-Web[1]

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[1] www.uspto.gov/ebc/efs help.html (for help using EFS-Web call the Patent Electronic Business Center at (866) 217-9197)

Any questions concerning this matter may be directed to the undersigned at (571) 272-3204.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. Box 1450
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VERTEX PHARMACEUTICALS INC.
130 WAVERLY STREET
CAMBRIDGE MA 02139-4242

MAILED

FEB 07 2011

OFFICE OF PETITIONS

In re Application of David Lauffer, et al Application No. 12/751,016 Filed: March 31, 2010 Attorney Docket No.: VPI/07-138 US CN1	: : : : :	DECISION ACCORDING STATUS UNDER 37 CFR 1.47(a)

This is a decision in response to the renewed petition under 37 CFR 1.47(a) filed November 23, 2010.

The petition is **GRANTED**.

Petitioner has shown that the non-signing inventor, Kia McGinty, has refused to join in the filing of the above-identified application. As the surcharge for the late filing of the declaration has not been paid, the $130 fee will be charged to counsel's deposit account as authorized.

The application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

As provided in 37 CFR 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

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

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3204.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MS. KIRA MCGINTY
1536 STATE STREET
SCHENECTADY, NY 12305-2021

MAILED
FEB 07 2011
OFFICE OF PETITIONS

In re Application of :
David Lauffer, et al. :
Application No.: 12/751,016 : LETTER
Filed: March 31, 2010 :
For: C-MET PROTEIN KINASE INHIBITORS :

Dear Ms. McGinty:

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

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

Telephone inquiries regarding this communication should be directed to (571) 272-3204. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to the Certification Division at (571) 272-3150 or 1 (800) 972-6382 (outside the Washington, DC area).

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

cc: VERTEX PHARMACEUTICALS INC.
130 WAVERLY STREET
CAMBRIDGE MA 02139-4242

PTO/SB/20PCT-KR (06-10)
Approved for use through 01/31/2012. OMB 0651-0058
U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE KOREAN INTELLECTUAL PROPERTY OFFICE (KIPO) AND THE USPTO

Application No:	12/751,061	Filing date:	03/31/2010
First Named Inventor:	Dongji Xie		
Title of the Invention:	PIN SOLDERING FOR PRINTED CIRCUIT BOARD FAILURE TESTING		

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

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

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

The corresponding PCT application number(s) is/are: PCT/US2011/030331

The international filing date of the corresponding PCT application(s) is/are: 03/29/2011

I. List of Required Documents:

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

☑ Is attached.

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

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

☑ Is attached.

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

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

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

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

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

(continued)

Application No.:	12/751,061
First Named Inventor:	Dongji Xie

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	9	Claim 1 in the U.S. application is amended herewith to correspond to Claim 9 in the corresponding PCT application.
2-8	2-8	Claims 2-8 have one to one correspondence with the exception of claim dependency.
10	19	Claim 10 in the U.S. application is amended herewith to correspond to Claim 19 in the corresponding PCT application.
11-18	11-18	Claims 11-18 have one to one correspondence with the exception of claim dependency.
20	26	Claim 20 in the U.S. application is amended herewith to correspond to Claim 26 in the corresponding PCT application.
21-22	21-22	Claims 21-22 have one to one correspondence with the exception of claim dependency.

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

Signature /Jon P. Deppe/	Date 2011-12-22
Name (Print/Typed) Jon P. Deppe	Registration Number 65196

Privacy Act Statement

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MARSH, FISCHMANN & BREYFOGLE LLP
8055 EAST TUFTS AVENUE
SUITE 450
DENVER, CO 80237

MAILED
FEB 14 2012
OFFICE OF PETITIONS

In re Application of	**: DECISION ON REQUEST TO**
Dongji XIE et al.	**: PARTICIPATE IN THE PATENT**
Application No.: 12/751,061	**: PROSECUTION HIGHWAY**
Filed: March 31, 2010	**: PROGRAM AND PETITION**
Attorney Docket No.: 50224-00642	**: TO MAKE SPECIAL UNDER**
For: Pin Soldering for Printed Circuit...	**: 37 CFR 1.102(a)**

This is a decision on the request to participate in the PCT Patent Prosecution Highway (PCT-PPH) pilot program and the petition under 37 CFR 1.102(a), filed on December 22, 2011, to make the above-identified application special.

The request and petition are **DISMISSED**.

Discussion

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

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

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

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

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

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

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

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

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

Requirements (1, 3-8) above are considered to have been met. However, the request to participate in the PPH pilot program and petition fail to meet requirement (2).

Regarding the requirement of condition (2), Box VIII of the latest work product is checked. Applicant has not provided any explanation as to why the claim(s) is/are not subject to the observation in Box VIII.

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

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

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

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

David Bucci
Petitions Examiner
Office of Petitions

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re the Application of:		**Group Art Unit:**	2833
Dongji Xie			
Application No.:	12/751,061	**Examiner:**	Davis, Octavia L.
Filed:	03/31/2010	**RESPONSE TO DECISION ON REQUEST TO PARTICIPATE IN THE PATENT PROSECUTION HIGHWAY PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(a)**	
Atty. Docket No:	50224-00642		
Confirmation No.:	9935		

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

Dear Sir or Madam:

This Response is filed in reply to the Decision on Request to Participate in the Patent Prosecution Highway Program and Petition to Make Special under 37 CFR 1.102(a) mailed on February 14, 2012. The Decision states that requirement (2), an explanation as to why the claims(s) is/are not subject to the observation Box VIII, was not met. However, an explanation regarding Box VIII of the WO/ISA was submitted with the original Request to participate in the PPH. A copy of the original Request is resubmitted herewith. Accordingly, it is requested that the Request to Participate in the Patent Prosecution Highway Program and Petition to Make Special under 37 CFR 1.102(a) be reconsidered and granted.

Respectfully submitted,

MARSH FISCHMANN & BREYFOGLE LLP

By: /Jon P. Deppe/
Jon P. Deppe
Registration No. 65,196
Telephone: 303-770-0051
Facsimile: 303-770-0152

Date: March 2, 2012

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Named Inventor: Jacob Johannes Nies	)
Confirmation No.: 1018	)
	)
Serial No.: 12/751,102	)
	)
Filing Date: 03-31-2010	)
	)
Atty Docket No.: 237719	)

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

Statement Concerning the Basis for the Special Status

SIR:

Applicant respectfully submits that Special Status is sought on the basis that the present invention materially contributes to the development of renewable energy resources or energy conservation.

The undersigned attorney may be contacted at the number below to facilitate the resolution of any matters. Please charge any fees that are incurred in connection with this Statement to deposit account no. 09-0470.

Respectfully submitted,

General Electric Company

By : /Douglas D. Zhang/
Douglas D. Zhang
Reg. No. 37,985

Dated: January 7, 2011

GE Global Patent Operation
2 Corporate Drive, Suite 648
Shelton, CT 06484
203-944-6755

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: 237719	Application Number (if known): 12/751102	Filing date: 03-31-2010
First Named Inventor: Jacob Johannes Nies		
Title: WIND TURBINE, TOWER AND METHOD FOR FABRICATING THE SAME		

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

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

1. By filing this petition:

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

2. By filing this petition: applicant is agreeing to make an election without traverse in a telephonic interview and elect an invention that meets the eligibility requirements for the Green Technology Pilot Program, if the Office determines that the claims are not obviously directed to a single invention. See Instruction Sheet.

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

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

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

6. Other attachments: Statement Concerning the Basis for the Special Status

Signature /Douglas D. Zhang/	Date 01-07-2010
Name (Print/Typed) Douglas D. Zhang	Registration Number 37,985

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/751,102	03/31/2010	Jacob Johannes Nies	237719	1018

7788 7590 01/19/2011
GE ENERGY GENERAL ELECTRIC
C/O ERNEST G. CUSICK
ONE RIVER ROAD, BLD. 43, ROOM 225
SCHENECTADY, NY 12345

EXAMINER

ART UNIT	PAPER NUMBER
3745	

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
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GE ENERGY GENERAL ELECTRIC
C/O ERNEST G. CUSICK
ONE RIVER ROAD, BLD. 43, ROOM 225
SCHENECTADY NY 12345

In re Application of	:	
NIES, JACOB JOHANNES et al	:	DECISION ON PETITION
Application No. 12/751,102	:	TO MAKE SPECIAL UNDER
Filed: March 31, 2010	:	THE GREEN TECHNOLOGY
Attorney Docket No. 237719	:	PILOT PROGRAM

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

The petition is **granted.**

If reconsideration of this decision is desired, a petition for reconsideration must be filed within ONE (1) MONTH OR THIRTY (30) DAYS from the mail date of this decision, whichever is longer. No extension of this time limit can be granted under 37 CFR 1.136(a) or (b). The petition for reconsideration should include an exhaustive attempt to provide the lacking item(s) noted below, since, after a decision on the petition for reconsideration, no further reconsideration or review of the matter will be undertaken by the Director.

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

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis

for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

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

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

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

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

/Henry C. Yuen/

Henry C. Yuen
Quality Assurance Specialist
Technology Center TC 3700

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: —

DATE : 1/31/2011

TO SPE OF : ART UNIT 3677

SUBJECT : Request for Certificate of Correction for Appl. No.: 12/751135 Patent No.: 7849561 B2

CofC mailroom date: 1/17/2011

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

FOR IFW FILES:

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

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

FOR PAPER FILES:

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

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

Virginia Tolbert
Certificates of Correction Branch
571-272-0460

Thank You For Your Assistance

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

- ☒ **Approved** — **All** changes apply.
- ☐ **Approved in Part** — Specify below which changes **do not** apply.
- ☐ **Denied** — State the reasons for denial below.

Comments: _____

SPE — 3677 Art Unit

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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HOLLAND & BONZAGNI, P.C.
171 DWIGHT ROAD, SUITE 302
LONGMEADOW MA 01106-1700

MAILED
JAN 25 2011
OFFICE OF PETITIONS

In re Application of :
Gaziano :
Application No. 12/751,159 : DECISION
Filed/Deposited:31 March, 2010 :
Attorney Docket No. 09056P-ORD-002 :

This is a decision on the petition filed on 6 August, 2010, seeking to have accorded a filing date of 31 March, 2010, for the above-identified application based upon a showing that the omitted drawing/figures were present in the prior-filed application to which this application claimed benefit (pursuant to 37 C.F.R. §1.78 and/or §1.55) on deposit.

The petition is **DISMISSED**.

The instant application was deposited on 31 March, 2010.

On 16 April, 2010, the Office of Patent Application Processing (OPAP) mailed a Notice of Incomplete Nonprovisional Application, stating that the application had not been accorded a filing date because it had been deposited without drawings as required under 35 U.S.C. §113 (first sentence).

The Office indicated that Petitioner could:

- demonstrate on petition the presence of the drawings/figures by presentation of evidence of deposit (e.g., date-stamped receipt card, EFS Acknowledgement Receipt); or
- submit the drawings/figures and accept the date of submission as the filing date.

The Office gave Petitioner two (2) months within which to reply.

On 8 June, 2010, Petitioner commenced a series of submissions, to wit:

- on 8 June, 2010, Petitioner filed, *inter alia*, a reply including but not limited to a new oath/declaration and surcharge;

- on 23 July, 2010, Petitioner filed a preliminary amendment and information disclosure statement with fee;
- on 27 July, 2010, Petitioner submitted additional fees;
- on 6 August, 2010, filed a petition pursuant to 37 C.F.R. §1.57, seeking a filing date of 31 March, 2010, for the application.

Petitioner appears to have filed drawings and amendment under the rule—any determination as to that amendment will be made by the Examiner.

Petitioner's arguments and evidence have been considered. However, a review of the application confirms that, as filed, the application contained at least one method/process/composition claim. MPEP §601.01(f) provides that:

> It has been USPTO practice to treat an application that contains at least one process or method claim as an application for which a drawing is not necessary for an understanding of the invention under 35 U.S.C. §113 (first sentence). The same practice has been followed in composition applications.

Thus, pursuant to §601.01(f), a drawing is not considered essential for a filing date. The instant application is entitled to a filing date without drawings present in the application.

Accordingly, the Office should have granted the application a filing date and mailed a Notice of Omitted Items instead of a Notice of Incomplete Nonprovisional Application.

The express incorporation by reference entitled Petitioner to file an amendment under 37 C.F.R. §1.57(b) to add the subject matter of the non-provisional application into the disclosure of this application. Please note that no petition is required for that purpose, but that an amendment must be filed, and that the amendment must comply with 37 C.F.R. §1.57(b) and 37 C.F.R. §1.121 (*See*: MPEP §201.06(c)(IV).)

The Petition fee is waived and will be refunded *via* deposit account. Should Petitioner later find that a petition fee was not refunded, Petitioner should request a refund from the Office of Finance and enclose therewith a copy of this decision.

Pursuant to this decision, the application will be referred to the Office of Patent Application Processing (OPAP) for:

- **correction of the filing date to 31 March, 2010**;

- **indication in Office records, as appropriate, that "0" sheets of drawings were present on filing** and
- **issuance of a filing receipt.**

Telephone inquiries concerning this matter should be directed to John J Gillon, Jr., attorney, at (571) 272-3214. Inquiries regarding initial patent application processing should be directed to OPAP at (703) 308-9210.

Chris Bottorff
Supervisory 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

HOLLAND & BONZAGNI, PC
171 DWIGHT ROAD, SUITE 302
LONGMEADOW, MA 01106-1700

MAILED
SEP 22 2011
OFFICE OF PETITIONS

Applicant: Philip P. Gazlano
Appl. No.: 12/751,159
Filing Date: June 8, 2010
Title: SOFTWARE SYSTEM FOR AIDING MEDICAL PRACTITIONERS AND THEIR PATIENTS
Attorney Docket No.: 09056P-ORD-002
Pub. No.: US 2010/0280848 A1
Pub. Date: November 4, 2010

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on December 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

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.
12/751,186	03/31/2010	Mihal Lazaridis	37120-1-US-PAT	1190

95193 7590 06/15/2011
Leveque Intellectual Property Law, P.C.
241 E. Fourth St., #102
Frederick, MD 21701

EXAMINER
VU, KIEU D

ART UNIT	PAPER NUMBER
2173	

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):

uspto@levequeip.com
portfolioprosecution@rim.com
michelle@levequeip.com

UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, VA 22313-1450
www.uspto.gov

Leveque Intellectual Property Law, P.C.
241 E. Fourth St., #102
Frederick MD 21701

Applicant: Lazaridis
Appl. No.: 12/751,186
Filing Date: March 31, 2010
Title: DEVICE, SYSTEM AND METHOD FOR SELECTING, SHARING AND DISPLAYING ELECTRONIC CONTENT
Attorney Docket No.: 37120-1-US-PAT
Pub. No.: US 2011/0113370 A1
Pub. Date: May 12, 2011

This is a decision on the request for republication of patent application publication under 37 CFR 1.221(a), filed on June 3, 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

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Adjustment date: 06/15/2011  KKING1
06/06/2011 INTEFSW  00000943 12751186
01 FC:1504                        -300.00 OP


Refund Ref:
06/15/2011            0030098865
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Credit Card Refund Total:      $300.00

Am Exp..: XXXXXXXXXXX3001
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/751,186	03/31/2010	Mihal Lazaridis	37120-1-US-PAT	1190

95193 7590 07/26/2011
Leveque Intellectual Property Law, P.C.
241 E. Fourth St., #102
Frederick, MD 21701

EXAMINER
VU, KIEU D

ART UNIT	PAPER NUMBER
2173	

NOTIFICATION DATE	DELIVERY MODE
07/26/2011	ELECTRONIC

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

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

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

uspto@levequeip.com
portfolioprosecution@rim.com
michelle@levequeip.com

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Leveque Intellectual Property Law, P.C.
241 E. Fourth St., #102
Frederick MD 21701

Applicant: Lazaridis
Appl. No.: 12/751,186
Filing Date: March 31, 2010
Title: DEVICE, SYSTEM AND METHOD FOR SELECTING, SHARING AND DISPLAYING ELECTRONIC CONTENT
Attorney Docket No.: 37120-1-US-PAT
Pub. No.: US 2011/0113370 A1
Pub. Date: May 12, 2011

This is a decision on the second request for republication of patent application publication under 37 CFR 1.221(a), filed on July 19, 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

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Adjustment date: 07/28/2011  KKING1
07/20/2011 INTEFSW  00002204 12751186
01 FC:1504                    -300.00 OP

Refund Ref:
07/28/2011          0030100479
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Credit Card Refund Total:      $300.00

Am Exp..: XXXXXXXXXXX3001
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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	12751191
Filing Date	31-Mar-2010
First Named Inventor	Kimio MISEKI
Art Unit	2626
Examiner Name	TALIVALDIS SMITS
Attorney Docket Number	04329.3671-01
Title	Speech decoding method and apparatus which generates an excitation signal and a synthesis filter

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	/Richard V. Burgujian/
Name	Richard V Burgujian
Registration Number	31744

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Decision Date : April 9, 2012

In re Application of :

Kimio MISEKI

DECISION ON PETITION

UNDER CFR 1.313(c)(2)

Application No : 12751191

Filed : 31-Mar-2010

Attorney Docket No : 04329.3671-01

This is an electronic decision on the petition under 37 CFR 1.313(c)(2), filed April 9, 2012 , to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED.**

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

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

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

This application file is being referred to Technology Center AU 2626 for processing of the request for continuing examination under 37 CFR 1.114 .

Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/751,202	03/31/2010	Julie A. Champion	18186CON1 (FAC)	1215

7590 01/26/2012
ALLERGAN, INC.
2525 DUPONT DRIVE, T2-7H
IRVINE, CA 92612-1599

EXAMINER
SHOMER, ISAAC

ART UNIT	PAPER NUMBER
1612	

NOTIFICATION DATE	DELIVERY MODE
01/26/2012	ELECTRONIC

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

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

The petition is granted.

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

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

Mimi Jarrel

Patent Publication Branch
Office of Data Management

FORM PET651G (Rev. 08/07)

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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COOLEY LLP
ATTN: PATENT GROUP
SUITE 1100
777 – 6TH STREET, NW
WASHINGTON DC 20001

MAILED
NOV 22 2010
OFFICE OF PETITIONS

In re Application of	:	
Sivaramakrishnan NARAYANAN, et al	:	
Application No. 12/751,208	:	DECISION ON PETITION
Filed: March 31, 2010	:	TO WITHDRAW
Attorney Docket No. GREP-006/00US 310568-2006	:	FROM RECORD
	:	

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

The request is **NOT APPROVED.**

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

Accordingly, the request to withdraw from record cannot be approved because the change of correspondence address is not that of a new representative who has filed a proper power of attorney nor is the change of address that of an assignee of the entire interest who has been properly made of record under 37 CFR 3.71 or the first named inventor.

All future communications from the Office will continue to be directed to the above-identified address until otherwise properly notified.

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

/Diane Goodwyn/
Diane Goodwyn
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

TYCO HEALTHCARE GROUP, LP
D/B/A COVIDIEN
555 LONG WHARF DRIVE
MAIL STOP 8-N1, LEGAL DEPARTMENT
NEW HAVEN, CT 06511

MAILED
APR 12 2012
OFFICE OF PETITIONS

In re Application of	:	
Christopher J. Criscuolo, et al.	:	
Application No. 12/751,285	:	DECISION GRANTING PETITION
Filed: March 31, 2010	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. H-US-00186 DIV (203-4231)	:	

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

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on March 21, 2012 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries regarding this decision should be directed to undersigned at (571) 272-1642. All other inquiries regarding the examination or status of this application should be directed to the Technology Center.

This application is being referred to Technology Center AU 3721 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

/AMW/
April M. Wise
Petitions Examiner
Office of Petitions

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

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

Attorney Docket No.: 0630-4271PUS1

Application No:	12/751,339	Filing date:	March 31, 2010
First Named Inventor:	Sang-Min LEE		
Title of the Invention:	METHOD FOR MEASURING AUDIENCE TO BROADCAST SERVICE AND CONTENT AT TERMINAL		

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/KR2010/002001
(PCT/KR2010/002001 corresponds to the present application, serial no. 12/751,339)

The international date of the corresponding PCT application(s) is/are: April 1, 2010

I. List of Required Documents:

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

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

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

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

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

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

Approved for use through 01/31/2012. OMB 0651-0058
U.S.Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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

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

(continued)

Application No.:	12/751,339
First Named Inventor:	Sang-Min LEE

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

☐ Is attached

☑ Has already been filed in the above-identified U.S. application on October 6, 2010

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

☐ Are attached.

☑ Have already been filed in the above-identified U.S. application on October 6, 2010

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1	1	US Claim 1 sufficiently corrsponds to PCT claim 1.
2	2	US Claim 2 sufficiently corrsponds to PCT claim 2.
3	3	US Claim 3 sufficiently corrsponds to PCT claim 3.
4	4	US Claim 4 sufficiently corrsponds to PCT claim 4.
5	5	US Claim 5 sufficiently corrsponds to PCT claim 5.
6	6	US Claim 6 sufficiently corrsponds to PCT claim 6.
7	7	US Claim 7 sufficiently corrsponds to PCT claim 7.
8	8	US Claim 8 sufficiently corrsponds to PCT claim 8.
9	9	US Claim 9 sufficiently corrsponds to PCT claim 9.
10	10	US Claim 10 sufficiently corrsponds to PCT claim 10.
11	11	US Claim 11 sufficiently corrsponds to PCT claim 11.
12	12	US Claim 12 sufficiently corrsponds to PCT claim 12.
13	13	US Claim 13 sufficiently corrsponds to PCT claim 13.
14	14	US Claim 14 sufficiently corrsponds to PCT claim 14.
15	15	US Claim 15 sufficiently corrsponds to PCT claim 15.
16	16	US Claim 16 sufficiently corrsponds to PCT claim 16.
17	17	US Claim 17 sufficiently corrsponds to PCT claim 17.
18	18	US Claim 18 sufficiently corrsponds to PCT claim 18.
19	19	US Claim 19 sufficiently corrsponds to PCT claim 19.

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

Signature	Date SEP 07 2011
Name (Print/Typed) David A. Bilodeau	Registration Number 42325

Approved for use through 01/31/2012. OMB 0651-0058
U.S.Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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

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

(continued)

Application No.:	12/751,339
First Named Inventor:	Sang-Min LEE

II. Claims Correspondence Table (continued):

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
20	20	US Claim 20 sufficiently corrsponds to PCT claim 20.
21	21	US Claim 21 sufficiently corrsponds to PCT claim 21.
22	22	US Claim 22 sufficiently corrsponds to PCT claim 22.
23	23	US Claim 23 sufficiently corrsponds to PCT claim 23.
24	24	US Claim 24 sufficiently corrsponds to PCT claim 24.
25	25	US Claim 25 sufficiently corrsponds to PCT claim 25.
26	26	US Claim 26 sufficiently corrsponds to PCT claim 26.

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

Signature	Date SEP 07 2011
Name (Print/Typed) David A. Bilodeau	Registration Number 42325

PATENT COOPERATION TREATY

From the INTERNATIONAL SEARCHING AUTHORITY

To:

PARK Jang-Won

3rd Floor, Shinyoung Wacoal Bldg. 49-4 Nonhyun-dong,
Gangnam-gu SEOUL 135-814 Republic of Korea

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)* 07 JULY 2010 (07.07.2010)
Applicant's or agent's file reference PALGIC10161	**FOR FURTHER ACTION** See paragraphs 1 and 4 below
International application No. **PCT/KR2010/002001**	International filing date *(day/month/year)* **01 APRIL 2010 (01.04.2010)**
Applicant **LG ELECTRONICS INC. et al**	

RECEIVED 접수 2010.07.12 PARK, KIM & PARTNER

1. ☒ The applicant is hereby notified that the international search report and the written opinion of the International Searching Authority have been established and are transmitted herewith.

Filing of amendments and statement under Article 19:

The applicant is entitled, if he so wishes, to amend the claims of the international application (see Rule 46):

When? The time limit for filing such amendments is normally two months from the date of transmittal of the international search report.

Where? Directly to the International Bureau of WIPO, 34 chemin des Colombettes 1211 Geneva 20, Switzerland, Facsimile No.: +41 22 338 82 70

For more detailed instructions, see *PCT Applicant's Guide*, International Phase, paragraphs 9.004 . 9.011.

2. ☐ The applicant is hereby notified that no international search report will be established and that the declaration under Article 17(2)(a) to that effect and the written opinion of the International Searching Authority are transmitted herewith.

3. ☐ **With regard to any protest** against payment of (an) additional fee(s) under Rule 40.2, the applicant is notified that:

☐ the protest together with the decision thereon has been transmitted to the International Bureau together with any request to forward the texts of both the protest and the decision thereon to the designated Offices.

☐ no decision has been made yet on the protest; the applicant will be notified as soon as a decision is made.

4. **Reminders**

The applicant may submit comments on an informal basis on the written opinion of the International Searching Authority to the International Bureau. The International Bureau will send a copy of such comments to all designated Offices unless an international preliminary examination report has been or is to be established. Following the expiration of 30 months from the priority date, these comments will also be made available to the public.

Shortly after the expiration of **18 months** from the priority date, the international application will be published by the International Bureau. If the applicant wishes to avoid or postpone publication, a notice of withdrawal of the international application, or of the priority claim, must reach the International Bureau before the completion of the technical preparations for international publication (Rules 90bis.1 and 90bis.3).

Within **19 months** from the priority date, but only in respect of some designated Offices, a demand for international preliminary examination must be filed if the applicant wishes to postpone the entry into the national phase **until 30 months** from the priority date (in some Offices even later); otherwise, the applicant must, **within 20 months** from the priority date, perform the prescribed acts for entry into the national phase before those designated Offices.
In respect of other designated Offices, the time limit of **30 months** (or later) will apply even if no demand is filed within 19months.

For details about the applicable time limits, Office by Office, see www.wipo.int/pct/en/texts/time_limits.html and the PCT Applicant's Guide, National Chapters.

Name and mailing address of the ISA/KR Korean Intellectual Property Office Government Complex-Daejeon, 139 Seonsa-ro, Seo-gu, Daejeon 302-701, Republic of Korea Facsimile No. 82-42-472-7140	Authorized officer COMMISSIONER Telephone No. 82-42-481-5209

PATENT COOPERATION TREATY

From the INTERNATIONAL SEARCHING AUTHORITY

To:

PARK Jang-Won

3rd Floor, Shinyoung Wacoal Bldg. 49-4 Nonhyun-dong,
Gangnam-gu SEOUL 135-814 Republic of Korea

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)* 07 JULY 2010 (07.07.2010)
Applicant's or agent's file reference PALGIC10161	**FOR FURTHER ACTION** See paragraphs 1 and 4 below
International application No. **PCT/KR2010/002001**	International filing date *(day/month/year)* **01 APRIL 2010 (01.04.2010)**
Applicant **LG ELECTRONICS INC. et al**	

1. ☒ The applicant is hereby notified that the international search report and the written opinion of the International Searching Authority have been established and are transmitted herewith.
Filing of amendments and statement under Article 19:
The applicant is entitled, if he so wishes, to amend the claims of the international application (see Rule 46):
When? The time limit for filing such amendments is normally two months from the date of transmittal of the international search report.
Where? Directly to the International Bureau of WIPO, 34 chemin des Colombettes 1211 Geneva 20, Switzerland, Facsimile No.: +41 22 338 82 70
For more detailed instructions, see *PCT Applicant's Guide*, International Phase, paragraphs 9.004 . 9.011.

2. ☐ The applicant is hereby notified that no international search report will be established and that the declaration under Article 17(2)(a) to that effect and the written opinion of the International Searching Authority are transmitted herewith.

3. ☐ **With regard to any protest** against payment of (an) additional fee(s) under Rule 40.2, the applicant is notified that:
☐ the protest together with the decision thereon has been transmitted to the International Bureau together with any request to forward the texts of both the protest and the decision thereon to the designated Offices.
☐ no decision has been made yet on the protest; the applicant will be notified as soon as a decision is made.

4. **Reminders**
The applicant may submit comments on an informal basis on the written opinion of the International Searching Authority to the International Bureau. The International Bureau will send a copy of such comments to all designated Offices unless an international preliminary examination report has been or is to be established. Following the expiration of 30 months from the priority date, these comments will also be made available to the public.

Shortly after the expiration of **18 months** from the priority date, the international application will be published by the International Bureau. If the applicant wishes to avoid or postpone publication, a notice of withdrawal of the international application, or of the priority claim, must reach the International Bureau before the completion of the technical preparations for international publication (Rules 90bis.1 and 90bis.3).

Within **19 months** from the priority date, but only in respect of some designated Offices, a demand for international preliminary examination must be filed if the applicant wishes to postpone the entry into the national phase **until 30 months** from the priority date (in some Offices even later); otherwise, the applicant must, **within 20 months** from the priority date, perform the prescribed acts for entry into the national phase before those designated Offices.
In respect of other designated Offices, the time limit of **30 months** (or later) will apply even if no demand is filed within 19months.

For details about the applicable time limits, Office by Office, see www.wipo.int/pct/en/texts/time_limits.html and the PCT Applicant's Guide, National Chapters.

Name and mailing address of the ISA/KR Korean Intellectual Property Office Government Complex-Daejeon, 139 Seonsa-ro, Seo-gu, Daejeon 302-701, Republic of Korea Facsimile No. 82-42-472-7140	Authorized officer COMMISSIONER Telephone No. 82-42-481-5209

* Attention

Copies of the documents cited in the international search report can be searched in the following Korean Intellectual Property Office English website for three months from the date of mailing of the international search report.

http://www.kipo.go.kr/en/ => Patent Search => PCT-Service

ID : PCT international application number
PW : **O1NJM3GM**

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

To:
PARK Jang-Won

3rd Floor, Shinyoung Wacoal Bldg. 49-4 Nonhyun-dong,
Gangnam-gu SEOUL 135-814 Republic of Korea

PCT

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

Date of mailing *(day/month/year)*	**07 JULY 2010 (07.07.2010)**
Applicant's or agent's file reference PALGIC10161	**FOR FURTHER ACTION** See paragraph 2 below

International application No.	International filing date *(day/month/year)*	Priority date *(day/month/year)*
PCT/KR2010/002001	**01 APRIL 2010 (01.04.2010)**	01 APRIL 2009 (01.04.2009)

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

H04H 60/33(2008.01)i

Applicant

LG ELECTRONICS INC. et al

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

- [x] Box No. I Basis of the opinion
- [ ] Box No. II Priority
- [ ] Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- [ ] Box No. IV Lack of unity of invention
- [x] Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- [ ] Box No. VI Certain documents cited
- [ ] Box No. VII Certain defects in the international application
- [ ] 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	06 JULY 2010 (06.07.2010)	HEO, Young Han Telephone No.82-42-481-8520

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/KR2010/002001

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	1-26	YES
	Claims	NONE	NO
Inventive step (IS)	Claims	1-26	YES
	Claims	NONE	NO
Industrial applicability (IA)	Claims	1-26	YES
	Claims	NONE	NO

2. Citations and explanations :

Reference is made to the following documents:

D1: KR 10-2001-0069691 A (KANG, MIN GOO) 25 July 2001
D2: KR 10-1999-0018658 A (SAMSUNG ELECTRONICS CO., LTD.) 15 March 1999
D3: KR 10-2006-0058392 A (KIM, SEONG JU et al.) 30 May 2006

1. Novelty and Inventive Step

1.1 Claims [1-11]

The subject matter of claim 1 differs from these prior art documents in that the method of measuring audience ratings for at least more than one service and content in a terminal comprising receiving a campaign invitation message for an audience measurement, transmitting a panel opt-in request message, receiving a panel opt-in response message. it is not obvious to a person skilled in the art by the documents, taken alone or in combination. Therefore, claim 1 meets the requirements of PCT Article 33(2) and (3) with respect to novelty and inventive step.

Claims [2-11] are dependent on claim 1 and therefore meet the requirements of PCT Article 33(2) and (3).

1.2 Claims [12-17]

Claim [12] relates to a terminal for measuring audience ratings for at least more than one service and content,which has the subject matter according to claim 1. Claim [12] is considered to be novel and to involve an inventive step under PCT Article 33(2)-(3), because the subject matter of claim 1 is considered to be novel and to involve an inventive step.

Claims [13-17] depend on claim [6] and consequently they are also considered to be novel and to involve an inventive step under PCT Article 33(2)-(3).

Continued on Supplemental Box

PATENT COOPERATION TREATY

PCT

INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

Applicant's or agent's file reference PALGIC10161	**FOR FURTHER ACTION**	see Form PCT/ISA/220 as well as, where applicable, item 5 below.
International application No. **PCT/KR2010/002001**	International filing date *(day/month/year)* **01 APRIL 2010 (01.04.2010)**	(Earliest) Priority Date *(day/month/year)* 01 APRIL 2009 (01.04.2009)
Applicant **LG ELECTRONICS INC. et al**		

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

This international search report consists of a total of 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. 5
      ☒ 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/KR2010/002001

A. CLASSIFICATION OF SUBJECT MATTER

H04H 60/33(2008.01)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)
H04H 60/33; G06Q 50/00; H04N 17/00; H04N 7/173; H04W 4/12

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched
Korean utility models and applications for utility models
Japanese utility models and applications for utility models

Electronic data base consulted during the international search (name of data base and, where practicable, search terms used)
eKOMPASS(KIPO internal) & Keywords: TV, broadcasting, audience ratings, mobile

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
A	KR 10-2001-0069691 A (KANG, MIN GOO) 25 July 2001 See claims 1-2, figures 1-3.	1-26
A	KR 10-1999-0018658 A (SAMSUNG ELECTRONICS CO., LTD.) 15 March 1999 See claims 1-4, figures 1-5.	1-26
A	KR 10-2006-0058392 A (KIM, SEONG JU et al.) 30 May 2006 See claims 1-20, figures 1-3.	1-26

☐ 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
06 JULY 2010 (06.07.2010)	**07 JULY 2010 (07.07.2010)**
Name and mailing address of the ISA/KR Korean Intellectual Property Office Government Complex-Daejeon, 139 Seonsa-ro, Seo-gu, Daejeon 302-701, Republic of Korea Facsimile No. 82-42-472-7140	Authorized officer HEO, Young Han Telephone No. 82-42-481-8520

INTERNATIONAL SEARCH REPORT
Information on patent family members

International application No.
PCT/KR2010/002001

Patent document cited in search report	Publication date	Patent family member(s)	Publication date
KR 10-2001-0069691 A	25.07.2001	None	
KR 10-1999-0018658 A	15.03.1999	CN 1087893 C	17.07.2002
		CN 1210425 A	10.03.1999
		CN 1210425 CO	10.03.1999
		GB 2328811 A	03.03.1999
		JP 11-075224 A	16.03.1999
		US 6061082 A1	09.05.2000
KR 10-2006-0058392 A	30.05.2006	None	

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

(19) World Intellectual Property Organization
International Bureau

(43) International Publication Date
7 October 2010 (07.10.2010)

PCT

(10) International Publication Number
WO 2010/114321 A1

(51) International Patent Classification:
H04H 60/33 (2008.01)

(21) International Application Number:
PCT/KR2010/002001

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1 April 2010 (01.04.2010)

(25) Filing Language: English

(26) Publication Language: English

(30) Priority Data:

61/165,867	1 April 2009 (01.04.2009)	US
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61/237,683	28 August 2009 (28.08.2009)	US
61/239,050	1 September 2009 (01.09.2009)	US
61/240,287	7 September 2009 (07.09.2009)	US
61/263,401	23 November 2009 (23.11.2009)	US
10-2009-0114136	24 November 2009 (24.11.2009)	KR
10-2010-0025473	22 March 2010 (22.03.2010)	KR

(71) Applicant *(for all designated States except US)*: **LG ELECTRONICS INC.** [KR/KR]; 20, Yeouido-Dong, Yeongdeungpo-Gu, Seoul. 150-721 (KR).

(72) Inventors; and
(75) Inventors/Applicants *(for US only)*: **LEE, Seung-Jae** [KR/KR]; 221, Yangjae-Dong, Seocho-Gu, Seoul, 137-130 (KR). **LEE, Ji-Hye** [KR/KR]; 533, Hogye-Dong, Dongan-Gu, Anyang, Gyeonggi-Do, 431-080 (KR). **LEE, Sang-Min** [KR/KR]; 533, Hogye-Dong, Dongan-Gu, Anyang, Gyeonggi-Do, 431-080 (KR).

(74) Agent: **PARK, Jang-Won**; 3rd Floor, Shinyoung Wacoal Bldg., 49-4 Nonhyun-dong, Gangnam-gu, Seoul 135-814 (KR).

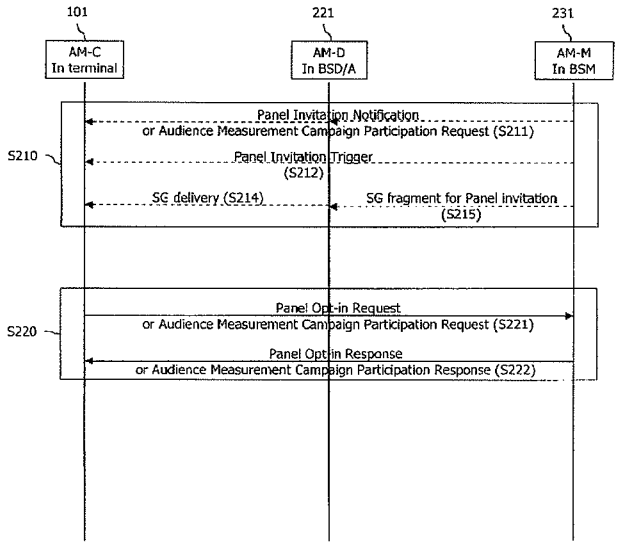
(81) Designated States *(unless otherwise indicated, for every kind of national protection available)*: AE, AG, AL, AM, AO, AT, AU, AZ, BA, BB, BG, BH, BR, BW, BY, BZ, CA, CH, CL, CN, CO, CR, CU, CZ, DE, DK, DM, DO, DZ, EC, EE, EG, ES, FI, GB, GD, GE, GH, GM, GT, HN, HR, HU, ID, IL, IN, IS, JP, KE, KG, KM, KN, KP, 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, PE, PG, PH, PL, PT, RO, RS, RU, SC, SD, SE, SG, SK, SL, SM, ST, SV, SY, TH, 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, LR, 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,

[Continued on next page]

(54) Title: METHOD FOR MEASURING AUDIENCE TO BROADCAST SERVICE AND CONTENT AT TERMINAL

[Fig. 5]



(57) Abstract: Disclosed is a method of measuring audience ratings for at least more than one service and content in a terminal. The measurement method may include receiving a campaign invitation message for an audience measurement campaign from a server. The campaign invitation message may include at least more than one of information for the audience measurement campaign, information for the server, and information for an opt-in rate of the audience measurement campaign. The method may further include authenticating the information for the server in the campaign invitation message. The method may further include determining whether to participate using the information for the opt-in rate of the audience measurement campaign in the campaign invitation message. The method may further include transmitting a panel opt-in request message to the server according to the determination result. The method may further include receiving a panel opt-in response message from the server.

WO 2010/114321 A1

ES, FI, FR, GB, GR, HR, HU, IE, IS, IT, LT, LU, LV, MC, MK, MT, NL, NO, PL, PT, RO, SE, SI, SK, SM, TR), OAPI (BF, BJ, CF, CG, CI, CM, GA, GN, GQ, GW, ML, MR, NE, SN, TD, TG).

Published:

— *with international search report (Art. 21(3))*

Description

Title of Invention: METHOD FOR MEASURING AUDIENCE TO BROADCAST SERVICE AND CONTENT AT TERMINAL

Technical Field

[1] The present invention relates to broadcast audience measurement in a mobile environment.

Background Art

[2] In general, audience ratings are measured by broadcast stations or the like in order to check the popularity of predetermined programs being broadcasted by themselves, reflect on the production of next programs, and determine programs to be produced.

[3] For a method of measuring audience ratings, there have been known various methods such as, a direct survey method for presenting a list of broadcast programs to a sample group to measure audience ratings, an over-the-phone survey method for making calls to viewers to measure program ratings currently being viewed at the time of broadcasting predetermined programs, a diary-type method for presenting a daily broadcast list for a specific period to the same panel each time and allowing viewers of the panel to directly write the viewed contents, and a meter-type method for measuring when and which channels have been set by predetermined generations using a mechanical device.

[4] However, the forgoing survey methods have a problem in which audience ratings cannot be measured for viewers over a wide range of regions but only measured for those in a specific region, and the number of viewers who are subject to the audience measurement is too small if audience ratings are measured in real-time, and the reliability of measured audience ratings is very low if audience ratings are not measured in real-time.

[5] Furthermore, since the appearance of automatic response systems, audience ratings have been measured by notifying an ARS phone number to viewers through television broadcast signals and then allowing viewers responding to an audience measurement to make phone calls. It makes possible to measure audience ratings for viewers over a wide range of regions, but on the contrary, has a difficulty that all television broadcast stations should notify their ARS phone numbers to viewers through television broadcast signals and also viewers should individually make phone calls.

Disclosure of Invention

Solution to Problem

[6] Therefore, an object of the present invention is to solve the foregoing problem. In other words, an object of the present invention is to automatically carry out an

audience measurement between a communication terminal and a system. Furthermore, an object of the present invention is to automatically carry out an audience measurement, thereby minimizing a user's troublesomeness. In addition, an object of the present invention is to reduce the user's troublesomeness, thereby acquiring a more correct response from the user, thereby increasing the reliability of measurement results. Furthermore, an object of the present invention is to provide an audience measurement method suitable for a mobile environment.

[7] In order to accomplish the forgoing object, according to the present invention there is provided a method of measuring audience ratings for at least more than one service and content in a terminal. The measurement method may include receiving a campaign invitation message for an audience measurement campaign from a server. The campaign invitation message may include at least more than one of information for the audience measurement campaign, information for the server, and information for an opt-in rate of the audience measurement campaign. The method may further include authenticating the information for the server in the campaign invitation message. The method may further include determining whether to participate using the information for the opt-in rate of the audience measurement campaign in the campaign invitation message. The method may further include transmitting a panel opt-in request message to the server according to the determination result. The method may further include receiving a panel opt-in response message from the server.

[8] On the other hand, in order to accomplish the foregoing object, according to the present invention, there is provided a terminal for measuring audience ratings for at least more than one service and content. The terminal may include a receiver configured to receive a campaign invitation message for an audience measurement campaign from a server, wherein the campaign invitation message includes information for the audience measurement campaign, information for the server, and information for an opt-in rate of the audience measurement campaign; a processor configured to authenticate the information for the server in the campaign invitation message, and determine whether to participate using the information for the opt-in rate of the audience measurement campaign in the campaign invitation message; and a transmitter configured to transmit a campaign opt-in request message to the server according to the determination result.

[9] The campaign invitation message may be received via a service guide on a broadcast channel or received via a service guide on a unicast channel.

[10] When receiving the panel opt-in response message, it may be possible to acquire configuration information for the audience measurement.

[11] The configuration information may include information for the start and end of the audience measurement, information for an object to be monitored by the terminal, and

information for a report of the audience measurement result.

[12] The terminal may transmit an audience measurement report to the server using the information for a report of the audience measurement result.

[13] The determination step may include generating an arbitrary value if there is an opt-in rate of the audience measurement campaign in the campaign invitation message; and comparing the generated arbitrary value with a value in the opt-in rate information. At this time, opt-in is determined if the generated arbitrary value is less than or equal to the value in the opt-in rate information.

[14] The information for the audience measurement campaign may further include at least more than one of a first element indicating an identifier of the audience measurement campaign, a second element indicating a start time of the audience measurement, and a third element indicating an end time of the audience measurement, and information for the user's consent.

[15] The method may further include checking whether or not there is a second element indicating a start time of the audience measurement in the campaign invitation message; and checking whether or not the current time has passed the start time of the audience measurement indicated in the second element.

[16] In case where the panel opt-in request message includes information indicating opt-in refusal, the panel opt-in response message may include an element in which the end time of the campaign is set to the past.

[17] The user's consent related information may include at least more than one of information indicating whether or not the user's consent is required, a name of the audience measurement campaign, and description information for the audience measurement campaign.

[18] The opt-in rate information of the audience measurement campaign may be a randomSelector element.

[19] On the other hand, in order to accomplish the foregoing object, according to the present invention, there is provided a method of measuring audience ratings for at least more than one service and content in a terminal, the method comprising: receiving, by a terminal having participating a campaign for audience measurement, a campaign participation response message from a server, wherein the participation response message includes a configuration data for the audience measurement, the configuration data includes at least one of a first element specifying an identification of the campaign for the audience measurement, a second element specifying a start time of the campaign and a third element specifying an end time of the campaign; comparing, by the terminal, the end time specified in the third element with a current time in response to the reception of the campaign participation response message; reporting, by the terminal, measurement data stored therein to the server if the end time is past; and

stopping, by the terminal, participating the campaign for the audience measuremet after the report.

[20] The method may further comprise deleting the stored measurement data of the campaign indicated by the campaign participation response message. The method may further comprise transmitting, a campaign participation request message before receiving the campaign participation response message.

[21] The campaign participation request message may include an element related to consent of a user, and the element includes a value indicating a reject by the user. The method may further comprises receiving, from the server, a campaign invitation message before transmitting the campaign participation request message. The campaign invitation message may include an element indicating whether a consent from a user is required or not.

[22] The comparing may include comparing the identification specified in the first element with an identification for currently participating the campaign; and comparing, the end time specified in the third element with the current time if the identifications are matched each other.

[23] On the other hand, in order to accomplish the foregoing object, according to the present invention, there is provided a method of measuring audience ratings for at least more than one service and content, the method comprising: transmitting a campaign invitation message to a terminal having participating a campaign for audience measurement, wherein the campaign invitation message includes at least one of a first element specifying an identification of the campaign for the audience measurement, a second element specifying whether a consent of a user is required or not; receiving, from the terminal, a campaign participation request message including a third element specifying an identification of the campaign for the audience measurement, wherein the identification of the third element is matched with the identification of the second element; transmitting, to the terminal, a campaign participation response message from a server, wherein the campaign participation response message includes a configuration data for the audience measurement, the configuration data includes at least one of a fourth element specifying the identification of the campaign for the audience measurement, a fifth element specifying a start time of the campaign and a third element specifying a value indicating an end time of the campaign, wherein the end time is set to past; and receiving, from the terminal, measurement data after transmitting the campaign participation response message.

[24] On the other hand, in order to accomplish the foregoing object, according to the present invention, there is provided a terminal for measuring audience ratings for at least more than one service and content, the terminal comprising: a transceiver for receiving a campaign participation response message from a server, wherein the par-

ticipation response message includes a configuration data for the audience measurement, the configuration data includes at least one of a first element specifying an identification of the campaign for the audience measurement, a second element specifying a start time of the campaign and a third element specifying an end time of the campaign; and a processor for comparing the end time specified in the third element with a current time, reporting measurement data stored therein to the server if the end time is past and stopping participating the campaign for the audience measurement after the report.

[25] The present invention automatically carries out an audience measurement between a communication terminal and a system. Furthermore, the present invention automatically carries out an audience measurement, thereby minimizing a user's troublesomeness. In addition, the present invention reduces the user's troublesomeness, thereby acquiring a more correct response from the user to increase the reliability of survey results.

Brief Description of Drawings

[26] FIG. 1 is a configuration diagram illustrating an audience measurement system according to the present invention;

[27] FIG. 2 is a flow chart illustrating the whole concept of a method according to the present invention;

[28] FIG. 3 is a flow chart schematically illustrating the concept illustrated in FIG. 2;

[29] FIG. 4 illustrates the AM capability signaling process (S100) illustrated in FIG. 2;

[30] FIG. 5 is a flow chart schematically illustrating the AM panel invitation and opt-in process (S200) illustrated in FIG. 2;

[31] FIG. 6 is a flow chart schematically illustrating the AM configuration process (S300) illustrated in FIG. 2;

[32] FIG. 7 is a flow chart schematically illustrating the AM report process (S400) illustrated in FIG. 2; and

[33] FIG. 8 is a flow chart schematically illustrating the AM panel opt-out process (S500) illustrated in FIG. 2.

[34] FIG. 9 is another example of the AM panel opt-out process (S500) illustrated in FIG. 2.

Mode for the Invention

[35] It should be noted that technological terms used herein are merely used to describe a specific embodiment, but not to limit the present invention. Also, unless particularly defined otherwise, technological terms used herein should be construed as a meaning that is generally understood by those having ordinary skill in the art to which the invention pertains, and should not be construed too broadly or too narrowly. Fur-

thermore, if technological terms used herein are wrong terms unable to correctly express the spirit of the invention, then they should be replaced by technological terms that are properly understood by those skilled in the art. In addition, general terms used in this invention should be construed based on the definition of dictionary, or the context, and should not be construed too broadly or too narrowly.

[36] Incidentally, unless clearly used otherwise, expressions in the singular number include a plural meaning. In this application, the terms "comprising" and "including" should not be construed to necessarily include all of the elements or steps disclosed herein, and should be construed not to include some of the elements or steps thereof, or should be construed to further include additional elements or steps.

[37] The terms used herein including an ordinal number such as first, second, etc. can be used to describe various elements, but the elements should not be limited by those terms. The terms are used merely to distinguish an element from the other element. For example, a first element may be named to a second element, and similarly, a second element may be named to a first element.

[38] In case where an element is "connected" or "linked" to the other element, it may be directly connected or linked to the other element, but another element may be existed therebetween. On the contrary, in case where an element is "directly connected" or "directly linked" to another element, it should be understood that any other element is not existed therebetween.

[39] Hereinafter, preferred embodiments of the present invention will be described in detail with reference to the accompanying drawings, and the same or similar elements are designated with the same numeral references regardless of the numerals in the drawings and their redundant description will be omitted. In describing the present invention, moreover, the detailed description will be omitted when a specific description for publicly known technologies to which the invention pertains is judged to obscure the gist of the present invention. Also, it should be noted that the accompanying drawings are merely illustrated to easily explain the spirit of the invention, and therefore, they should not be construed to limit the spirit of the invention by the accompanying drawings. The spirit of the invention should be construed as being extended even to all changes, equivalents, and substitutes other than the accompanying drawings.

[40] Hereinafter, the terms used in this specification will be briefly defined prior to describing an embodiment of the present invention.

[41] Broadcast Service: A service capable of distributing contents to a lot of receiving terminals without being required to know who those terminals are. Such broadcast services may include, for example, mobile TV, mobile newspaper, and mobile file download (game, software upgrade).

[42] Broadcast Channel: A logical channel for providing broadcast transmission, which is useful for a broadcast enabler to distribute data to a terminal in a broadcast/multicast manner.

[43] Typically, a broadcast channel supports high transmission rate, which is used for a downlink transmission. Such a broadcast channel is useful to transmit information to all or many terminals as a target.

[44] Interaction Channel: A logical channel for a terminal to interact with a broadcast service in a point-to-point communication.

[45] Broadcast Distribution System (BDS): Refers to a system capable of concurrently transmitting the same IP flow to many terminals. The BDS typically utilizes a technology for effectively using radio resources. The BDS includes a broadcast/ multicast network function at a lower level of the IP layer and an additional service distribution/application function at an upper level of the IP layer.

[46] Audience Measurement: The audience measurement is a method for measuring usage statistics related to the consumption of broadcast contents and services.

[47] Audience Measurement Campaign: Refers to an audience measurement session generated by AM-M, which is carried out for a specific period of time for a specific user group. In the present invention, it is assumed that an audience measurement campaign ID is globally unique.

[48] BCAST notification Message (Notification message): A function for transferring a one-way message from a broadcast server to a terminal. Typically, it is transferred in the form of broadcast via a BDS but it may be also transferred over an interactive channel in case of special circumstances. An address of the BCAST notification message may be included on a SGDD (XML document used for signalling information of a service guide). Hereinafter, both a BCAST notification message and a Notification message included in the SGDD may be used with the same meaning.

[49] Hereinafter, the term "terminal" is used, but the terminal may be also called user equipment (UE), mobile equipment (MS), and a mobile station (MS). Furthermore, the terminal may be portable equipment such as a portable phone, a PDA, a smart phone, and a notebook, or non-portable equipment such as a PC, and a vehicle-loaded device.

[50] FIG. 1 is a configuration diagram illustrating an audience measurement system according to the present invention.

[51] Referring to FIG. 1, an audience measurement system according to the present invention may be on the basis of a broadcast (BCAST) architecture.

[52] The illustrated terminal 100 as user equipment receives broadcast services related information such as broadcast contents, service guides, and content protection information. The user equipment may support an interactive channel. The terminal 100 may include a BCAST AM client (hereinafter, briefly referred to as "AM client" or

"AM-C") 101. The BCAST AM client performs a role of notifying the user's panel opt-in/opt-out for a specific audience measurement campaign to a BCAST AM management unit, applying configuration information received form the BCAST AM management unit thereto, and preparing an audience measurement report to transfer to the BCAST AM management unit.

[53] The audience measurement system may include a BCAST service application unit 210, a BCAST service distribution/adaptation unit 220, a BCAST subscription management unit 230, and a BDS service distribution/adaptation unit 240.

[54] The BCAST service application unit 210 is an entity corresponding to an application unit of the broadcast service such as an audio/video streaming or movie file download. The BCAST service application unit 210 receives broadcast data from the content provider 400, encodes the data in a suitable form of broadcast, and supplies BCAST service attributes to the BCAST service distribution/adaptation unit 220 and the BCAST subscription management unit 230. Furthermore, the BCAST service application unit 210 can manage service charge information. The BCAST service application unit 210 may include a BCAST AM application unit. The BCAST AM application unit (referred to as "AM-application" or "AM-A") 211 provides a UI for manipulating a component for audience measurement (AM) or provides a function for analyzing the audience measurement result.

[55] The BCAST service distribution/adaptation unit 220 is an entity in charge of combining BCAST services with a BDS. The BCAST service distribution/adaptation unit 220 carries out functions such as distribution of files/streams, combination of services, protection of services/contents, generation and transfer of service guides, and transfer of notification messages to be combined with a BDS. The BCAST service distribution/adaptation unit 220 may include a BCAST AM distribution unit. If a message sent from a BCAST AM management unit to a BCAST AM client is received, then the BCAST AM distribution unit (hereinafter, referred to as "AM distribution unit" or "AM-D") 221 performs a role of transferring the message via a broadcast network.

[56] The BCAST subscription management unit 230 is an entity for performing a service provisioning such as subscription and payment, a transfer of information required for receiving BCAST services, and a management of the terminal. The BCAST subscription management unit 230 provides an interaction function of the BCAST service distribution/adaptation unit 220 for a notification message, a service protection management, a contents protection management, a service guide generation support, a terminal provisioning, a communication/subscription information management with the terminal. In addition, the BCAST subscription management unit 230 may also transfer user's payment information to the BCAST service application unit 210. The BCAST subscription management unit 230 may include a BCAST AM management

unit. The BCAST AM management unit (hereinafter, referred to as "AM management unit" or "AM-M") 231 can manage a panel participating in an audience measurement, generate configuration information, and collect an audience measurement report.

[57] The BDS service distribution/adaptation unit 240 is an entity for transferring broadcast services including a file/stream distribution and a service guide distribution to a BDS. Furthermore, the BDS service distribution/adaptation unit 240 may further carry out functions such as decryption key distribution, broadcast subscription management, and account management. The BDS service distribution/adaptation unit 240 is linked with an interaction network 320 to process a service discovery, a restricted service protection to a BDS, and other interaction functions. In addition, it is linked with a broadcast network 310 to transfer contents to the terminal 100.

[58] On the other hand, the illustrated broadcast network 310 provides a content transfer function using a broadcast channel. The broadcast network 310 may accompany a radio network, which is similar to or different from a network used in an interactive channel.

[59] The interaction network 320 provides an interactive channel. The interaction network 320 may accompany a radio network, which is similar to or different from a network used in a broadcast channel.

[60] The content provider 400 is an entity for providing contents, and examples of the contents may be data such as movies, music discs, news texts, and the like. The content provider may provide a transfer paradigm (for example, streaming server), or basic material for the content description.

[61] Hereinafter, an interface between the foregoing constituent elements will be described.

[62] A BCAST-1 interface is used to transfer contents, content attributes, and notification messages. A BCAST-2 interface is used to transfer BCAST service attributes and content attributes belong to a program, such as contents-non-protection BCAST service, description, and genre. A BCAST-3 interface is used to transfer BCAST service attributes and content attributes belong to a service provision, such as user profile, and location information. A BCAST-4 interface is used to transfer notification messages, service guides, fragments (related to provision, purchase, and subscription), long-term key messages, short-term key messages, terminal-providing objects, terminal providing messages, and terminal management messages.

[63] A BDS-1 interface is used to transfer non-protective or protective BCAST services, contents non-protection BCAST services, BCAST service attributes and content attributes, BCAST services/contents, notification messages, notification priorities, service guides, and the like. A BDS-2 interface is used to transfer service provision, subscription information, device management, and security data.

[64] An X-1 interface is an interface between a BDS service distribution/adaptation unit and a BDS. An X-2 interface is an interface between a BDS service distribution/ adaptation unit and an interaction network. An X-3 interface is an interface between a BDS and a terminal. An X-4 interface is an interface between a BDS service distribution/adaptation unit and a terminal. An X-5 interface is an interface through an interaction channel between a BDS service distribution/adaptation unit and a terminal. An X-6 interface is an interface through an interaction channel between an interaction network and a terminal.

[65] An AM-3 interface is an interface between an AM-A and an AM-M, including an AM-3-1 and an AM-3-2 according to the direction thereof. An AM-4 interface is an interface between an AM-M and an AM-D, including an AM-4-1 and an AM-4-2 according to the direction thereof. An AM-5 interface is a wired/wireless interface through a broadcast network between an AM-D and an AM-C. An AM-7 interface is a wired/wireless interface through an interaction network between an AM-C and an AM-M, including an AM-7-1 and an AM-7-2 according to the direction thereof.

[66] FIG. 2 is a flow chart illustrating the whole concept of a method according to the present invention.

[67] Referring to FIG. 2, the present invention may be roughly classified into five transactions such as an AM capability signaling process (S100), an AM panel invitation and opt-in process (S200), an AM configuration process (S300), an AM report process (S400), and an AM panel opt-out process (S500).

[68] The AM capability signaling process (S100) is a transaction for allowing the AM-C 101 to notify its own capability of performing audience measurement to the AM-M 231, which can be selectively carried out. An AM-M between the AM capability signaling process (S100) and the AM panel invitation and opt-in process (S200) can generate an audience measurement campaign.

[69] The AM panel invitation and opt-in process (S200) is a process for allowing the AM-M 231 to invite the AM-C 101 (a terminal, a broadcast service user, or user in a specific terminal), and allowing the AM-C 101 to request a panel registration to the AM-M 231 according to the invitation.

[70] The AM configuration process (S300) is a process for allowing the AM-M 231 to send AM configuration data (initially transmit or update AM configuration information) to the AM-C 101. The AM configuration information may include information such as when and how audience measurement will be carried out for a specific audience measurement campaign, and how the audience measurement will be reported, and the like. The process may be omitted in case where a participation response message (for instance, opt-in response message) including audience measurement configuration information has been transferred in the AM panel invitation

and opt-in process and updating of the AM configuration information is not required.

[71] The AM report process (S400) is a process for allowing the AM-C 101 to prepare audience measurement data, which has been prepared according to the AM configuration information, as a report and transmitting to the AM-M 231.

[72] The AM panel opt-out process (S500) is a process for opting out a panel participating in a specific audience measurement campaign.

[73] A subject to be the panel may be a terminal, a user, or a user in a specific terminal. In order to allow the terminal to be a subject, an audience measurement context can be stored and managed in the terminal. Otherwise, in order to allow the user to be a subject, the audience measurement context can be stored and managed in a memory device such as a SIM or the like. Otherwise, in order to allow the user in a specific terminal to be a subject, the audience measurement context can be stored and managed for each user in the terminal.

[74] FIG. 3 is a flow chart schematically illustrating the concept illustrated in FIG. 2.

[75] Selectively, the AM-C 101 is registered in the AM-M 231 to transmit information for its own execution capability. Through this process, the AM-M 231 configures a pool of the candidate panel for a later audience measurement campaign (S100).

[76] The AM-M 231 generates an audience measurement campaign.

[77] The AM-M 231 invites the AM-C 101 to a panel of the audience measurement campaign. The AM-C 101 transmits a participation message for the audience measurement campaign to the AM-M 231 according to the user's consent (S200).

[78] The AM-M 231 generates configuration information, and transfers the generated configuration information to the AM-C 101 through a broadcast bearer of the AM-D 221 (S300). At this time, the configuration information may be directly transferred through a point-to-point communication method (for instance, SMS, MMS, and Http) between the AM-M 231 and the AM-C 101.

[79] The AM-C 101 carries out audience measurement according to the configuration information.

[80] The AM-M 231 generates a message for requesting the transmission of a report for the audience measurement, and transfers the message to the AM-C 101 through a broadcast bearer over the AM-D 221. Alternatively, the message may be directly transmitted to the AM-C 101 in a point-to-point communication method. In response to receiving the message, or in accordance with the configuration information, the AM-C 101 transmits the audience measurement report to the AM-M 231 (S400).

[81] The AM-A 211 may receive, inquire and analyze the audience measurement from the AM-M 231. The details of a mechanism for the reception, inquiry, and analysis between the AM-A and the AM-M will be apparent to those ordinarily skilled in the art from this specification, and therefore, it will not be described in detail.

[82] FIG. 4 illustrates an AM capability signaling process (S100) illustrated in FIG. 2.

[83] Referring to FIG. 4, the AM capability signaling process (S100) may include a registration request step and a registration response step.

[84] First, in the registration request step, the AM-C 101 transmits a registration request message, for instance, Registration Request message (S110). The registration request message may include terminal_id, terminal_profile, and AM_profile. In addition, the registration request message may further include user_id and user_profile.

[85] The terminal_id denotes an ID of the terminal, and internally includes a type indicating 3GPP, 3GPP2, DVB-H, and the like and a value of terminal ID. The terminal_profile denotes an AM-related attribute owned by the terminal, and internally may include supported_versioin indicating an audience measurement protocol version supported by the terminal, sec_algorithm indicating a security algorithm supported by the terminal, network_type indicating a supported broadcast network, screen_resolution indicating a supported screen resolution, and screen_size indicating a supported screen size.

[86] The AM_profile can designate a terminal-centric solution or smartcard-centric solution. The AM-C is located in a terminal in case of the terminal-centric solution, and the AM-C is located in a smartcard in case of the smartcard-centric solution.

[87] The user_id denotes an ID of terminal user, and internally may include a type indicating IMSI, URI, IMPI, MSISDN < MIN, and the like, and a value of user ID. The user_profile is information for explaining the user, and internally may include age, sex, occupation, academic background, address, and the like. The registration request message including the user information may be transmitted through a channel encrypted for personal information protection, for instance, HTTPS.

[88] Next, in the registration response step, the AM-M 231 prepares and transmits a registration response message, for instance, Registration Response message in response to the registration request message (S120). The registration response message may include at least a success or failure of the processing.

[89] Furthermore, the AM-M 231 can generate a database of the terminal or user on the basis of the registration request message. The generated database may be used for the statistical purpose of selecting a suitable terminal or user as a panel when the AM-M 231 performs the AM panel invitation process afterward, or may be used to select the object terminal or user to be transmitted when a panel invitation trigger message is to be transmitted through an interaction channel.

[90] FIG. 5 is a flow chart schematically illustrating the AM panel invitation and opt-in process (S200) illustrated in FIG. 2.

[91] The panel invitation illustrated in FIG. 5 means a process in which the AM-M 231 sends a message in order to allow a specific or plurality of AM-C(s) 101 to participate

in a specific audience measurement campaign. In addition, the opt-in means a process in which the AM-C 101 sends a message to the AM-M 231 and receives a response in order to participate in a specific audience measurement campaign.

[92] Referring to FIG. 5, there are illustrated a panel invitation process (S210) and a panel opt-in process (S220).

[93] 1) The AM-M 231 can transmit a panel invitation notification message (for instance, Panel Invitation Notification), or audience measurement campaign invitation message to the AM-C 101 through the AM-D 221, namely, broadcast network, so that a user or terminal of the broadcast service may participate as a panel of the audience measurement (S211). The panel invitation notification message or audience measurement campaign invitation message may be used to filter out and select only some of all the broadcast receiving terminals.

[94] Alternatively, the AM-M 231 can transmit a panel invitation trigger message (for instance, Panel Invitation Trigger message) or audience measurement campaign invitation message (for instance, Audience Measurement Campaign Invitation message) through an interactive network (S212). The panel invitation trigger message or audience measurement campaign invitation message may be used to inform that a candidate is chosen as a chosen terminal after the candidate of the panel has been previously chosen by the server, and may be transferred through WAP-Push, SMS, MMS, and Http, for example.

[95] Alternatively, the AM-M 231 can transmit a service guide (SG) for panel invitation. The service guide will be described later.

[96] 2) If the panel invitation notification message, audience measurement campaign invitation message, panel invitation trigger message, or audience measurement campaign invitation message is received, then the AM-C 101 processes the message as follows.

[97] First, the AM-C 101 verifies or authenticates information on the server included in the panel invitation notification message or audience measurement campaign invitation message. For example, the AM-C 101 verifies whether or not a URL of the server for performing audience measurement is correct using ServerAddressURL included in the panel invitation notification message or audience measurement campaign invitation message.

[98] Then, the AM-C 101 checks whether or not there is information on a start time of the campaign in the panel invitation notification message, panel invitation trigger message, or audience measurement campaign invitation message. If there is information on a start time of the campaign, then the AM-C 101, then the AM-C 101 checks whether or not the current time passes the start time. If the current time passed the start time, then the AM-C 101 internally refuses the audience measurement campaign invitation (ignores the message.)

[99] Then, the AM-C 101 determines whether or not a terminal or user of the terminal can be a panel using a filter (PanelFilter, samplePercentage) in the notification message, and displays the content included in the notification message on the display unit to ask for the user's consent.

[100] If the panel invitation trigger message or audience measurement campaign invitation message is received, then the AM-C 101 displays the content included in the trigger to inform the user, and obtains the user's consent.

[101] If a service guide (including a service fragment in which the service type of the service guide is "audience measurement" and its associated SG fragment) for the panel invitation is received, then the AM-C 101 checks whether or not the AM-C 101 itself can be a panel from a parameter included in the service guide to ask for the user's consent.

[102] At this time, if it is checked that a subscription is required to participate in the audience measurement campaign by the service guide, then the AM-C 101 asks for the user's consent, and then transmits a subscription request message defined in the OMA BCAST 1.0 to the AM-M. The AM-M 231 checks the legitimacy of the subscription request message, and then generates a subscription response message including at least a success of failure of the processing, and then transfers the generated message to the AM-C 101. The subscription response message may further include a long-term key message (LTKM) including a service encryption key (SEK) if an encryption is required for personal information protection between AM-C and AM-M. At this time, the SEK may be used to encrypt a specific portion of the message defined by the present invention.

[103] If the AM-C 101 asks for the user's consent according to one of the three types, then a panel participation request message (for instance, Panel Opt-in Request message) or audience measurement campaign participation request message (for instance, Audience Measurement Campaign Participation Request message) is generated and transmitted to the AM-M 231, thereby allowing the terminal or user to be registered as a panel for the AM-M 231 (S221). The panel participation request message or audience measurement campaign participation request message can be referred as a Audience Measurement Request message. The panel participation request message or audience measurement campaign participation request message will be described later.

[104] If the panel participation request message or audience measurement campaign participation request message is received, then the AM-M 231 processes the message as follows.

[105] In an audience measurement campaign corresponding to the campaign ID of the request message, it is checked that a terminal ID or user ID or a pair of the terminal ID and user ID has not been subscribed yet.

[106] According to the check result, the AM-M 231 generates a panel participation response message (for instance, Panel Opt-in Response message) or audience measurement campaign participation response message (for instance, Audience Measurement Campaign Participation Response message) including a success or failure of the processing to the AM-C 101 (S222). At this time, the AM-M 231 may include AM configuration data in the response message. At this time, if the user's consent is refusal, then a CampaignStartTime element in which the start time of the campaign is set to the past can be inserted into the panel participation response message or audience measurement campaign participation response message.

[107] On the other hand, if the processing result in the response message is "Success" after the AM-C 101 receives the response message, then an audience measurement context including a campaign ID, an ID (AM-M_ID) of the AM-M 231, and the AM-M 231 URL will be generated. At this time, if a time indicated in a CampaignEndTime (campaign end time) at a lower level of the AMConfiguration Container element within the panel participation response message or audience measurement campaign participation response message is the past compared to the current time of the AM-C 101, then the AM-C 101 does not proceed into the following procedure. However, if the processing result is an error, then the content of the error is displayed for the user, thereby finishing the transaction. At this time, the AM-C 101 deletes the audience measurement context of the campaign, and regards the panel qualification for the campaign as being lost, and suspends the audience measurement of the campaign.

[108] On the other hand, the panel invitation notification message, the panel invitation trigger message, and the service guide will be described below.

[109] Panel Invitation Notification Message

[110] The panel invitation notification message can be transmitted through a notification message of the BCAST or other messages performing the same function. The notification message typically transferred through a broadcast network, but may be transferred through an interaction network in case of special circumstances.

[111] Hereinafter, the examples of an XML schema illustrating a structure of the panel invitation notification message will be described.

[112] The AM panel invitation element includes a panel element. If a value of the panel element is "0" (i.e., in case where the unit of panel is a user), then audience measurement data will be recorded for each user, and a report to be transferred to the AM-M 231 will be also prepared for each user. On the contrary, if a value of the panel element is "1" (i.e., in case where the unit of panel is a terminal), then audience measurement data will have all events that have been occurred in a terminal. On the other hand, if a value of the panel element is "2" (i.e., in case where the unit of panel is a specific user of a specific terminal), then events will be recorded for each user in the

terminal.

[113] The AMPanelInvitation element represents a condition for which a terminal or user receiving the panel invitation notification message becomes a panel or a benefit when the terminal or user has been a panel. The AMPanelInvitation element may include a panelType element, a termsOfCondition element, a PanelFilter element, a campaignID, a campaignName attribute, a campaignDescription attribute, a samplePercentage (or randomselector) attribute, and a requestURL attribute.

[114] The termsOfCondition element is expressed by a period of audience measurement participation, a legal basis, an advantage of participation, a privacy-related expression, and the like as a text string. The termsOfCondition element may be omitted, and in this case part of the content may be included in the campaignDescription. The PanelFilter describes the qualification of a panel, and may be configured with an "AND" condition for combining a location, TargetProfile, and FilterID. The location is expressed by a URI, and for example, the URI indicating "Gyeonggi-do in Korea" may be a value thereof. In the TargetProfile, the attribute of the user of terminal is expressed by a pair of name/value, and for example, it may be restricted by a male above the age of four if (name = 'gender', value = 'male') and (name= 'age', value= '4+'). The FilterID represents an ID known as a URI type in advance to express a filter. The TargetProfile may further include (name = 'onRoaming', value = 'false') to delete a user roaming another broadcast network from the panel candidates. The campaignID is an identifier for discerning an audience measurement campaign. In other words, several audience measurement campaigns may exist in one broadcast service.

[115] The samplePercentage (or randomselector) attribute is used to select only part of all the terminals that have received the notification message as a parameter for extracting any statistically meaningful samples. The samplePercentage (or randomselector) attribute has a value from "0" to "100" and it is interpreted as "100" if omitted.

[116] For an example of the samplePercentage (or randomselector) attribute, the AM-C 101 extracts any number from "0" to "100" if the samplePercentage (or random-selector) attribute exists in the audience measurement campaign invitation message, and compares the extracted value with a value of the samplePercentage (or random-selector) attribute, and then ignores and does not processes any more if the arbitrary value is greater. The requestURL represents an address for transmitting a panel participation request message. The AMPanelInvitation is added as a lower element of the Notification Message element to be transferred from the AM-D to the AM-C when a panel notification message is transferred through a broadcast notification message, or the panel notification message is added as a single lower element of the SGDD to be transferred from the AM-D to the AM-C.

[117] **Panel Invitation Trigger Message**

[118] The panel invitation trigger message is a message transferred from the AM-M 231 to the AM-C 101 of a specific terminal intended by the AM-M through an interactive network such as WAP-Push, SMS, MMS, and Http. In case where the panel invitation trigger message is transferred through a WAP-PUSH, the message is transferred to a specific user regardless of whether the terminal uses a SIM, and thus the unit of panel will be a user or a pair of the terminal and user that have received the message at present.

[119] The panel invitation trigger message may be configured as illustrated in Table 1 as follows.

[120] Table 1

[Table 1]

Name	Description
campaignID	Identifier of an audience measurement campaign
campaignStartTime	Time at which the measurement is started. This parameter may be used for the purpose of previous filtering. For example, duplication of an audience measurement campaign over the time is prevented.
campaignEndTime	Time at which the measurement is completed. This parameter may be used for the purpose of previous filtering. For example, duplication of an audience measurement campaign over the time is prevented.
CampaignName	Name of an audience measurement campaign
CampaignDescription	Description of an audience measurement campaign
UserConsentRequired	Denotes whether the user's consent is required at the time of campaign participation
PanelType	0: user unit, 1: terminal unit, 2: user & terminal unit
ServerAddressURL	URL of an audience measurement server
AdditionalInfoAddressURL	URL of a device having additional information associated with the campaign
PanelFilter	Panel filtering rules
samplePercentage	Sampling rate for filtering a panel of the audience measurement

[121] **Audience Measurement Campaign Invitation Message**

[122] The audience measurement campaign invitation message is a message transmitted

from a server to a terminal in order to invite the terminal into an audience measurement campaign. The message may be also used to trigger a process for reconfigure the existing campaign. The audience measurement campaign invitation message may be transmitted through an SMS, service guide or HTTP. The Audience Measurement Cmpaign Invitation message can be referred as an Audience Measurement Trigger message.

[123] Table 2

[Table 2]

[Table]

Name	Description
AudienceMeasurementCampaignInvitation	Includes following attributes.- campaignID, campaignStartTime, campaignEndTimeIncludes following elements. - UserConsentInformation, ServerAddressURL, AdditionalInfoAddressURL
campaignID	Identifier of an audience measurement campaign
campaignStartTime	Expected time at which the measurement is to be started. This parameter may be used for the purpose of previous filtering. For example, it is used to filter out duplicated campaigns if a terminal cannot concurrently support several campaigns.
campaignEndTime	Expected time at which the measurement is to be completed. This parameter may be used for the purpose of previous filtering. For example, it is used to filter out duplicated campaigns if a terminal cannot concurrently support several campaigns.
UserConsentInformation	User's consent information is required to participate in a campaign.Includes following attributes. - consentRequired, Includes following elements.- CampaignName, CampaignDescription
consentRequired	Terminal can silently perform participation if user's consent required for campaign participation is set to False. User's consent should be obtained if it is set to True.
CampaignName	Name of an audience measurement campaign
CampaignDescription	Description of an audience measurement campaign. Information displayed for user. Includes the ground of change in case of reconfiguring a campaign.
ServerAddressURL	URL of a server to which an audience measurement campaign request message is sent.

	Terminal verifies or authenticates the URL.
AdditionalInfoAddressURL	**URL for additional information associated with the campaign**

[124] **Service Guide for Panel Invitation**

[125] The elements/attributes added or changed for a service fragment of the service guide for panel invitation are illustrated in Table 3 as follows.

[126] Table 3

[Table 3]

[Table]

Name	Description
samplingRatio	If a value of Service Type parameter is "11" (audience measurement), the samplingRatio parameter is used for the purpose of allowing the AM-M 231 to select a constant percent of samples as a panel among terminals satisfying both TargetUserProfile and/or BroadcastArea. The samplingRatio parameter has a value from "0" to "100".
ServiceType	Denotes the type of a service. Denotes an audience measurement if a value of ServiceType parameter is "11".
Name	Name parameter has the name of a specific audience measurement campaign if a value of ServiceType parameter is "11" (audience measurement).
Description	Description parameter has the description of a specific audience measurement campaign if a value of ServiceType parameter is "11" (audience measurement).
TargetUserProfile	TargetUserProfile parameter describes User Profile among the qualifications of a panel capable of participating in a specific audience measurement if a value of ServiceType parameter is "11" (audience measurement). The terminal verifies a qualification by comparing the TargetUserProfile parameter with User Profile stored in memory, or displays the guide content to the user of the terminal.
BroadcastArea	BroadcastArea parameter describes a broadcast area to which the terminal belongs among the qualifications of a panel capable of participating in a specific audience measurement if a value of ServiceType parameter is "11" (audience mea-

	surement). The terminal verifies a qualification by checking a broadcast network or Geo-location (using GPS, OMA SUPL, etc.) to which the terminal belongs if there exists BroadcastArea parameter.
TermsOfUse	**TermsOfUse parameter represents Terms-of-Use for a specific audience measurement campaign if a value of ServiceType parameter is "11" (audience measurement).**

[127] **Panel Invitation Request Message**

[128] The panel invitation request message may be configured as illustrated in Table 4 as follows.

[129] Table 4

[Table 4]

[Table]

Name	**Description**
campaignID	**ID of an audience measurement campaign**
requestID	**ID of a specific audience measurement campaign participation request message**
userRefusal	**Set to True if the user refuses to participate in the campaign.**
UserID	**User ID**
type	**Type of user ID (username defined in 0-RFC2865, 1-IMSI, 2-URI, 3-IMPI, 4-MSISPN, 5-MIN)**
DeviceID	**Terminal ID (0: IMEI, 1: MEID)**
Type	**Type of terminal ID**
BSMID	**ID of AM-M**

[130]

[131] **Audience Measurement Campaign Participation Request Message**

[132] The audience measurement campaign participation request message may be configured as illustrated in Table 5 as follows. The audience measurement campaign participation request message can be referred as Audience Measurement Request Message.

[133] Table 5

[Table 5]

[Table]

Name	Description
AudienceMeasurementCampaignParticipationRequest	Includes following attributes.- campaignID, requestID, userConsentIncludes following elements.- UserID, DeviceID
campaignID	Identifier of an audience measurement campaign Matches to campaignID of the audience measurement campaign participation request message
requestID	Identifier of an audience measurement campaign participation request message
userConsent	Set to True if the user agrees to participate in the campaign.Set to False, or this element may be omitted if the user refuses to participate in the campaign
UserID	Identifier of the user known to BSM. Includes following types.
type	User name according to 0 -[RFC 2865], 1: IMSI, 2: URI, 3: IMPI, 4: MSISDN, 5: MIN, 6-127: reserved
DeviceID	Unique device identifier known to BSM. Includes following types.
type	0: reserved, 1: IMEI [3GPP TS 23.003], 2: MEID [3GPP2 C.S0072], 3-127: reserved

[134] **Panel Participation Response Message**

[135] Table 6

[Table 6]

[Table]

Name	Description
AudienceMeasurementCampaignParticipationResponse	**Audience measurement campaign response message**
campaignID	**ID of an audience measurement campaign (may be omitted if synchronized protocol is used such as HTTP)**
BSMID	**ID of AM-M (may be omitted if synchronized protocol is used such as HTTP)**
requestID	**ID of an audience measurement campaign request message**
GlobalStatusCode	**Processing result of the request message (0: success, 1: error)**
AMConfigurationContainer	**Container of configuration information**

[136] The panel participation response message may include requestID, campaignID, and processing result, and may further include AM configuration container, and BSMID. The requestID is an ID of the corresponding participation request message, and BSMID is an ID of BSM to which AM-M component belongs. The processing result is expressed by success or error, and the description for the error along with an error code will be included in case of an error. The AM configuration information container may include audience measurement configuration information (AMConfigurationData which will be described later), or may include session information (ip address, port, session id, TOI, etc.) or URL.

[137] **Audience Measurement Campaign Participation Response Message**

[138] The Audience Measurement Campaign Participation Response Message can be referred as the Audience Measurement Response message.

[139] Table 7

[Table 7]

[Table]

Name	Description
AudienceMeasurementCampaignParticipationResponse	**Includes following attributes.- requestID, globalStatusCodeIncludes following elements- ConfigurationData**
requestID	**Represents an identifier of the corresponding audience measurement campaign participation message**
globalStatusCode	**Status value representing the result of the request. Terminal regards that a campaign having userID has been finished if the value is not "000" (success).**
AudienceMeasurementConfigurationData	**Parameter for configuring a terminal for a campaign**

[140] The audience measurement campaign participation response message may include configuration information such as AudienceMeasurementConfigurationData. Therefore, it may be possible to omit the AM configuration process (S300) in FIG. 6.

[141] FIG. 6 is a flow chart schematically illustrating the AM configuration process (S300) illustrated in FIG. 2.

[142] Referring to FIG. 6, the AM configuration process (S300) may be implemented by any one of the steps of transmitting a configuration notification message (S310), transmitting configuration information through a service guide (S320), and performing a configuration information acquisition protocol (S330).

[143] Specifically, the process will be described as follows.

[144] 1) The AM-M 231 transfers a configuration information notification message including newly generated or changed configuration information, for instance, AM Configuration Notification message, to the AM-C 101 through the AM-D 221, namely, a broadcast network.

[145] If the notification information notification message is received, then the AM-C 101 checks whether or not the notification message is for its own sake using campaignID in the notification message (i.e., checks whether or not there is AM Context matched to campaignID), and then compares with a version of configuration information in the audience measurement context corresponding to AM_CMP_ID, and then acquires and updates, or newly generates configuration information, thereby finishing the process. The AM-C 101 tunes in the relevant FD session to acquire configuration information if the configuration information notification message refers to a file directory (FD)

session, and the AM-C 101 retrieves AM configuration data in the message to store in the audience measurement context if the AM configuration data exists in the notification message.

[146] 2) On the other hand, in the step of transmitting configuration information through a service guide (S320), the AM-C 101 checks whether or not the service guide is for its own sake using campaignID included in the content fragment, and then compares a version of configuration information in the service guide with a version of configuration information in the audience measurement context corresponding to the existing campaignID, and then tunes in a file delivery (FD) session through an access fragment indicated by the content fragment and acquires and updates, or newly generates configuration information if the version of configuration information in the service guide is higher. The configuration information in the FD session is transferred using ALC or FLUTE/ALC.

[147] 3) On the other hand, the step of performing a configuration information acquisition protocol (S330) will be described as follows.

[148] The AM-M 231 selectively transmits a configuration information trigger message, for instance, AM Configuration Trigger message, to the AM-C 101 through an interactive network to start an acquisition of configuration information.

[149] If the configuration information trigger message is received, then the AM-C 101 generates a configuration information request message, for instance, AM Configuration Request message, to transmit to the AM-M 231.

[150] Alternatively, even if the configuration information trigger message is not received, the AM-C 101 transmits a configuration information request message, for instance, AM Configuration Request message, to the AM-M 231 for the configuration information suitable for the terminal if the foregoing panel participation response message in FIG. 5 does not include an AM configuration container.

[151] If the configuration information request message is received, then the AM-M 231 checks campaignID in the configuration information request message to check whether or not the AM-C 101 is a panel of the audience measurement campaign corresponding to the campaignID. Then, if version information in the configuration information request message is included, then the AM-M 231 checks whether or not the AM-C 101 has the latest AM configuration already through the version comparison. If it has the latest version already by the check result, the AM-M 231 transmits an AM configuration response in which the processing result is "fail" and the error code is "latest version", thereby finishing the process.

[152] Subsequently, if there is no problem in processing the foregoing message, the AM-M 231 generates a configuration information response message, for instance, AM Configuration Response message in which the processing result is "Success" to transmit to

the AM-C 101. At this time, the configuration information response message may include configuration information (AM Configuration) corresponding to the AM_CMP_ID.

[153] If the configuration information response message is received, then the AM-C 101 checks the processing result in the configuration information response message. If the processing result is "Success", then the AM-C 101 compares a version of configuration information included in the configuration information response message with its own version and then updates or newly stores configuration information.

[154] Otherwise, if configuration information in the received configuration information response message notifies the completion of an audience measurement campaign (for example, the content of AM configuration may be vacant or the end time of AM campaign in the content of AM configuration may be displayed to be the past), then the AM-C 101 deletes the configuration information that has been stored therein and its associated audience measurement context, and regards the panel qualification for the campaign as being lost, and does not carry out the audience measurement of the campaign any longer.

[155] 4) If the AM-C 101 successfully receives the configuration information as one of the above three steps, then the AM-C 101 carries out an audience measurement as defined in the AM configuration (for example, recorded whenever Service/Content is started/ changed, the current action is recorded for each 10 seconds).

[156] **Configuration Information Notification Message**

[157] The configuration information notification message (AM Configuration Notification) may include an eventType attribute. The eventType attribute is set to "9", and it may include an AMConfigInfo element. The AMConfigInfo element may include CampaignID, version, AMConfContainer. The version element may include version information of the configuration information. The AMConfContainer may include a sessionInfo element, URL element, or AMConfiguration element. The sessionInfo element session information (IP address, port, TOI, etc.) for receiving the configuration information through a broadcast channel, and the URL element may include an address of the AM-M 231 for receiving the configuration information, and the AM-Configuration element may include an AM container in the form of a text string in the message.

[158] Hereinafter, the foregoing messages will be described in detail as follows.

[159] **Configuration Information Trigger Message**

[160] The configuration information trigger message (AM Configuration Trigger message) is a trigger message by which the AM-M 231 instructs the AM-C 101 to receive configuration information.

[161] The configuration information trigger message may include CampaignID, version in-

formation of the configuration information, and a URL of the AM-M, and may further include a value of MAC. The URL of the AM-M is an address capable of downloading configuration information.

[162] If the configuration information trigger message is received, then the AM-C 101 checks flawlessness through the verification of MAC if there exists the MAC of the message, and compares a version of configuration information in the audience measurement context corresponding to the CampaignID with a version in the configuration information trigger message.

[163] **Configuration Information Request Message**

[164] The configuration information request message (AM Configuration Request) may include RequestID, an ID of BSM, a terminal ID, a user ID, CampaignID, a version of the configuration information, and may further include a digital signature for the message. If the trigger message is not received, then the AM-C 101 is allowed not to include the nonce in the request message.

[165] **Configuration Information**

[166] The configuration information (AM configuration data) may be illustrated in Table 8 as follows.

[167] Table 8

[Table 8]

[Table]

Name	Description
version	Versioin of configuration information
CampaignInfo	Information for an audience measurement campaign
startTime	Start time of an audience measurement campaign
endTime	End time of an audience measurement campaign
CampaignID	ID of an audience measurement campaign
MeasurementInfo	Information for an audience measurement
startTime	Time for starting an audience measurement
WhatToMeasure	Target event of an audience measurement
ServiceConsumption	Viewing of a service that should be monitored by a terminal
ProgramConsumption	Viewing of a program that should be monitored by a terminal
Zapping	Zapping that should be monitored by a terminal (zapping: movement between services and programs)
Recording	Recording that should be monitored by a terminal
SignalStrength	Signal strength that should be monitored by a terminal
EncryptionKey	Encryption key used for encrypting an audience measurement report, for example, security or public key
ReportInfo	Policy for an audience measurement report
startTime	Start time of an audience measurement report
ServerAddressURL	URL of a server to which an audience measurement report should be transmitted
UserConsentRequired	User's consent is required or not for an audience measurement report (true/false)
Frequency	Period of time until a final report should be transmitted

DataThreshold	**Expressed as a data size limiting the size of a report, or the number of reporting events**
TriggeredReport	**Execution of reporting when the AM-C receives a transmission request notification message or report transmission request trigger message**

[168] FIG. 7 is a flow chart schematically illustrating the AM report process (S400) illustrated in FIG. 2.

[169] Referring to FIG. 7, the AM report process (S400) can be performed any one of the steps of transmitting a report transmission request notification message (S410), and performing a report transmission protocol (S420).

[170] Specifically, the process will be described as follows.

[171] 1) If the report time is indicated as when receiving a report request notification message, for instance, AM Report Notification message, or report request trigger message, for instance, AM Report Trigger message, in the configuration information (there exists a TriggeredReport element), then the AM-C 101 waits for receiving the report request notification message or report request trigger message. Furthermore, the AM-C 101 proceeds into the step 2) when a predetermined condition (report period, etc.) indicated by the configuration information and an audience measurement campaign is completed.

[172] After the AM-C 101 receives a report request notification message, for instance, AM Report Notification message, or report request trigger message, the AM-C 101 check whether the message is for itself by using the Campaign ID.

[173] If it is indicated that the user's confirmation is required in the messages (in case where a value of UserConsentRequired is "True", then the AM-C 101 obtains the user's consent.

[174] 2) Hereinafter, the AM-C 101 collects audience measurement data stored therein to generate a report transmission request message, and then transmits the generated message to a URL of the AM-M 231. At this time, in case where the notification message or the trigger message has requestURL, the requestURL will be a URL of the AM-M 231, otherwise the AM-M 231 URL in the audience measurement context will be a URL of the AM-M 231.

[175] 3) If the report transmission request message is received, then the AM-M 231 checks whether or not the AM-C 101 is a panel corresponding to campaignID. Subsequently, the AM-M 231 generates a report response message, for instance, AM Report Response message to transmit to the AM-C 101.

[176] 4) If the report response message is received, then the AM-C 101 checks the processing result in the report response message. If the processing result is "Success",

then the AM-C 101 deletes the result of the audience measurement. If the result is "Failure", then the AM-C 101 can proceeds into the step 2).

[177] 5) The AM-C 101 continues to collect audience measurement data, and proceeds into the step 1) again.

[178] Hereinafter, the foregoing messages will be described in detail as follows.

[179] **Report Transmission Request Notification Message**

[180] The report transmission request notification message has an AMReport element. The AMReport element may include a campaignID element and a requestURL element, and may further include BSMID. The requestURL attribute indicates an address of the AM-M for receiving a report transmission request message.

[181] **Report Transmission Request Trigger Message**

[182] The report transmission request trigger message may be illustrated in Table 9 as follows.

[183] Table 9

[Table 9]

[Table]

Name	Description
Audience Measurement-tReportTrigger	Includes following elements.-BSMID, DeviceID, CampaignID, ServerAddressURL
BSMID	Indentifier of BCAST AM-M known to BCAST AM-C
DeviceID	Unique identifier of a terminal known to BSM. Includes a Type attribute.
type	0: reserved, 1: IMEI [3GPP TS 23.003], 2: MEID [3GPP2 C.S0072]3-127: reserved
CampaignID	Identifier of an audience measurement campaign

[184] **Report Transmission Request Message**

[185] The report transmission request message may be illustrated in Table 10 as follows.

[186] Table 10

[Table 10]

[Table]

Name	Description
campaignID	ID of an audience measurement campaign
requestID	ID of a report transmission request message
UserID	User ID
Type	Type of user ID
DeviceID	Terminal ID
Type	Type of terminal ID
AudienceMeasurementReport	aAudience measurement report
ServiceConsumptionMeasuremntEvent	Service consumption measurement event
startTime	Start time of viewing
endTime	End time of service
serviceID	Service ID
ContentID	Content ID
RecordingConsumptionMeasurementEvent	Recording consumption measurement event
recordingStartTime	Start time of recording
recordingEndTime	End time of recording
startTime	Start time of viewing
endTime	End time of viewing
serviceID	ID of viewed service
ContentID	Viewed content ID
InteractiveConsumptionMeasurementEvent	Interactive consumption measurement event
startTime	Start time of viewing
endTime	End time of viewing
serviceID	ID of viewed service
ContentID	Viewed content ID

[187] **Audience Measurement Campaign Report Transfer Message**

[188] The audience measurement campaign report transfer message may be illustrated in Table 11 as follows.

[189] Table 11

[Table 11]

[Table]

Name	Description
AudienceMeasurementReportDelivery	Includes campaignID and requestID attributes. Includes UserID, DeviceID, ServiceConsumption-MeasurementEvent, RecordingConsumptionMeasurementEvent, ProprietaryMeasurementEvent elements.
campaignID	Identifer of an audience measurement campaign
requestID	Identifer of an audience measurement report transmission message
UserID	User ID known to BSM
DeviceID	Unique device identifier known to BSM
version	Version of the current configuration information
ServiceConsumptionMeasuremntEvent	Includes a globalServiceIDRef attribute.Includes GlobalContentIDRef, Start, and End elements.
globalServiceIDRef	ID of consumed service. This ID is a global service ID.
GlobalContentIDRef	ID of consumed content. This ID is a global content ID.
Start	Information for consumption startIncludes Time, Location elements.
time	Time at which consumption is started
Location	Location at which consumption is startedIncludes Point, Cell elements.
Point	Coordinate of the position at which consumption is started
Cell	Target region to which contents are distributed Includes a Type attribute and a CellArea element.
CellArea	Transmission region for each BDS Includes a Value attribute and a PP2CellID element.
value	Value of a cell ID
PP2CellID	If type = 6, then this value is Sector_ID.If type = 7, 8,

	9 or 10, then this value is BASE ID.
End	Information for the completion of consumption Includes a Time attribute and a Location element.
time	Time at which consumption is completed
Location	Location at which consumption is completedIncludes a sameAsStart attribute, and Point, Cell elements.
sameAsStart	Indicate that consumption is completed at the same position as a position at which consumption is started
Point	Coordinate of the position at which consumption is started
Cell	Target region to which contents are distributed Includes a Type attribute and a CellArea element.
CellArea	Transmission region for each BDS Includes a Value attribute and a PP2CellID element.
value	Value of a cell ID
PP2CellID	If type = 6, then this value is Sector_ID.If type = 7, 8, 9 or 10, then this value is BASE ID.
RecordingConsumptionMeasurementEvent	Includes a globalServiceIDRef attribute, a Global-ContentIDRef element, a Recording element, a Start element, and an End element.
globalServiceIDRef	ID of consumed service. This ID is a global service ID.
GlobalContentIDRef	ID of consumed content. This ID is a global content ID.
Recording	Information for recordingIncludes a Start element and an End element.
Start	Information for recording startIncludes a Time element and Location element.
time	Start time of recording
Location	Location at which consumption is startedIncludes a Point element and a Cell element.
End	Information for recording startIncludes a Time element and Location element.

time	**End time of recoding**
Location	**Position at which consumption is completedIncludes a Point element and a Cell element.**
Consumption	**Information for consumption**
Start	**Information for consumption start**
time	**Position at which recorded content consumption has been started**
End	**Information for the end time of consumption**
time	**Position at which recorded content consumption has been completed**

[190] **Report Transmission Response Message or Audience Measurement Report Response Message**

[191] The report transmission response message or audience measurement report response message may be illustrated in Table 12 as follows.

[192] Table 12

[Table 12]

[Table]

Name	**Description**
campaignID	**ID of an audience measurement campaign (may be omitted if synchronized protocol is used such as HTTP)**
requestID	**ID of a message**
Global Status Code	**Processing result**

[193] FIG. 8 is a flow chart schematically illustrating the AM panel opt-out process (S500) illustrated in FIG. 2.

[194] Referring to FIG. 8, the AM panel opt-out process (S500) may include the steps of transmitting a panel opt-out request trigger message, transmitting a panel opt-out request message, and transmitting a panel opt-out response message.

[195] Specifically, the process will be described as follows.

[196] 1) In case where the user of the terminal requests the opt-out of a panel through a portal site operated by a service provider or through other methods, the AM-M 231 transmits a panel opt-out request trigger message, for instance, Panel Opt-out Trigger, to the AM-C 101. Otherwise, if the audience measurement campaign is completed, then the AM-M 231 transmits the trigger message.

[197] 2) The AM-C 101 obtains the user's consent, and generates a panel opt-out request message, for instance, Panel Opt-out Request message to transmit to the AM-M 231.

[198] At this time, the panel opt-out request message may be transmitted in response to receiving the trigger message, but may be also transmitted in case where the user of the terminal wants to be opted out even if the trigger message is not received.

[199] The AM-C 101 may further include an all_am_campaign parameter in the panel opt-out request message. Furthermore, AM-C 101 may further include a do_not_bother_me_again parameter in the panel opt-out request message.

[200] 3) If the panel opt-out request message is received, then the AM-M 231 checks AM_CMP_ID in the request message to check whether or not the AM-C 101 is a panel corresponding to the AM_CMP_ID. Then, the AM-M 231 opts out the AM-C 101 and deletes its related information. On the other hand, in case where there is no AM_CMP_ID in the request message, the AM-M 231 checks whether or not the AM-C 101 is its own managed panel, and then opts out the AM-C 101 from panels of all the campaigns associated with the AM-C 101.

[201] If the all_am_campaigns is included in the panel opt-out request message, then the AM-M 231 deletes the AM-C 101 from all the campaigns to which the AM-C 101 belongs.

[202] If the do_not_bother_me_again parameter is included in the panel opt-out request message, then the AM-M 231 stores an ID of the AM-C 101 that has transmitted the message, and omits the relevant AM-C 101 from the invitation of subsequent audience measurement campaigns.

[203] Then, the AM-M 231 generates a panel opt-out response message, for instance, Panel Opt-out Response message, to transmit to AM-C 101.

[204] 4) If the panel opt-out response message is received, then the AM-C 101 checks the processing result. If the processing result is "Success", then the AM-C 101 deletes an audience measurement context corresponding to the AM_CMP_ID in the response message and its related data. At this time, if the AM_CMP_ID is not included in the message, then the AM-C 101 deletes all the audience measurement contexts corresponding to the ID of the AM-M 231 and their related data.

[205] Hereinafter, the foregoing messages will be described in detail as follows.

[206] **Panel Opt-out Request Trigger Message**

[207] The panel opt-out request trigger message transferred to the AM-C through an interactive channel may be illustrated in Table 13 as follows.

[208] Table 13

[Table 13]

[Table]

Name	Description
allCampaign	Indicates whether or not AM-C is desired to be opted out from all the audience measurement campaigns
BSMID	ID of AM-M
DeviceID	ID of AM-C
Type	Type of DeviceID
CampaignID	ID of an audience measurement campaign(used when there is no allCampaign)
ServerAddressURL	URL of AM-M

[209] **Panel Opt-out Request Message**

[210] Table 14

[Table 14]

[Table]

Name	Description
requestID	ID of a panel opt-out request message
allCampaign	Indicates whether or not the opt-out of a panel is desired from all the audience measurement campaigns
BSMID	ID of AM-M
DeviceID	Terminal ID
Type	Type of terminal ID
UserID	User ID
Type	Type of user ID
CampaignID	ID of an audience measurement campaign
do_not_bother_me_again	Request for exempting from the AM campaigns to be performed by AM-M from now on

[211] **Panel Opt-Out Response Message**

[212] Table 15

[Table 15]

[Table]

Name	Description
requestID	ID of a panel opt-out message
Global Status Code	Processing status

[213] FIG. 9 is another example of the AM panel opt-out process (S500) illustrated in FIG. 2.

[214] Referring to FIG. 9, the AM panel opt-out process (S500) may be accomplished by using an audience measurement participation invitation message, an audience measurement participation invitation request message, and an audience measurement participation invitation response message.

[215] For example, the AM-M 231 transmits an audience measurement campaign participation invitation message in which the consentRequired element is set to "True". The AM-C 101 displays whether to opt-out or not to opt-out, and transmits the audience measurement participation request message including a value of "refuse" to the AM-M 231 if a response to the opt-out is received from the user. The AM-M 231 transmits an audience measurement campaign response message configuration information, for example, AM Configuration Data including a campaignEndTime element in which the campaign end time is set to the past time to the AM-C 101. Thereby, the AM-C 101 is regarded as being opted out from the audience measurement campaign. The configuration information further includes information such as Table 8. The AM-C 101 compares the end time specified in the third element with a current time in response to the reception of the campaign participation response message. In more detail, AM-C 101 compares an identification specified in the first element with an identification of the currently participating campaign. If the identifications are matched each other, the AM-C 101 the end time specified in the third element with a current time. If the end time is past, the AM-C 101 reportsmeasurement data stored therein to the server and stops participating the campaign for the audience measuremet after the report. And then, the AM-C 101 delets the stored measurement data of the campaign.

[216] For another example, if the AM-M 231 transmits an audience measurement campaign invitation message in which the consentRequired element is set to "False" to the AM-C 101, then the AM-C 101 transmits an audience measurement campaign request message in which the userConsent element has a value of "agree" to the AM-M 231. Then the AM-M 231 transmits an audience measurement campaign response message including a campaignEndTime element in which the campaign end time is set

to the past time to the AM-C 101. Thereby, the AM-C 101 is regarded as being opted out from the audience measurement campaign.

[217] The method according to the present invention as described above may be implemented by software, hardware, or a combination of both. For example, the method according to the present invention may be stored in a storage medium (e.g., mobile terminal's internal memory, flash memory, hard disk, and so on), and may be implemented through codes or instructions in a software program that can be performed by a processor (for example, mobile terminal's internal microprocessor).

[218] Though preferred embodiments of present invention are exemplarily described as disclosed above, the scope of the invention is not limited to those specific embodiments, and thus various modifications, variations, and improvements can be made in the present invention without departing from the spirit of the invention, and within the scope of the appended claims.

Claims

[Claim 1] A method of measuring audience ratings for at least more than one service and content in a terminal, the method comprising:
receiving a campaign invitation message for an audience measurement campaign from a server, wherein the campaign invitation message comprises at least one or more of information on the audience measurement campaign, information on the server, and information on an opt-in rate of the audience measurement campaign;
authenticating the information on the server in the campaign invitation message;
determining whether to participate using the information on the opt-in rate of the audience measurement campaign in the campaign invitation message;
transmitting a panel opt-in request message to the server according to the determination result; and
receiving a panel opt-in response message from the server.

[Claim 2] The method of claim 1, wherein said determination step comprises:
generating an arbitrary value if there is an opt-in rate of the audience measurement campaign in the campaign invitation message; and
comparing the generated arbitrary value with a value in the opt-in rate information,
wherein opt-in is determined if the generated arbitrary value is less than or equal to the value in the opt-in rate information.

[Claim 3] The method of claim 1, wherein the campaign invitation message is received via a service guide on a broadcast channel or received via a service guide on a unicast channel.

[Claim 4] The method of claim 1, wherein said receiving the panel opt-in response message comprises acquiring configuration information for the audience measurement.

[Claim 5] The method of claim 4, wherein the configuration information comprises information for the start and end of the audience measurement, information for an object to be monitored by the terminal, and information for a report of the audience measurement result.

[Claim 6] The method of claim 5, further comprising:
transmitting an audience measurement report to the server using the information for a report of the audience measurement result.

[Claim 7] The method of claim 1, wherein the information for the audience mea-

surement campaign further comprises at least more than one of a first element indicating an identifier of the audience measurement campaign, a second element indicating a start time of the audience measurement, and a third element indicating an end time of the audience measurement, and information for the user's consent.

[Claim 8] The method of claim 7, further comprising:
checking whether or not there is a second element indicating a start time of the audience measurement in the campaign invitation message; and
checking whether or not the current time has passed the start time of the audience measurement indicated in the second element.

[Claim 9] The method of claim 1, wherein the panel opt-in response message comprises an element in which the end time of the campaign is set to the past if the panel opt-in request message comprises information indicating opt-in refusal.

[Claim 10] The method of claim 7, wherein the user's consent related information comprises at least more than one of information indicating whether or not the user's consent is required, a name of the audience measurement campaign, and description information for the audience measurement campaign.

[Claim 11] The method of claim 1, wherein the opt-in rate information of the audience measurement campaign is a randomSelector element.

[Claim 12] A terminal for measuring audience ratings for at least more than one service and content, the terminal comprising:
a receiver configured to receive a campaign invitation message for an audience measurement campaign from a server, wherein the campaign invitation message comprises information for the audience measurement campaign, information for the server, and information for an opt-in rate of the audience measurement campaign;
a processor configured to authenticate the information for the server in the campaign invitation message, and determine whether to participate using the information for the opt-in rate of the audience measurement campaign in the campaign invitation message; and
a transmitter configured to transmit a campaign opt-in request message to the server according to the determination result.

[Claim 13] The terminal of claim 12, wherein the processor acquires configuration information for the audience measurement.

[Claim 14] The terminal of claim 12, wherein the configuration information

comprises information for the start and end of the audience measurement, information for an object to be monitored by the terminal, and information for a report of the audience measurement result.

[Claim 15] The terminal of claim 12, wherein the information for the audience measurement campaign further comprises at least more than one of a first element indicating an identifier of the audience measurement campaign, a second element indicating a start time of the audience measurement, and a third element indicating an end time of the audience measurement, and information for the user's consent.

[Claim 16] The terminal of claim 15, wherein the processor checks whether or not there is a second element indicating a start time of the audience measurement in the campaign invitation message, and checks whether or not the current time has passed the start time of the audience measurement indicated in the second element.

[Claim 17] The method of claim 12, wherein the panel opt-in response message comprises an element in which the end time of the campaign is set to the past if the panel opt-in request message comprises information indicating opt-in refusal.

[Claim 18] A method of measuring audience ratings for at least more than one service and content in a terminal, the method comprising:
receiving, by a terminal having participating a campaign for audience measurement, a campaign participation response message from a server, wherein the participation response message includes a configuration data for the audience measurement, the configuration data includes at least one of a first element specifying an identification of the campaign for the audience measurement, a second element specifying a start time of the campaign and a third element specifying an end time of the campaign;
comparing, by the terminal, the end time specified in the third element with a current time in response to the reception of the campaign participation response message;
reporting, by the terminal, measurement data stored therein to the server if the end time is past; and
stopping, by the terminal, participating the campaign for the audience measuremet after the report.

[Claim 19] The method of claim 18, further comprising:
deleting the stored measurement data of the campaign indicated by the campaign participation response message.

[Claim 20] The method of claim 18, further comprising:
transmitting, a campaign participation request message before receiving the campaign participation response message.

[Claim 21] The method of claim 20. wherein the campaign participation request message includes:
an element related to consent of a user, and the element includes a value indicating a reject by the user.

[Claim 22] The method of claim 20, wherein
receiving, from the server, a campaign invitation message before transmitting the campaign participation request message.

[Claim 23] The method of claim 22, wherein the campaign invitation message includes:
an element indicating whether a consent from a user is required or not.

[Claim 24] The method of claim 18, wherein the comparing includes:
comparing the identification specified in the first element with an identification for currently participating the campaign; and
comparing, the end time specified in the third element with the current time if the identifications are matched each other.

[Claim 25] A method of measuring audience ratings for at least more than one service and content, the method comprising:
transmitting a campaign invitation message to a terminal having participating a campaign for audience measurement, wherein the campaign invitation message includes at least one of a first element specifying an identification of the campaign for the audience measurement, a second element specifying whether a consent of a user is required or not;
receiving, from the terminal, a campaign participation request message including a third element specifying an identification of the campaign for the audience measurement, wherein the identification of the third element is matched with the identification of the second element;
transmitting, to the terminal, a campaign participation response message from a server, wherein the campaign participation response message includes a configuration data for the audience measurement, the configuration data includes at least one of a fourth element specifying the identification of the campaign for the audience measurement, a fifth element specifying a start time of the campaign and a third element specifying a value indicating an end time of the campaign, wherein the end time is set to past; and
receiving, from the terminal, measurement data after transmitting the

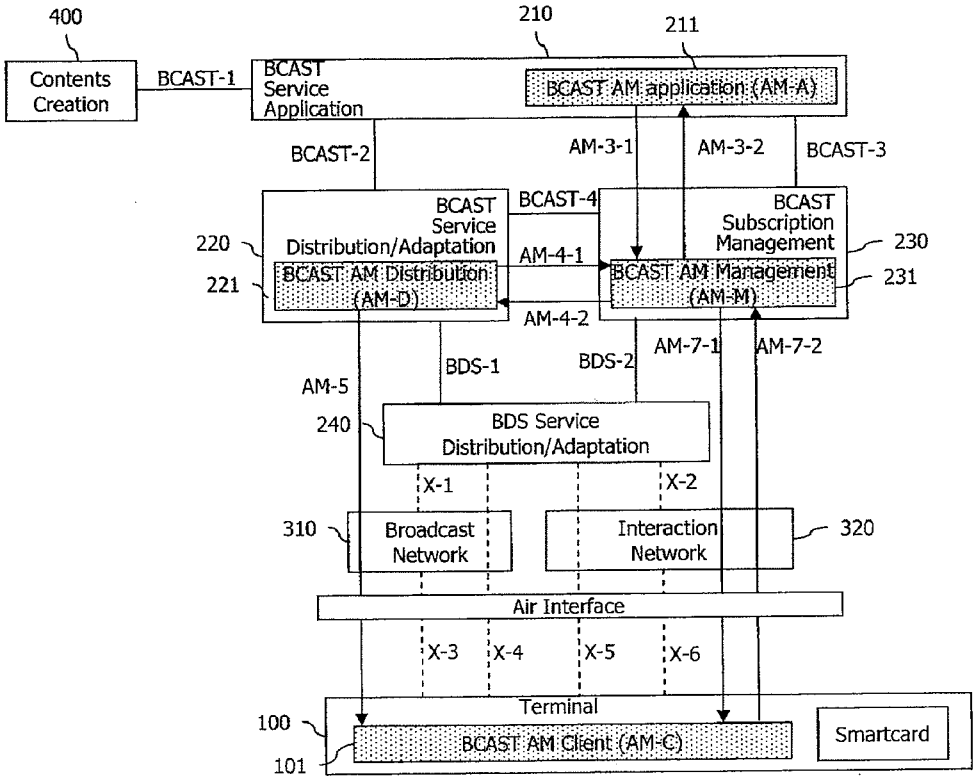
campaign participation response message.

[Claim 26] A terminal for measuring audience ratings for at least more than one service and content, the terminal comprising:

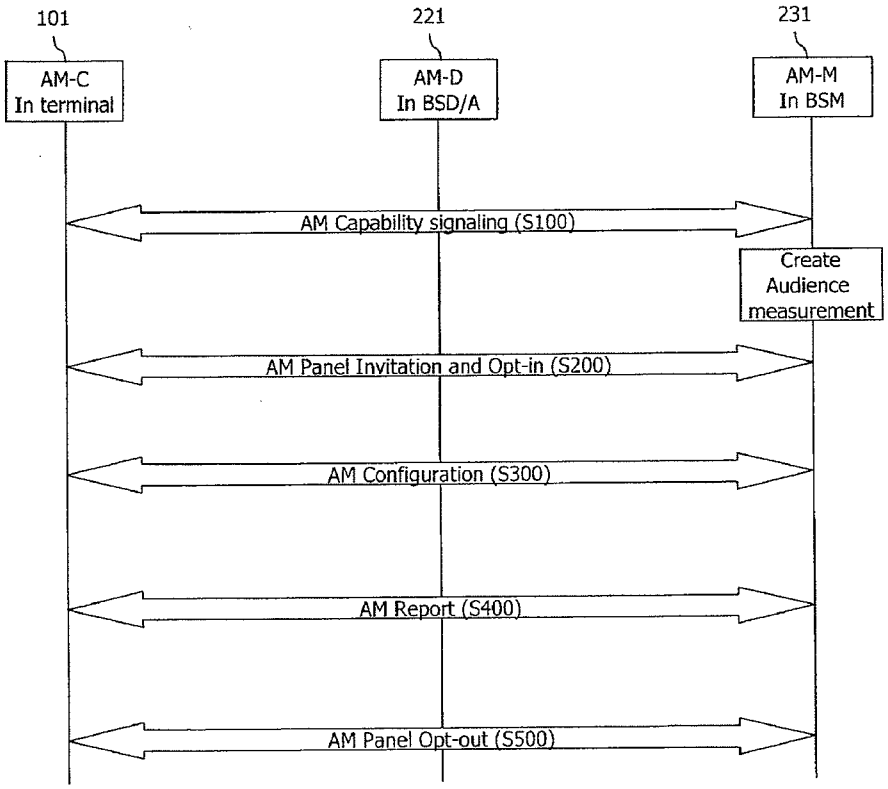
a transceiver for receiving a campaign participation response message from a server, wherein the participation response message includes a configuration data for the audience measurement, the configuration data includes at least one of a first element specifying an identification of the campaign for the audience measurement, a second element specifying a start time of the campaign and a third element specifying an end time of the campaign; and

a processor for comparing the end time specified in the third element with a current time, reporting measurement data stored therein to the server if the end time is past and stopping participating the campaign for the audience measuremet after the report.

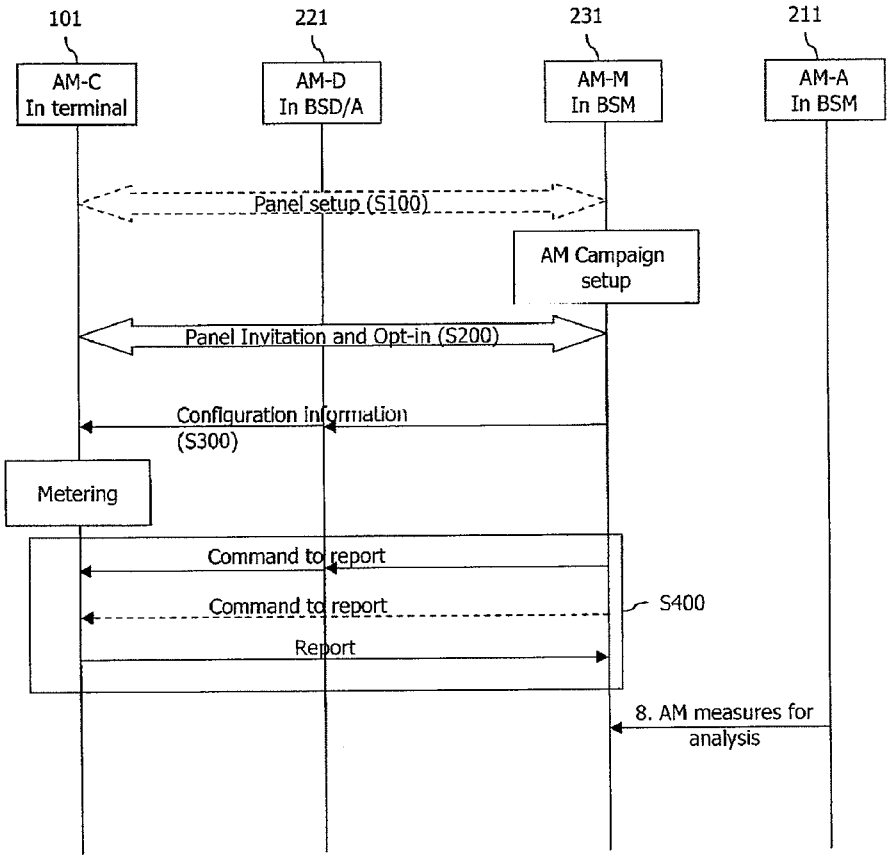
[Fig. 1]


400
Contents Creation
BCAST-1
210
211
BCAST Service Application
BCAST AM application (AM-A)
BCAST-2
AM-3-1
AM-3-2
BCAST-3
BCAST Service Distribution/Adaptation
BCAST-4
BCAST Subscription Management
220
230
AM-4-1
221
BCAST AM Distribution (AM-D)
BCAST AM Management (AM-M)
231
AM-4-2
AM-7-1
AM-7-2
BDS-1
BDS-2
AM-5
240
BDS Service Distribution/Adaptation
X-1
X-2
310
Broadcast Network
Interaction Network
320
Air Interface
X-3
X-4
X-5
X-6
Terminal
100
BCAST AM Client (AM-C)
Smartcard
101

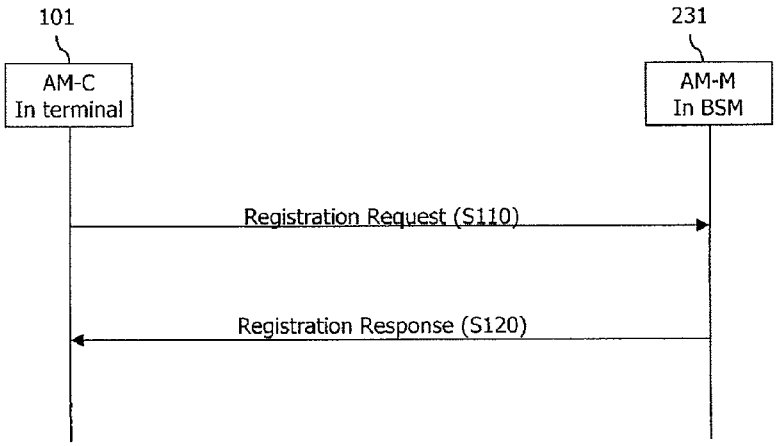
[Fig. 2]


101
221
231
AM-C In terminal
AM-D In BSD/A
AM-M In BSM
AM Capability signaling (S100)
Create Audience measurement
AM Panel Invitation and Opt-in (S200)
AM Configuration (S300)
AM Report (S400)
AM Panel Opt-out (S500)

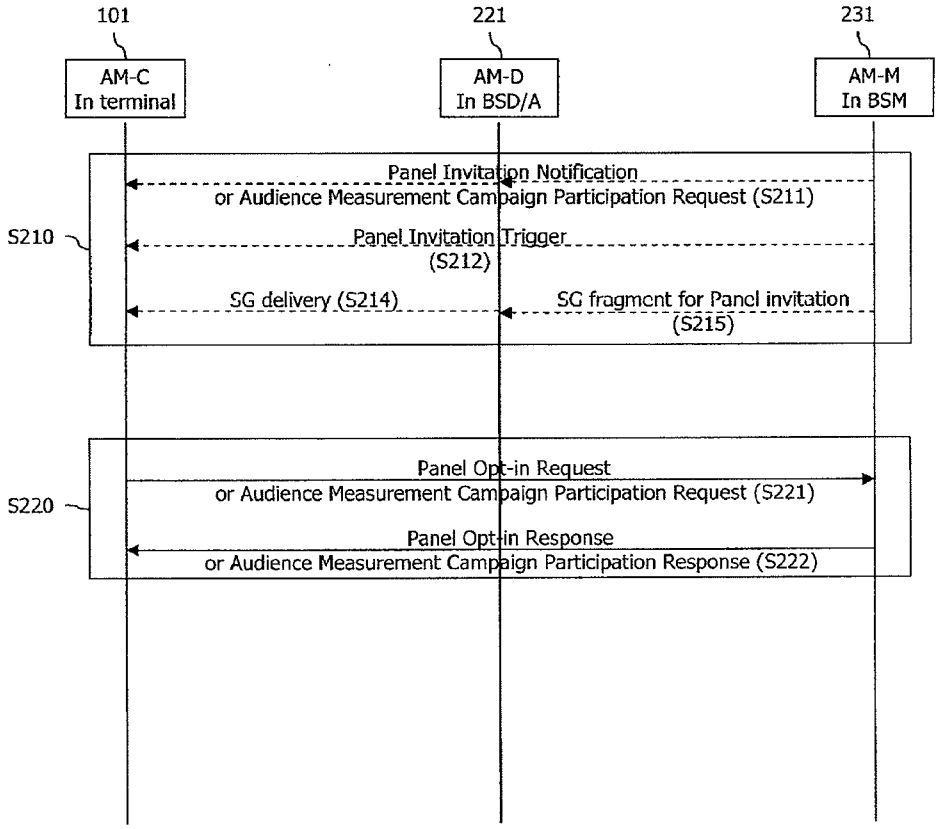
[Fig. 3]


101
221
231
211
AM-C
In terminal
AM-D
In BSD/A
AM-M
In BSM
AM-A
In BSM
Panel setup (S100)
AM Campaign
setup
Panel Invitation and Opt-in (S200)
Configuration information
(S300)
Metering
Command to report
Command to report
Report
S400
8. AM measures for
analysis

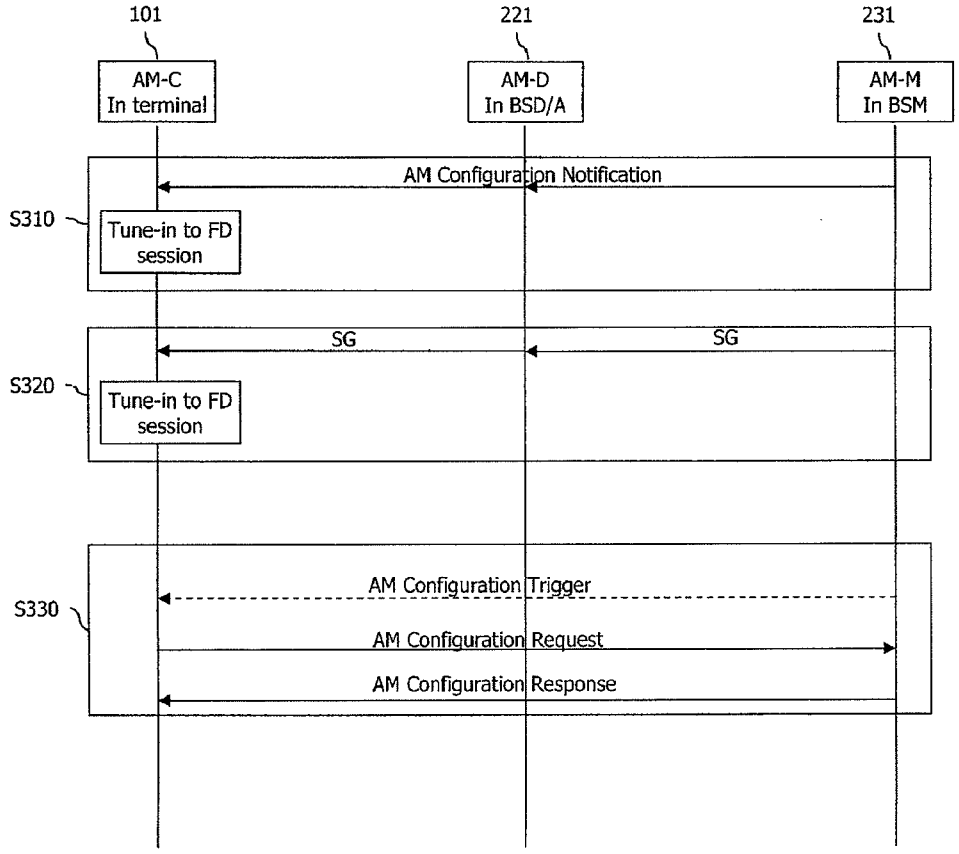
[Fig. 4]


101
231
AM-C
In terminal
AM-M
In BSM
Registration Request (S110)
Registration Response (S120)

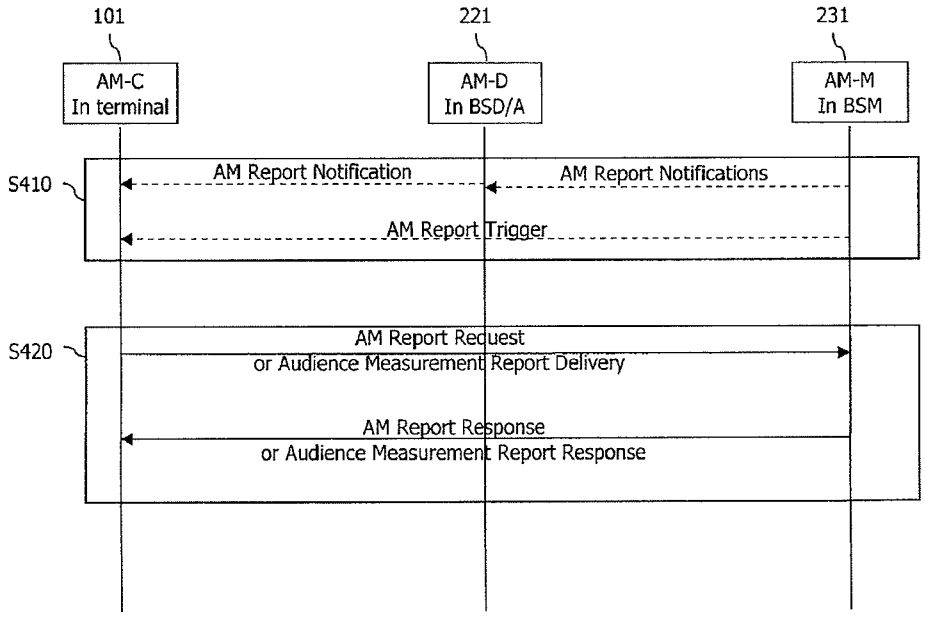
[Fig. 5]


101
221
231
AM-C
In terminal
AM-D
In BSD/A
AM-M
In BSM
S210
Panel Invitation Notification
or Audience Measurement Campaign Participation Request (S211)
Panel Invitation Trigger
(S212)
SG delivery (S214)
SG fragment for Panel invitation
(S215)
S220
Panel Opt-in Request
or Audience Measurement Campaign Participation Request (S221)
Panel Opt-in Response
or Audience Measurement Campaign Participation Response (S222)

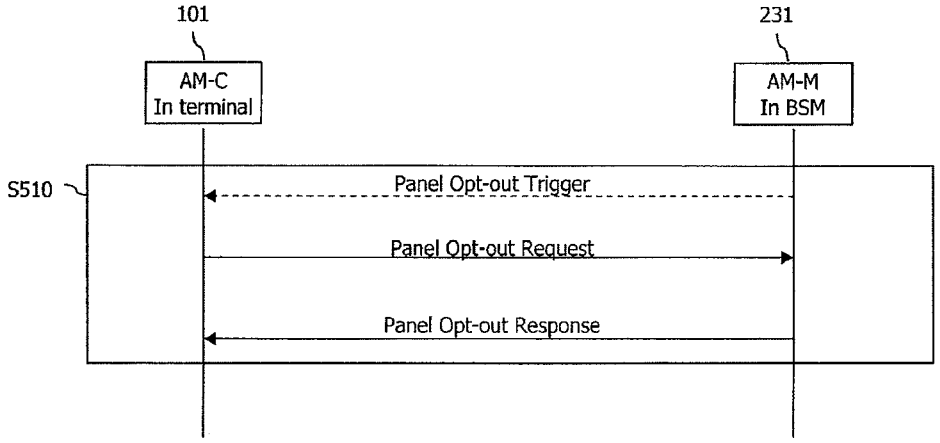
[Fig. 6]


101
221
231
AM-C
In terminal
AM-D
In BSD/A
AM-M
In BSM
AM Configuration Notification
S310
Tune-in to FD
session
SG
SG
S320
Tune-in to FD
session
S330
AM Configuration Trigger
AM Configuration Request
AM Configuration Response

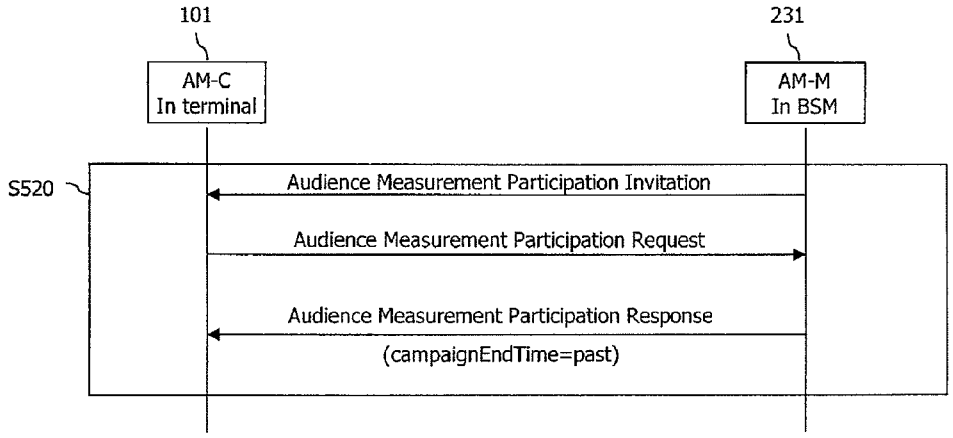
[Fig. 7]


101
221
231
AM-C
In terminal
AM-D
In BSD/A
AM-M
In BSM
S410
AM Report Notification
AM Report Notifications
AM Report Trigger
S420
AM Report Request
or Audience Measurement Report Delivery
AM Report Response
or Audience Measurement Report Response

[Fig. 8]


101
231
AM-C
In terminal
AM-M
In BSM
S510
Panel Opt-out Trigger
Panel Opt-out Request
Panel Opt-out Response

[Fig. 9]


101
231
AM-C
In terminal
AM-M
In BSM
S520
Audience Measurement Participation Invitation
Audience Measurement Participation Request
Audience Measurement Participation Response
(campaignEndTime=past)

INTERNATIONAL SEARCH REPORT

International application No.
PCT/KR2010/002001

A. CLASSIFICATION OF SUBJECT MATTER

H04H 60/33(2008.01)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)
H04H 60/33; G06Q 50/00; H04N 17/00; H04N 7/173; H04W 4/12

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched
Korean utility models and applications for utility models
Japanese utility models and applications for utility models

Electronic data base consulted during the international search (name of data base and, where practicable, search terms used)
eKOMPASS(KIPO internal) & Keywords: TV, broadcasting, audience ratings, mobile

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
A	KR 10-2001-0069691 A (KANG, MIN GOO) 25 July 2001 See claims 1-2, figures 1-3.	1-26
A	KR 10-1999-0018658 A (SAMSUNG ELECTRONICS CO., LTD.) 15 March 1999 See claims 1-4, figures 1-5.	1-26
A	KR 10-2006-0058392 A (KIM, SEONG JU et al.) 30 May 2006 See claims 1-20, figures 1-3.	1-26

☐ 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
06 JULY 2010 (06.07.2010)	**07 JULY 2010 (07.07.2010)**
Name and mailing address of the ISA/KR Korean Intellectual Property Office Government Complex-Daejeon, 139 Seonsa-ro, Seo-gu, Daejeon 302-701, Republic of Korea Facsimile No. 82-42-472-7140	Authorized officer HEO, Young Han Telephone No. 82-42-481-8520

Form PCT/ISA/210 (second sheet) (July 2009)

INTERNATIONAL SEARCH REPORT
Information on patent family members

International application No.
PCT/KR2010/002001

Patent document cited in search report	Publication date	Patent family member(s)	Publication date
KR 10-2001-0069691 A	25.07.2001	None	
KR 10-1999-0018658 A	15.03.1999	CN 1087893 C	17.07.2002
		CN 1210425 A	10.03.1999
		CN 1210425 C0	10.03.1999
		GB 2328811 A	03.03.1999
		JP 11-075224 A	16.03.1999
		US 6061082 A1	09.05.2000
KR 10-2006-0058392 A	30.05.2006	None	

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/751,339	03/31/2010	Sangmin Lee	0630-4271PUS1	1460

2292 7590 10/06/2011
BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH, VA 22040-0747

EXAMINER
SALTARELLI, DOMINIC D

ART UNIT	PAPER NUMBER
2421	

NOTIFICATION DATE	DELIVERY MODE
10/06/2011	ELECTRONIC

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

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

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

mailroom@bskb.com

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

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

In re Application of: Sang-Min Lee
Application No. 12751339
Filed: March 31, 2010
Atty. Docket No.: 0630-4271PUS1
For: **METHOD FOR MEASURING AUDIENCE TO BROADCAST SERVICE AND CONTENT AT TERMINAL**

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

MAILED

OCT 05 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(a), filed September 07, 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 571-272-31256

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
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MAILED
DEC 02 2010
OFFICE OF PETITIONS

KAPLAN GILMAN & PERGAMENT LLP
1480 ROUTE 9 NORTH
WOODBRIDGE, NJ 07095

In re Application of	:	
Sylvie Bouchard, et al.	:	DECISION REFUSING STATUS
Application No. 12/751,422	:	UNDER 37 CFR 1.47(b)
Filed: March 31, 2010	:	
Attorney Docket No.: 449-130	:	

This is a decision on the petition, filed October 15, 2010, under 37 CFR 1.47(b).

The petition is not signed by a registered patent attorney or patent agent of record. However, in accordance with 37 CFR 1.34, the signature of Mr. Jeffrey I Kaplan appearing on the correspondence shall constitute a representation to the United States Patent and Trademark Office that he is authorized to represent the particular party on whose behalf he acts.

The petition is **DISMISSED**.

Rule 47 applicant is given TWO MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(b)," and should only address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventor. **FAILURE TO RESPOND WILL RESULT IN ABANDONMENT OF THE APPLICATION.** Any extensions of time will be governed by 37 CFR 1.136(a).

The above-identified application was filed on March 31, 2010, without an executed oath or declaration. Accordingly, on April 21, 2010, a "Notice to File Missing Parts of Nonprovisional Application," was mailed, requiring, *inter alia*, an executed oath or declaration and payment of the surcharge for late filing under § 1.16(e). This Notice set a two-month period for reply, with extensions of time obtainable under § 1.136(a). On October 15, 2010, rule 47 applicant timely filed the instant petition, along with a replacement drawing, an executed declaration and the late surcharge.

A grantable petition under 37 CFR 1.47(b) requires:

> (1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings); (2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116; (3) the petition fee; (4) a statement of the last known address of the non-signing inventor; (5) proof of proprietary interest, and (6) proof of irreparable damage.

Application lacks items (1) and (2).

As to item (1) - Before a refusal to sign an oath or declaration can be alleged, it must be demonstrated that a *bona fide* effort has been made to present a complete copy of the application papers (specification, including claims, drawings, and oath or declaration) to the non-signing inventor, at his last know address, typically a residential address. If an inventor is not presented with a copy of the application papers for this application, then he could not attest that he has "reviewed and understands the application papers" and could not execute the declaration he was requested to sign.

Therefore, at the very least, petitioner should mail a complete copy of the application papers (specification, claims, drawings, oath, etc.) to each of the inventors last known addresses (typically a residence address), return receipt and/or forwarding address requested. If a forwarding address is provided, petitioner should then mail a complete copy of the application papers (specification, claims, drawings, oath, etc.) to that address, return receipt requested, along with a cover letter of instructions which includes a deadline or a statement that no response will constitute a refusal. This sort of ultimatum lends support to a finding of refusal by conduct. If the papers are returned and all other attempts to locate or reach the inventors, e.g., through personnel records, co-workers, E-mail, the Internet or the telephone, etc., continue to fail, then applicant will have established that the inventors cannot be reached after diligent effort or has refused to join in the application. **The statements of facts must be signed, where at all possible, by a person having firsthand knowledge of the facts recited therein and should be accompanied by documentary evidence in support of the statement of facts.** It is important that the forthcoming communication contain statements of fact as opposed to conclusions.

Where there is an express or oral refusal, that fact, along with the time and place of the refusal, must be stated in an affidavit or declaration by the party to whom the refusal was made. Where there is a written refusal, a copy of the document(s) evidencing that refusal must be made part of the affidavit or declaration.

When it is concluded by the rule 47 applicant that an omitted inventor's conduct constitutes a refusal, all facts upon which that conclusion is based should be stated in an affidavit or declaration. If there is documentary evidence to support facts alleged in the affidavit or declaration, such evidence must be submitted.

Whenever an omitted inventor gives a reason for refusing to sign the application oath or declaration, that reason should be stated in the affidavit or declaration.

As to item (2), an oath or declaration in compliance with 37 CFR 1.63 and 1.64 still has not been presented. The declaration of October 15, 2010 does not set forth each inventors name, residence, citizenship and post office address. A signed declaration in compliance with 37 CFR 1.63 and 1.64 must be made by the 37 CFR 1.47(b) applicant. Where a corporation is the 37 CFR 1.47(b) applicant, an officer (President, Vice-President, Secretary or Treasurer) may sign the oath or declaration. Where an oath or declaration is being signed on behalf of an assignee, note MPEP Section 324, which, however, presupposes that an executed assignment by the inventor has been recorded, or submitted for recordation.

In view of the above, the petition cannot be granted at this time.

Further correspondence with respect to this matter should be delivered through one of the following mediums:

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

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

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

By internet: EFS-Web[1]

Any questions concerning this matter may be directed to the undersigned at (571) 272-3204.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

[1] www.uspto.gov/ebc/efs help.html (for help using EFS-Web call the Patent Electronic Business Center at (866) 217-9197)

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P.O. Box 1450
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GILMAN PERGAMENT LLP
1480 ROUTE 9 NORTH
SUITE 204
WOODBRIDGE, NJ 07095

MAILED
APR 13 2011
OFFICE OF PETITIONS

In re Application of	:	
Sylvie Bouchard, et al.	:	DECISION NOTING JOINDER OF
Application No. 12/751,422	:	INVENTOR AND PETITION
Filed: March 31, 2010	:	UNDER 37 CFR 1.47(b)
Attorney Docket No.: 449-130	:	

Papers filed on March 2, 2011 in response to a "Decision Refusing Status Under 37 CFR 1.47(a)," mailed December 2, 2010, included a Declaration signed by all of the previously non-signing inventors, in compliance with 37 CFR 1.63.

Accordingly, the petition under 37 CFR 1.47(b) is **DISMISSED AS MOOT**.

In view of the joinder of the inventors, further consideration under § 1.47(b) is not necessary. This application does not have any Rule 1.47 status and no such status should appear on the record for this file. This application need not be returned to this Office for any further consideration under 37 CFR 1.47(b).

The application is being referred to the Office of Patent Application Processing (OPAP) for further pre-examination processing using the declaration filed March 2, 2011.

Telephone inquires related to this decision should be directed to the undersigned at (571) 272-3204. Telephone inquiries related to processing at OPAP should be directed to their hotline at (571) 272-4000.

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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IP LEGAL SERVICE, LLC
1500 E. LANCASTER AVENUE, SUITE 100
P.O. BOX 1027
PAOLIA PA 19301

MAILED

FEB 29 2012

OFFICE OF PETITIONS

In re Application of	:	
DAVIS, et al	:	
Application No. 12/751,436	:	DECISION ON PETITION
Filed: March 31, 2010	:	TO WITHDRAW
Attorney Docket No. 312.002	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed January 27, 2012.

The request is **NOT APPROVED.**

The request cannot be approved because no correspondence address for future communications from the Office has been provided.

The Office will either change the correspondence address of record to the most current address information provided for the assignee of the entire interest who properly became of record under 37 CFR 3.71 or, if no assignee of the entire interest has properly been made of record under 37 CFR 3.71, the most current address information provided for the first named inventor.

37 CFR 3.71 states:

> *An assignee becomes of record either in a national patent application or a reexamination proceeding by filing a statement incompliance with § 3.73(b) that is signed by a party who is authorized to act on behalf of the assignee.*

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

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

/Diane Goodwyn/
Diane Goodwyn
Petitions Examiner
Office of Petitions

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APR 16 2012
OFFICE OF PETITIONS

IP LEGAL SERVICES, LLC
1500 E. LANCASTER AVENUE, SUITE 100
P.O. BOX 1027
PAOLI PA19301

In re Application of	:	
DAVIS, et al	:	
Application No. 12/751,436	:	DECISION ON PETITION
Filed: March 31, 2010	:	TO WITHDRAW
Attorney Docket No. 312.002	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed March 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. The Office requires the practitioner(s) requesting withdrawal to certify that he, she, or they have: (1) given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any responses that may be due and the time frame within which the client must respond, pursuant 37 CFR 10.40(c).

The request was signed by Ian M. Hughes on behalf of the attorneys of record associated with Customer No. 76277. The attorneys of record associated with Customer No. 76277 have been withdrawn.

The Request to Withdraw filed March 9, 2012, is taken in combination with the request previously filed on January 27, 2012.

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

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

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

/Diane Goodwyn/
Diane Goodwyn
Petitions Examiner
Office of Petitions

cc: PHILIP DAVIS
C/O JOEL LOVE
COLDSTOR DATA, INC.
P.O. BOX 589
5 PLEASANT STREET
SAXTONS RIVER, VT 05154

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/751,436	03/31/2010	Philip John Davis	312.002

CONFIRMATION NO. 1625

POWER OF ATTORNEY NOTICE

76277
IP LEGAL SERVICES, LLC
1500 E. LANCASTER AVENUE, SUITE 100
P.O. BOX 1027
PAOLI, PA 19301

OC000000053729631

Date Mailed: 04/16/2012

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 03/09/2012.

- 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.

/dcgoodwyn/

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

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STROOCK & STROOCK & LAVAN LLP
180 MAIDEN LANE
NEW YORK NY 10038

MAILED
MAR 02 2011
OFFICE OF PETITIONS

In re Application of	:	
Van Aken et al.	:	
Application No. 12/751,444	:	DECISION ON PETITION
Filed: March 31, 2010	:	
Attorney Docket No. 002705/0052	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed January 20, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Nonprovisional Application (Notice) mailed April 19, 2010. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were timely obtained. Accordingly, the above-identified application became abandoned on June 20, 2010. A Notice of Abandonment was mailed January 4, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) an Oath or Declaration, the $130.00 Surcharge fee, the $330.00 Basic filing fee, the $540.00 Search fee, and the $220.00 Examination fee; (2) the petition fee of $1,620.00, and (3) a proper statement of unintentional delay.

Additionally, an extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. *See* In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats.1988). Since the $2,350.00, five-month extension of time fee submitted with the petition on January 20, 2011 was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be refunded to petitioner's deposit account in due course.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-7751.

This application is being referred to the Office of Patent Application Processing for further processing in accordance with this decision on petition.

Joan Olszewski
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: 30020-241001	Application Number (if known): 12/751,448	Filing date: March 31, 2010
First Named Inventor: Martin Fischer		
Title: RETRO-FITTING A WIND ENERGY CONVERTER		

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

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

1. By filing this petition:

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

2. By filing this petition: applicant is agreeing to make an election without traverse in a telephonic interview and elect an invention that meets the eligibility requirements for the Green Technology Pilot Program, if the Office determines that the claims are not obviously directed to a single invention. See Instruction Sheet.

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

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

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

6. Other attachments: _____

Signature	Date December 7, 2010
Name (Print/Typed) Faustino A. Lichauco	Registration Number 41,942

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

× *Total of 1 forms are submitted.

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

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

Attorney Docket No.: 30020-241001
Client Ref. No.: AMSC-902US1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant	: Martin Fischer	Art Unit	: 2834
Serial No.	: 12/751,448	Examiner	: Not yet assigned
Filed	: March 31, 2010	Conf. No.	: 1646
Title	: RETRO-FITTING A WIND ENERGY CONVERTER		

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

STATEMENT OF SPECIAL STATUS FOR ELIGIBILITY REQUIREMENT

Applicant requests that this application be made special pursuant to the Pilot Program for Green Technologies as set forth in the Federal Register.[1]

The invention is believed to be eligible for the Pilot Program because of its material contribution to the development of renewable energy resources, specifically to the delivery of power generated by wind energy.

Electricity generated by wind has a tendency to vary somewhat in voltage as the wind changes. A power utility, however, would prefer a stable voltage waveform.

There are two ways of connecting a wind turbine to the power grid: as a doubly-fed induction generator and as a full-converter induction generator. In the early days of the wind industry, the doubly-fed induction generator was more popular. In those days, there was so little wind-generated electricity being put on the power grid that the fluctuations arising from doubly-fed induction generators were insignificant.

As more and more wind power plants have come on line, power utilities have become more demanding. As a result, the full-converter induction generator, with its superior voltage regulation ability, has become the preferred way to connect a wind power plant to the power grid. A difficulty that has arisen, however, is what to do about

[1] 74 Fed. Reg. 234 (December 8, 2009), page 64666 et seq., 75 Fed. Reg. 98 (May 21, 2010), and 75 Fed. Reg. 217 (November 10, 2010).

the fairly significant installed base of wind power plants connected as doubly-fed induction generators.

The subject matter of the disclosure pertains to a way to efficiently retrofit the older doubly-fed induction wind power plants so that they can operate as full-converter induction wind power plants. Specifically, claim 1 recites a method for retrofitting a wind energy system and claim 8 recites a wind energy conversion system.

The subject matter of the disclosure and the claims thus plays a material role in the development of renewable energy resources, and specifically in the generation of wind energy. Accordingly, Applicant requests that examination be accelerated under the Pilot Program.

Pursuant to the requirements of the Pilot Program, please apply the $300 publication fee to Deposit Account No. 50-4189, referencing Attorney Docket No. 30020-241001.

Respectfully submitted,

Date: December 7, 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

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/751,448	03/31/2010	Martin Fischer	30020-241001	1646

80841 7590 12/21/2010
Occhiuti Rohlicek & Tsao LLP
10 Fawcett Street
Cambridge, MA 02138

EXAMINER
GONZALEZ, JULIO C

ART UNIT	PAPER NUMBER
2839	

NOTIFICATION DATE	DELIVERY MODE
12/21/2010	ELECTRONIC

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

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

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

info@ORTPATENT.COM

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Occhiuti Rohlicek & Tsao LLP
10 Fawcett Street
Cambridge MA 02138

In re Application of	:	
Martin FISCHER	:	DECISION ON PETITION
Application No. 12/751,448	:	TO MAKE SPECIAL UNDER
Filed: March 31, 2010	:	THE GREEN TECHNOLOGY
Attorney Docket No. 30020-241001	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed on December 07, 2010, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **GRANTED**.

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

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

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

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

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

The application is being forwarded to the Technology Center Art Unit 2839 for action in its regular turn.

Lee W. Young
Quality Assurance Specialist
Technology Center 2800

UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. Box 1450
Alexandria, VA 22313-1450
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URANIA JUANG
266 E. GISH ROAD
SAN JOSE, CA 95112

MAILED

NOV 04 2010

OFFICE OF PETITIONS

In re Application of
Mirza Abdul Oglu Kurbanov, et al.
Application No. 12/751,458
Filed: March 31, 2010
Attorney Docket No. KURBANOV-003

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 September 21, 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 appointed by customer number. Practitioners must withdraw in the same manner that they were appointed.

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: MIRZA ABDUL OGLU KURBANOV
C/O ALEX SHKOLNIK, PATENT TRANSLATION
AND CONSULTING, CO, INC.
485 DARTMOUTH AVENUE
SAN CARLOS, CA 94070

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DEC 22 2010

OFFICE OF PETITIONS

URANIA JUANG
266 E. GISH ROAD
SAN JOSE, CA 95112

In re Application of Mirza Abdul Oglu Kurganov, et al. Application No. 12/751,458 Filed: March 31, 2010 Attorney Docket No. KURBANOV-003	DECISION ON PETITION TO WITHDRAW FROM RECORD

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 November 13, 2010.

The request is **APPROVED**.

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

The request was signed by Urania Juang on behalf of all attorneys of record who are associated with customer No. 88283All attorneys/agents associated with the Customer Number 88283 have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

The request to change the correspondence of record is not acceptable as the requested correspondence address is not that of: (1) the first named signing inventor; or (2) an intervening assignee of the entire interest under 37 C.F.R 3.71. All future communications from the Office will be directed to the first named signing inventor at the first copied address below until otherwise properly notified by the applicant.

In order to request or take action in a patent matter, the assignee must establish its ownership of the patent to the satisfaction of the Director. In this regard, a Statement under 37 CFR 3.73(b) must have either: (i) documentary evidence of a chain of title from the original owner to the assignee (*e.g.*, copy of an executed assignment), and a statement affirming that the documentary evidence of the chain of title from the original owner to the assignee was or concurrently is being submitted for recordation pursuant to § 3.11; or (ii) a statement specifying where documentary evidence of a chain of title from the original owner to the assignee is recorded in the assignment records of the Office (*e.g.*, reel and frame number). The power of attorney filed on March 31, 2010 does not

include a proper statement filed under 37 CFR 3.73(b), nor does it include a copy of the assignment.

There are no pending Office actions at the present time.

Telephone inquiries concerning this decision should be directed to undersigned at 571-272-1642. All other inquiries concerning the examination or status of this application should be directed to the Technology Center..

/AMW/
April M. Wise
Petitions Examiner
Office of Petitions

cc: MIRZA ABDUL OGLU KURBANOV
SHARIFZADE ST. 160A/54
BAKU AZ 1142
AZERBAIJAN

cc: MIRZA ABDUL OGLU KURBANOV
C/O ALEX SHKOLNIK
PATENT TRANSLATION AND CONSULTING CO, INC
485 DARTMOUTH AVENUE
SAN CARLOS, CA 94070

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/751,458	03/31/2010	Mirza Abdul oglu Kurbanov	KURBANOV-003

CONFIRMATION NO. 1665

POWER OF ATTORNEY NOTICE

88283
Urania Juang
266 E. Gish Road
San Jose, CA 95112

OC000000045059030

Date Mailed: 12/20/2010

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 11/13/2010.

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

/amwise/

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

Doc Code: PET.AUTO Document Description: Petition automatically granted by EFS-Web	PTO/SB/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	12751512
Filing Date	31-Mar-2010
First Named Inventor	Hon-Lin Huang
Art Unit	2812
Examiner Name	SCOTT GEYER
Attorney Docket Number	TSM09-0191
Title	FORMATION OF TSV BACKSIDE INTERCONNECTS BY MODIFYING CARRIER WAFERS

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	/Ruojian Zhang/
Name	Ruojian Zhang
Registration Number	54695

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Decision Date : January 20, 2012

In re Application of :

Hon-Lin Huang

DECISION ON PETITION

UNDER CFR 1.313(c)(2)

Application No : 12751512

Filed : 31-Mar-2010

Attorney Docket No : TSM09-0191

This is an electronic decision on the petition under 37 CFR 1.313(c)(2), filed January 20, 2012 , to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED.**

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

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

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

This application file is being referred to Technology Center AU 2812 for processing of the request for continuing examination under 37 CFR 1.114 .

Office of Petitions

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Baker Donelson Bearman, Caldwell & Berkowitz, PC
920 Massachusetts Ave, NW
Suite 900
Washington DC 20001

MAILED
AUG 16 2010
OFFICE OF PETITIONS

In re Application of	:	
Bickers, et al.	:	
Deposited: March 31, 2010	:	ON PETITION
Application No. 12/751,578	:	
Atty. Dkt. No.: 2903925-242000	:	

The above-identified application has been referred to the Office of Petitions for consideration of the renewed petition under 37 CFR 1.57(a) filed June 29, 2010, to accord the above-identified application a filing date of March 31, 2010.

The application was deposited March 31, 2010. The Notice of Incomplete Nonprovisional Application (Notice) mailed April 28, 2010 indicated that the application had not been accorded a filing date because the application appeared to have been submitted without a specification, including claim, as required per 35 USC 112.

The Notice indicated that the filing date would be the date of receipt of all items indicated as omitted, unless otherwise indicated in the Notice. The Notice required that any assertions that the item(s) were submitted or were not necessary for a filing date, must be by way of petition (accompanied by required petition fee).

The Notice further indicated that if the application contained a priority claim under 37 CFR 1.55 or benefit claim under 37 CFR 1.78 of a prior-filed application that was present on the filing date of the application and applicants want to rely on 37 CFR 1.57(a) to add inadvertently omitted material to the above-identified application, applicants must file a petition under 37 CFR 1.57(a) accompanied by the $400.00 petition fee (37 CFR 1.17(f)) within TWO MONTHS of the date of this Notice.

Petitioners attribute the lack of specification and claims to an "apparent glitch with the PTO's EFS Web Filing System." Petitioners reference the application data sheet (ADS) submitted with the application papers which references a claim of priority to European Application No. 09005078.2.

In accordance with 37 CFR 1.57 and MPEP 201.17, the following conditions and requirements need to be met for an applicant to add omitted material to an application pursuant to 37 CFR 1.57(a):

(A) the application must have been filed on or after September 21, 2004;

(B) all or a portion of the specification or drawing(s) must have been inadvertently omitted from the application;

(C) a claim under 37 CFR 1.55 for priority of a prior filed foreign application, or a claim under 37 CFR 1.78 for the benefit of a prior-filed provisional, nonprovisional, or international application, must have been present on the filing date of the application;

(D) the inadvertently omitted portion of the specification or drawing(s) must be completely contained in the prior-filed application;

(E) applicant must file an amendment to include the inadvertently omitted portion of the specification or drawing(s) within any time period set by the Office, but in no case later than the close of prosecution as defined by 37 CFR 1.114(b), or abandonment of the application, whichever occurs earlier;

(F) if the application is not otherwise entitled to a filing date, applicant must also file a petition and the amendment under 37 CFR 1.57(a)(3) accompanied by the petition fee set forth in 37 CFR 1.17(f);

(G) applicant must supply a copy of the prior-filed application, except where the prior-filed application is an application filed under 35 U.S.C. 111;

(H) applicant must supply an English language translation of any prior-filed application that is in a language other than English; and

(I) applicant must identify where the inadvertently omitted portion of the specification or drawing(s) can be found in the prior-filed application.

The instant petition has been carefully reviewed and found in compliance with the requirements set forth herein.

In view thereof, the petition under 37 CFR 1.57(a) is hereby GRANTED.

Receipt is acknowledged of the required petition fee of $400.00.

This application is being forwarded to the Office of Patent Application Processing for further processing with a filing date of **March 31, 2010**.

Telephone inquiries related to this decision may be directed to the Petitions Attorney Alesia M. Brown at (571) 272-3205.

Chris Bottorff
Supervisor
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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CLISE, BILLION & CYR, PA
605 US HIGHWAY 169
SUITE 300
PLUMOUTH, MN 55441

MAILED
FEB 01 2012
OFFICE OF PETITIONS

In re Application of
Zine-Eddine Boutaghou
Application No. 12/751,586
Filed: March 31, 2010
Attorney Docket No. 1108-003

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent under 37 C.F.R. § 1.36(b) filed January 19, 2012.

The request is **NOT APPROVED**.

The Office will no longer approve requests from practitioners to withdraw from application where the requesting practitioners is acting, or has acted, in a representative capacity pursuant to 37 CFR 1.34. In these situations, the practitioner is responsible for the correspondence the practitioner files in the application while acting in a representative capacity. As such, there is no need for the practitioner to obtain the Office's permission to withdraw from representation. However, practitioners acting in a representative capacity, like practitioners who have power of attorney in the application, remain responsible for noncompliance with 37 CFR 1.56, as well as 37 CFR 10.18, with respect to the documents they file.

A review of the file record indicates that Clise, Billion & Cyr, PA does not have power of attorney in this patent application. See 37 C.F.R. § 10.40. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is not applicable.

In order to request or take action in a patent matter, the assignee must establish its ownership of the patent to the satisfaction of the Director. In this regard, a Statement under 37 CFR 3.73(b) must have either: (i) documentary evidence of a chain of title from the original owner to the assignee (*e.g.*, copy of an executed assignment), and a statement affirming that the documentary evidence of the chain of title from the original owner to the assignee was or concurrently is being submitted for recordation pursuant to § 3.11; or (ii) a statement specifying where documentary evidence of a chain of title from the original owner to the assignee is recorded in the assignment records of the Office (*e.g.*, reel and frame number).

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

Telephone inquires concerning this decision should be directed to undersigned at 571-272-1642.

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

/AMW/
April M. Wise
Petitions Examiner
Office of Petitions

cc: FIRST PRINCIPALS, LLC
4 SHADOW LANE
NORTH OAKS, MN 55127

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	12751617
Filing Date	31-Mar-2010
First Named Inventor	DAVID MARSHALL
Art Unit	1637
Examiner Name	SUCHIRA PANDE
Attorney Docket Number	023542-0295
Title	MATERIALS AND METHODS FOR DETECTION OF NUCLEIC ACIDS

◉ Please withdraw me as attorney or agent for the above identified patent application and the practitioners of record associated with Customer Number: 61495

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	ERAGEN BIOSCIENCES, INC.
Address	918 DEMING WAY, SUITE 201
City	Madison
State	WI
Postal Code	53717-1944
Country	US

I am authorized to sign on behalf of myself and all withdrawing practitioners.	
Signature	/Kassel, Mark/
Name	Kassel, Mark
Registration Number	38200

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Decision Date : November 30, 2011

In re Application of :

DAVID MARSHALL

Application No : 12751617

Filed : 31-Mar-2010

Attorney Docket No : 023542-0295

DECISION ON REQUEST TO WITHDRAW AS ATTORNEY/AGENTOF RECORD

This is an electronic decision on the Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed November 30, 2011

The request is **APPROVED.**

The request was signed by Kassel, Mark (registration no. 38200) on behalf of all attorneys/agents associated with Customer Number 61495 . All attorneys/agents associated with Cusotmer Number 61495 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	ERAGEN BIOSCIENCES, INC.
Name2	
Address 1	918 DEMING WAY, SUITE 201
Address 2	
City	Madison
State	WI
Postal Code	53717-1944
Country	US

As a reminder, requester is required to inform the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71 of the electronically processed petition.

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

Office of Petitions

GREATB-52884

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:		Stevenson et al.
Serial No.	:	12/751,711
Filed	:	March 31, 2010
For	:	Frequency Selective Passive Component Networks for Active Implantable Medical Devices Utilizing an Energy Dissipating Surface
Examiner	:	Unknown
Group Art Unit	:	3766
Confirmation No.	:	1115

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

PETITION UNDER 37 CFR 1.102

Sir:

Regarding the Patent Application Backlog Reduction Stimulus Plan, the Applicants petition as follows:

REMARKS

1. Greatbatch Ltd., 10000 Wehrle Drive, Clarence, NY 14031 is the assignee of the entire interest in the present application. This ownership is evidenced by an assignment from inventors Stevenson et al. to Greatbatch Ltd. recorded at reel/frame 024339/0701.

2. Greatbatch Ltd. hereby submits this petition to have the present application Serial No. 12/751,711, filed March 31, 2010 accorded special status for examination in consideration of the express abandonment of co-pending unexamined application Serial No. 12/765,903.

3. A Letter of Express Abandonment of U.S. Patent Application Serial No. 12/765,903, filed April 23, 2010 accompanies this Petition Under 37 CFR 1.102.

Respectfully submitted,

KELLY LOWRY & KELLEY, LLP

By: /Scott W. Kelley, Reg. No. 30762/
Scott W. Kelley
Attorney for Applicant

Enclosures

6320 Canoga Avenue
Suite 1650
Woodland Hills, CA 91367
(818) 347-7900
December 14, 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

KELLY LOWRY & KELLEY, LLP
6320 CANOGA AVENUE
SUITE 1650
WOODLAND HILLS CA 91367

MAILED

JAN 19 2011

OFFICE OF PETITIONS

In re Application of :
STEVENSON, et al. :
Application No. 12/751,711 :
Filed: March 31, 2010 :
Attorney Docket No. **GREATB-52884** :

DECISION ON PETITION
TO MAKE SPECIAL
37 CFR 1.102

This is a decision on the petition under 37 CFR 1.102, filed December 16, 2010, to make the above-identified application special under the Patent Application Backlog Reduction Stimulus Plan which is a pilot program set forth at 74 Federal Register Notice 62285 (November 27, 2009) and 75 Federal register Notice 36063 (June 24, 2010).

The petition is **DISMISSED**.

Any request for reconsideration of this decision should include a cover letter entitled "Renewed Petition under 37 CFR 1.102." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The petition lacks Items 1, 2, 4a, 5c, and 5d above.

More specifically, the application for which special status is sought, i.e., 12/751,711, does not have an actual filing date earlier than October 1, 2009 (Item 1), the copending nonprovisional application, i.e., 12/765,903, does not have an actual filing date earlier than October 1, 2009 (Item 2), the letter of express abandonment filed in Application No. 12/765,903, does not include the required statement that the applicant has not and will not file an application that claims the benefit of the expressly abandoned application under any provision of title 35, United States Code (Item 4a), the present petition does not include the statement that applicant has not filed petitions in more than fourteen (14) other applications requesting special status under this program (Item 5c), and the present petition does not include the statement that applicant agrees to make an election without traverse in a telephonic interview if the Office determines that the

claims of the application to be made special are directed to two or more independent and distinct inventions (Item 5d). As such, the present petition to make special must be dismissed.

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

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

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

By FAX: (571) 273-8300

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

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

The application is being forwarded to the Technology Center Art Unit 3766 for action in its regular turn.

Brian W. Brown
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

In re Application of
Robert A. Stevenson

Application No. 12751711

Filed: March 31,2010

Attorney Docket No. GREATB-52884

:DECISION ON PETITION TO MAKE SPECIAL
:UNDER 37 CFR 1.102(c)(1)

This is a decision on the electronic petition under 37 CFR 1.102 (c)(1), filed 07-FEB-2011 to make the above-identified application special based on applicant's age as set forth in MPEP § 708.02, Section IV.

The petition is **GRANTED**.

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

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

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

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

UNITED STATES 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 23 2011
OFFICE OF PETITIONS

THOMAS, KAYDEN, HORSTEMEYER & RISLEY, LLP
600 GALLERIA PARKWAY, S.E.
STE. 1500
ATLANTA GA 30339-5994

In re Application of	:	
Braden Surrena et al	:	
Application No. 12/751,742	:	ON PETITION
Filed: March 31, 2010	:	
Attorney Docket No. 561901-1010	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed February 24, 2011, to revive the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

The application became abandoned for failure to reply in a timely manner to the Notice To File Missing Parts mailed April 21, 2010.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Director may require additional information. See MPEP 711.03(c)(II)(C) and (D). The instant petition lacks item(s)(1).

As to item (1), a substitute specification in compliance with 37 CFR 1.52, 1.121(b)(3), and 1.125, is required as stated in the Notice mailed April 21, 2010.

Further correspondence with respect to this matter should be delivered through one of the following mediums:

By mail:	Mail Stop PETITIONS Commissioner for Patents Post Office Box 1450 Alexandria, VA 22313-1450
By hand:	Customer Service Window Mail Stop Petitions Randolph Building 401 Dulany Street Alexandria, VA 22314
By fax:	(571) 273-8300 ATTN: Office of Petitions
By internet:	EFS-Web www.uspto.gov/ebc/efs_help.html (for help using EFS-Web call the Patent Electronic Business Center at (866) 217-9197)

Any questions concerning this matter may be directed to the undersigned at (571) 272-3208.

/KOC/
Karen Creasy
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

THOMAS, KAYDEN, HORSTEMEYER & RISLEY, LLP
600 GALLERIA PARKWAY, S.E.
STE 1500
ATLANTA GA 30339-5994

MAILED
JUN 21 2011
OFFICE OF PETITIONS

In re Application of :
Braden Surrena et al :
Application No. 12/751,742 : DECISION ON PETITION
Filed: March 31, 2010 :
Attorney Docket No. 561901-1010 :

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed June 14, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the required reply (2) the petition fee; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the Notice to File Missing Parts mailed April 21, 2010, is accepted as having been unintentionally delayed.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3208.

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

/KOC/
Karen Creasy
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: 81194172	Application Number (if known): 12/751,744	Filing date: March 31, 2010
First Named Inventor: Brad Alan Boyer		
Title: DUAL-INLET SUPERCHARGER FOR EGR FLOW CONTROL		

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

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

1. By filing this petition:

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

2. By filing this petition: applicant is agreeing to make an election without traverse in a telephonic interview and elect an invention that meets the eligibility requirements for the Green Technology Pilot Program, if the Office determines that the claims are not obviously directed to a single invention. See Instruction Sheet.

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

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

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

6. Other attachments: Preliminary Amendment

Signature	Date January 18, 2011
Name (Print/Typed) John D. Russell	Registration Number 47,048

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

X *Total of 1 forms are submitted.

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

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

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants	:	Brad Alan Boyer et al.
Application No.	:	12/751,744
Filed	:	March 31, 2010
Title	:	DUAL-INLET SUPERCHARGER FOR EGR FLOW CONTROL
Group Art Unit	:	3748
Confirmation No.	:	1173
Docket No.	:	81194172

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

CERTIFICATE OF TRANSMISSION

I hereby certify that this correspondence is being transmitted via the U.S. Patent and Trademark Office electronic filing system (EFS-Web) to the USPTO on:

January 18, 2011
Date

Caitlin Fackrell
Caitlin Fackrell

STATEMENTS OF SPECIAL STATUS

Applicants respectfully request consideration of the following statement concerning the basis for the special status as well as the following statement pertaining to the materiality standard.

I. Statement concerning the basis for special status.

Applicants submit that special status is sought on the following bases: (1) the claimed invention materially enhances the quality of the environment; and/or (2) the claimed invention materially contributes to the more efficient utilization and conservation of energy resources; and/or (3) the claimed invention materially contributes to greenhouse gas emission reduction.

II. Statement pertaining to the materiality standard.

As a preliminary matter, Applicants note that the following statement refers explicitly to the elements of independent claim 1, which is the broadest claim in many respects.

Regarding basis (1), Applicants submit that the claimed invention materially enhances the quality of the environment by reducing NO_X emissions, which may

negatively impact the quality of the environment. Specifically, the claimed invention makes it possible to use increased EGR (exhaust gas recirculation) to reduce NO_X emissions by addressing issues typically associated with EGR such as transient control difficulties in boosted engine systems, particularly in combination with spark ignition. As explained in pages 1-2 of Applicants' specification, in boosted engines, higher combustion and exhaust temperatures can lead to higher formation of NO_X than naturally aspirated engines of similar output power. One approach to reduce such temperatures is to use EGR. In boosted engine systems equipped with a turbocharger compressor mechanically coupled to a turbine, exhaust gas may be recirculated through a high pressure (HP) EGR loop and/or through a low-pressure (LP) EGR loop. HP and LP EGR strategies achieve optimum efficacy in different regions of the engine load-speed map. Moreover, each strategy presents its own control-system challenges. For example, HP EGR is most effective at low loads, where intake vacuum provides ample flow potential. At higher loads, it may be difficult to maintain the desired EGR flow rate. On the other hand, LP EGR provides adequate flow from mid to high engine loads, but may respond sluggishly to changing engine load, engine speed, or intake air flow. In gasoline engines especially, such unsatisfactory transient response may include combustion instability during TIP-out conditions, when fresh air is needed to sustain combustion but EGR-diluted air is present upstream of the throttle valve. Moreover, a significant lag in EGR availability can occur during TIP-in conditions, as the amount of EGR accumulated in the intake manifold may not be sufficient to provide the desired combustion and/or emissions-control performance. Previous solutions have relied on a supercharger compressor to help address flow potential and transient control issues. However, in such a system, inducted air and EGR are admitted to the supercharger through a common inlet, where pressure equalization can occur prior to compression. As a result, the rate at which EGR is supplied through the supercharger depends on the air pressure at the common inlet, which in turn depends on the level of boost provided by the turbocharger, the states of various by-pass and control valves, and other factors. Taking these dependencies into account may result in a complex EGR-control strategy that leads to lower EGR levels than otherwise possible.

The claimed invention mitigates such problems by a specially configured supercharger compressor that can be used to provide boost for an engine system and also enable improved and/or simplified EGR flow control. For example, claim 1 recites:

> A supercharger compressor comprising:
>
> a plurality of rotors rotatably mounted in a housing;
>
> a first inlet for air;
>
> a second inlet for recirculated exhaust gas; and
>
> a flow separator arranged interior the housing and configured to form a slideable seal with at least one rotor of the plurality of rotors, the slideable seal fluidically isolating the first inlet from the second inlet, at least in part, and retarding pressure equalization therebetween.

That is, a supercharger compressor is provided comprising a plurality of rotors rotatably mounted in a housing, a first inlet for air, a second inlet for recirculated exhaust gas, and a flow separator arranged interior the housing. The flow separator is configured to form a slideable seal with one or more of the rotors. The slideable seal fluidically isolates the first inlet from the second inlet, at least in part, and retards pressure equalization therebetween. In this manner, undesired pressure equalization between inducted air and EGR upstream of the supercharger can be reduced or avoided, resulting in simplified and/or improved EGR flow control. Thus, this simplification and improvement in EGR flow control can make it possible to use increased EGR to thus further reduce NO_X emissions.

Regarding basis (2), Applicants submit that the claimed invention materially contributes to the more efficient utilization and conservation of energy resources by improving fuel economy (*e.g.*, more efficiently utilizing and conserving fossil fuels). As set out in the Background and Summary of Applicants' specification, EGR may also improve fuel economy in gasoline engines by reducing throttling losses and heat rejection. By making it more practical to use increased EGR, the claimed invention can improve fuel economy, thus conserving fossil fuels.

Regarding basis (3), Applicants submit that the claimed invention materially contributes to greenhouse gas emission reduction as follows. CO_2 is a greenhouse gas produced as a product of fuel combustion. As explained above, improved use of EGR can lead to increased fuel economy, reducing the amount of fuel combusted and thus reducing emissions of CO_2.

Please charge any cost incurred in this filing, along with any other costs, to Deposit Account No. 06-1510.

Respectfully submitted,

ALLEMAN HALL MCCOY RUSSELL & TUTTLE LLP

John D. Russell
Registration No. 47,048
Customer No. 36865
Attorney/Agent for Applicants/Assignee
806 S.W. Broadway, Suite 600
Portland, Oregon 97205
Telephone: (503) 459-4141
Facsimile: (503) 459-4142

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/751,744	03/31/2010	Brad Alan Boyer	81194172	1173

36865 7590 01/25/2011
ALLEMAN HALL MCCOY RUSSELL & TUTTLE, LLP
806 S.W. BROADWAY, SUITE 600
PORTLAND, OR 97205

EXAMINER

ART UNIT	PAPER NUMBER
3748	

MAIL DATE	DELIVERY MODE
01/25/2011	PAPER

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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ALLEMAN HALL MCCOY RUSSELL & TUTTLE, LLP
806 S.W. BROADWAY, SUITE 600
PORTLAND OR 97205

In re Application of	:	
BOYER, BRAD ALAN et al	:	DECISION ON PETITION
Application No. 12/751,744	:	TO MAKE SPECIAL UNDER
Filed: March 31, 2010	:	THE GREEN TECHNOLOGY
Attorney Docket No. 81194172	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed Jan. 18, 2011 to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **granted.**

If reconsideration of this decision is desired, a petition for reconsideration must be filed within ONE (1) MONTH OR THIRTY (30) DAYS from the mail date of this decision, whichever is longer. No extension of this time limit can be granted under 37 CFR 1.136(a) or (b). The petition for reconsideration should include an exhaustive attempt to provide the lacking item(s) noted below, since, after a decision on the petition for reconsideration, no further reconsideration or review of the matter will be undertaken by the Director.

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

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by

a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

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

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

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

This application will be forwarded to the Technology Center Art Unit 3748 for action on the merits commensurate with this decision.

/Henry C. Yuen/

Henry C. Yuen
Quality Assurance Specialist
Technology Center TC 3700

UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/751,818	03/31/2010	Hideki YAMAGUCHI	SUTSDC.024AUS	1313

EXAMINER

7590 09/07/2010
KNOBBE MARTENS OLSON & BEAR LLP
2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE, CA 92614

ART UNIT	PAPER NUMBER
2627	

NOTIFICATION DATE	DELIVERY MODE
09/07/2010	ELECTRONIC

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

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

The petition is granted.

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

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

Mimi Farmer

Patent Publication Branch
Office of Data Management

FORM PET651G (Rev. 08/07)

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

PTO/SB/420 (05-10)
Approved for use through 01/31/2011. OMB 0651-0062
U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE
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PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Attorney Docket Number: 24525.4001	Application Number (if known): 12/751830	Filing date: March 31, 2010

First Named Inventor: Seth Shortlidge

Title: HYBRID POWER GENERATION CYCLE SYSTEMS AND METHODS

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

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

1. By filing this petition:

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

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

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

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

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

6. Other attachments: _____

Signature /Mark J. Shean/	Date 11/12/2010
Name (Print/Typed) Mark J. Shean	Registration Number 54,441

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

☑ *Total of one forms are submitted.

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

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

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No.	:	12/751,830	Confirmation No.:	1338
Applicant	:	Seth Shortridge et al.		
Filing Date	:	March 31, 2010		
Title	:	HYBRID POWER GENERATION CYCLE SYSTEMS AND METHODS		
Group Art Unit	:	Not yet assigned		
Examiner	:	Not yet assigned		
Docket No.	:	24525.4001		
Customer No.	:	34313		

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

STATEMENTS OF SPECIAL STATUS

Sir:

Applicant submits that the above-referenced application is entitled to Special Status under the Green Technology Pilot Program as the claims of the application are directed to the more efficient utilization of energy resources. Specifically, the claims of the application claim methods and systems for the generation of electrical energy using renewable, biomass fuels sources wherein the process for power generation achieves higher efficiencies than present systems and methods. The invention is directed at methods and systems for the combination of steam outputs from a biomass combustion cycle with the steam output of a natural gas or other fossil fuel fired combined cycle plant to generate electrical power.

Applicant	:	Seth Shortridge et al.
Appl. No.	:	12/751,830
Examiner	:	To be assigned
Docket No.	:	24525.4001

Respectfully submitted,

ORRICK, HERRINGTON & SUTCLIFFE LLP

Dated: November 12, 2010

By: /Mark J. Shean/
Mark J. Shean
Reg. No. 54,441

Orrick, Herrington & Sutcliffe LLP
4 Park Plaza, Suite 1600
Irvine, CA 92614-2558
Tel. 949-567-6700
Fax: 949-567-6710

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/751,830	03/31/2010	Seth Shortlidge	24525.4001	1338

34313 7590 11/30/2010
ORRICK, HERRINGTON & SUTCLIFFE, LLP
IP PROSECUTION DEPARTMENT
4 PARK PLAZA
SUITE 1600
IRVINE, CA 92614-2558

EXAMINER

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.

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ORRICK, HERRINGTON & SUTCLIFFE, LLP
IP PROSECUTION DEPARTMENT
4 PARK PLAZA
SUITE 1600
IRVINE CA 92614-2558

In re Application of	:	
SHORTLIDGE et al.	:	DECISION ON PETITION
Application No. 12/751,830	:	TO MAKE SPECIAL UNDER
Filed: March 31, 2010	:	THE GREEN TECHNOLOGY
Attorney Docket No. 24525.4001	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed on November 16, 2010, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **GRANTED**.

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

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

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

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

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

The application is being forwarded to the Technology Center Art Unit 2839 for action in its regular turn.

Lee W. Young
Quality Assurance Specialist
Technology Center 2800

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/751,859	03/31/2010	Keiko Watanabe	SUTOSH.573AUS	1394

20995 7590 01/24/2011
KNOBBE MARTENS OLSON & BEAR LLP
2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE, CA 92614

EXAMINER

ART UNIT	PAPER NUMBER
2431	

NOTIFICATION DATE	DELIVERY MODE
01/24/2011	ELECTRONIC

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

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

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

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

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JAN 24 2011

DIRECTOR OFFICE
TECHNOLOGY CENTER 2400

KNOBBE MARTENS OLSON & BEAR LLP
2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE CA 92614

In re Application of: Watanabe et al.
Application No. 12/751,859
Filed: March 31, 2010
For: **CONTENT PROTECTION DEVICE AND CONTENT PROTECTION METHOD**

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

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

The petition is **GRANTED.**

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

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

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

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

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

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

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

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

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

Telephone inquiries concerning this decision should be directed to Christopher Grant at 571-272-7294.

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

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

/Christopher Grant/

Christopher Grant
Quality Assurance Specialist
Technology Center 2400

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/751,871	03/31/2010	Yusuke NOJIMA	SUTSDC.022AUS	1413

7590 09/14/2010
KNOBBE MARTENS OLSON & BEAR LLP
2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE, CA 92614

EXAMINER
KOONTZ, TAMMY J

ART UNIT	PAPER NUMBER
3974	

NOTIFICATION DATE	DELIVERY MODE
09/14/2010	ELECTRONIC

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

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

The petition is granted.

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

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

Betty Powell

Patent Publication Branch
Office of Data Management

FORM PET651G (Rev. 08/07)

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SHELDON MAK & ANDERSON PC
100 Corson Street
Third Floor
PASADENA CA 91103-3842

MAILED

DEC 20 2010

OFFICE OF PETITIONS

In re Application of :
Leoutsarakos, et al. :
Application No. 12/751,885 : DECISION NOTING JOINDER
Filed: March 13, 2010 :
Attorney Docket No. **20100-1** :
For: **DISTRIBUTED SYSTEM FOR MULTI-FUNCTION SECURE VERIFIABLE SIGNER AUTHENTICATION**

This is in response to the petition under 37 CFR 1.47(a) filed November 22, 2010, and in regard to the communication filed December 2, 2010, noting the joinder of inventor Leoutsarakos in the above-cited application.

In view of the joinder of the inventor, further consideration under 37 CFR 1.47(a) is not necessary. This application does not have any Rule 1.47(a) status and no such status should appear on the file wrapper. This application need not be returned to this Office for further consideration under 37 CFR 1.47(a).

The Manual of Patent Examining Procedure ("MPEP"), § 409.03(j) provides that "[i]n the event the previously non-signing inventor decides to join the application by filing an executed oath or declaration complying with 37 CFR 1.63, the oath or declaration will be placed in the application file."

Accordingly, the declaration filed December 2, 2010, executed by the previously non-signing joint inventor is noted and made of record.

This application is being directed to the Office of Patent Application Processing for further processing.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3222.

/Kenya A. McLaughlin/

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/751,905	03/31/2010	Keishi SHIMIZU	SUTSDC.021AUS	1479

7590 09/16/2010
KNOBBE MARTENS OLSON & BEAR LLP
2040 MAIN STREET
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IRVINE, CA 92614

EXAMINER

ART UNIT	PAPER NUMBER
2627	

NOTIFICATION DATE	DELIVERY MODE
09/16/2010	ELECTRONIC

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

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

The petition is granted.

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

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

Patent Publication Branch
Office of Data Management

[illegible] 2020225450

Precis Card Refund Totals $540.00

[illegible]

Adjustment date: 09/15/2010 [illegible]
04/31/2010 INTERSW 00607317 12751905
02 FC:1111 -540.00 OP

FORM PET651G (Rev. 08/07)

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

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APR 07 2011
OFFICE OF PETITIONS

In re Application of :

Hinton, et al. :

Application No. 12/751,914 : ON PETITION

Filed: March 31, 2010 :

Attorney Docket No. **057636-397435**

This is a decision on the petition to withdraw the holding of abandonment under 37 CFR 1.181(a), filed March 4, 2011.

The petition is **granted**.

This application was held abandoned June 15, 2010; after no reply was received to the "Notice to Comply with Requirements for Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures" mailed April 14, 2010. The notice set forth a shortened period of reply of two months from its mailing date. No response was received within the allowable period and the application became abandoned on June 15, 2010. A Notice of Abandonment was mailed January 4, 2011.

When, as in this case petitioner is arguing that an Office communication was not received, petitioner must establish non-receipt of the Office communication in accordance with section 711.03(c) of the *Manual of Patent Examining Procedure* that requires the following:

> To minimize costs and burdens to practitioners and the Office, the Office has modified the showing required to establish nonreceipt of an Office action. The showing required to establish nonreceipt of an Office communication must include a statement from the practitioner describing the system used for recording an Office action received at the correspondence address of record with the USPTO. The statement should establish that the docketing system is sufficiently reliable. It is expected that the record would include, but not be limited to, the application number, attorney docket number, the mail date of the Office action and the due date for the response.
>
> Practitioner must state that the Office action was not received at the correspondence address of record, and that a search of the practitioner's record(s), including any file jacket or the equivalent, and the application

contents, indicates that the Office action was not received. A copy of the record(s) used by the practitioner where the non-received Office action would have been entered had it been received is required.

A copy of the practitioner's record(s) required to show non-receipt of the Office action should include the master docket for the firm. That is, if a three month period for reply was set in the nonreceived Office action, a copy of the master docket report showing all replies docketed for a date three months from the mail date of the nonreceived Office action must be submitted as documentary proof of nonreceipt of the Office action. If no such master docket exists, the practitioner should so state and provide other evidence such as, but not limited to, the following: the application file jacket; incoming mail log; calendar; reminder system; or the individual docket record for the application in question.

Petitioner has met the burden of proof as established by Section 711.03(c)(II) of the MPEP. The holding of abandonment is, therefore, withdrawn.

The response filed March 4, 2011, is noted.

The application file is being forwarded to Office of Patent Application Processing further review.

Questions concerning this decision should be directed to the undersigned at (571) 272-3222.

/Kenya A. McLaughlin/

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

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

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MAR 08 2012
OFFICE OF PETITIONS

In re Application of	:	
Paul R. Hinton et al	:	
Application No. 12/751,914	:	DECISION GRANTING PETITION
Filed: March 31, 2010	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 057636-397435	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed, March 6, 2012 to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on February 15, 2012 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

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

This matter is being referred to Technology Center AU 1644 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the amendment previously filed on February 15, 2012.

/Irvin Dingle/
Irvin Dingle
Petitions Examiner
Office of Petitions

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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URANIA JUANG
266 E. GISH ROAD
SAN JOSE CA 95112

MAILED

OCT 12 2010

OFFICE OF PETITIONS

In re Application of	:	
KURBANOV, Mara A.O. et al.	:	
Application No. 12/751,967	:	DECISION ON PETITION
Filed: March 31, 2010	:	TO WITHDRAW
Attorney Docket No. **KURBANOV-002**	:	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 21, 2010.

The request is **APPROVED**.

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

The request was signed by Urania Juang, the sole attorney of record. Urania Juang has been withdrawn as attorney or agent of record. Applicant is reminded that there is no attorney of record at this time.

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

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

/Tredelle D. Jackson/
Paralegal Specialist
Office of Petitions

cc: **MIRZA ABDUL OGLU KURBANOV**
C/O ALEX SHKOLNIK
PATENT TRANSLATION AND CONSULTING CO., INC.
485 DARTHMOUTH AVENUE
SAN CARLOS CA 94070

PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Attorney Docket Number: 90834-785316 (002810US)	Application Number (if known): 12/751,985	Filing date: 03/31/2010
First Named Inventor: Jie Yang *et al.*		
Title: ENDOGLUCANASES		

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.

   This application has published as no. US-2010-0267089A1. The publication fee set forth in 37 CFR 1.18(d) accompanies this Petition.

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.

6. Other attachments: Preliminary Amendment

Signature	Date October 3, 2011
Name (Print/Typed) Jean M. Lockyer	Registration Number 44,879

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.

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/751,985	03/31/2010	JIE YANG	90834-785316 (002810US)	1633

97277 7590 10/20/2011
Townsend and Townsend and Crew LLP/Codexis, Inc.
Two Embarcadero Center, Eighth Floor
San Francisco, CA 94111-3834

EXAMINER
VAN BUREN, LAUREN K

ART UNIT	PAPER NUMBER
1651	

MAIL DATE	DELIVERY MODE
10/20/2011	PAPER

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

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

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OCT 20 2011

Townsend and Townsend and Crew LLP/Codexis, Inc.
Two Embarcadero Center, Eighth Floor
San Francisco CA 94111-3834

In re Application of	:	
YANG, Jie *et al.*	:	DECISION ON PETITION
Application No. 12/751985	:	TO MAKE SPECIAL UNDER
Filed: March 31, 2010	:	THE GREEN TECHNOLOGY
Attorney Docket No. 90834-785316 (002810US)	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed October 3, 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 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

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United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/752,043	03/31/2010	Vasudevan Jagannathan	0051867-000085.002	1738

21839 7590 11/09/2010
BUCHANAN, INGERSOLL & ROONEY PC
POST OFFICE BOX 1404
ALEXANDRIA, VA 22313-1404

EXAMINER
PAULS, JOHN A

ART UNIT	PAPER NUMBER
3686	

NOTIFICATION DATE	DELIVERY MODE
11/09/2010	ELECTRONIC

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

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

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

ADIPFDD@bipc.com
offserv@bipc.com

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BUCHANAN, INGERSOLL & ROONEY PC
POST OFFICE BOX 1404
ALEXANDRIA VA 22313-1404

In re application of:	:	**DECISION ON PETITION**
Jagannathan, Vasudevan, et al.	:	**TO MAKE SPECIAL FOR**
Application No.: 12/752,043	:	**NEW APPLICATION**
Filed: March 31, 2010	:	**UNDER 37 CFR 1.102**
For: COMPUTER-ASSISTED ABSTRACTION OF DATA AND DOCUMENT CODING		

This is a decision on the petition filed on March 31, 2010 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

The petition to make the application special is **GRANTED**.

The application is eligible for accelerated examination and the petition complies with the conditions for granting the application special status pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published June 26, 2006, in the Federal Register. (71 Fed. Reg. 36323).

The prosecution of the instant application will be conducted expeditiously according to the following guidelines.

1. The application will be docketed to an examiner and taken up for action within two weeks of the date of this decision.

2. Restriction Practice:
If the examiner determines that the claims are not directed to a single invention, a telephone request to elect one single invention will be made pursuant to MPEP 812.01. As a prerequisite to the grant of this petition, the applicant has agreed to make an oral election, by telephone, without traverse. If the applicant refuses to make an election without traverse, or the examiner cannot reach the applicant after a reasonable effort, the examiner will treat the

first claimed invention (invention defined by claim 1) as having being constructively elected without traverse for examination.

3. Office action:
   If it is determined that, after appropriate consultation, there is a potential rejection or any other issue to be addressed, the examiner will telephone the applicant and arrange an interview to discuss and resolve the issue. An Office action, other than a Notice of Allowance and Fee(s) Due (Notice of Allowance), will not be issued unless either: 1) an interview was conducted but did not result in agreed to action that places the application in condition for allowance, or, 2) a determination is made that an interview would be unlikely to result in the application being placed in condition for allowance, and 3) an internal conference has been held to review any rejection of any claim.

4. Time for Reply:
   An Office action other than a Notice of Allowance or a final Office action will set a shortened statutory period of one month or thirty days, whichever is longer, for reply with no extension of time available under 37 CFR 1.136(a). Failure to timely file a reply within this non-extendible period for reply will result in the abandonment of the application.

5. Reply by Applicant:
   A timely reply to an Office action other than the Notice of Allowance must be submitted electronically via EFS or EFS-web and limited to addressing the rejections, objections and requirement made. Any amendment that attempts to: 1) add claims which would result in more than three pending independent claims or more than twenty pending total claims; 2) present claims not encompassed by the pre-examination search or an updated accelerated examination support document; or 3) present claims that are directed to a non-elected invention or an invention other than that previously claimed and examined in the application, will be treated as not fully responsive and will not be entered.

   For any amendment to the claims (including any new claim) that is not encompassed by the accelerated examination support document, applicant must provide an updated accelerated examination support document that encompasses the amended or new claims at the time of filing of the amendment.

   To proceed expeditiously with the examination, it is recommended that a reply with amendments made to any claim or with any new claim being added be accompanied by an updated accelerated

examination support document or a statement explaining how the amended or new claim is supported by the original accelerated examination support document.

6. Information Disclosure Statement (IDS):
   Any IDS filed during prosecution must be submitted electronically via EFS or EFS-web, accompanied by an updated accelerated examination support document, and be in compliance with 37 CFR 1.97 and 1.98.

7. Post-Allowance Processing:
   To expedite processing of the allowed application into a patent, the applicant must: 1) pay the required fees within one month of the date of the Notice of Allowance, and 2) not file any post allowance papers not required by the Office. In no event may the issue fee be paid and accepted later than three months from the date of the Notice of Allowance.

8. After-Final and Appeal Procedures:
   To expedite prosecution, after receiving the final Office action, applicant must: 1) promptly file a notice of appeal, an appeal brief and appeal fees; and 2) not request a pre-appeal brief conference.

   Any amendment, affidavit or other evidence filed after final Office action must comply with applicable rules and the requirements outlined in numbered paragraphs 5 and 6 above.

   On appeal, the application will proceed according to normal appeal procedures. After appeal, the application will again be treated special.

9. Proceedings Outside the Normal Examination Process:
   If the application becomes involved in a proceeding that is outside the normal examination process (e.g., a secrecy order, national security review, interference proceeding, petitions under 37 CFR 1.181, 182 or 183), the application will be treated special before and after such proceeding.

10. Final Disposition:
    The twelve month goal of this accelerated examination procedure ends with a final disposition. The mailing of a final Office action, a Notice of Allowance, the filing of a Notice of Appeal, or the filing of a Request for Continued Examination (RCE) is the final disposition.

    If, during prosecution, a paper is not filed electronically using EFS-web, a reply is filed but is not fully responsive, the application is

involved in an appeal, or a proceeding outside normal examination process, the application will still be examined expeditiously, however, the final disposition may occur more than twelve months from the filing of the application.

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

Robert Weinhardt
Business Practice Specialist
Technology Center 3600

RW/11/5/10

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JACKSON & CO LLP
6114 LA SALLE AVENUE
#507
OAKLAND CA 94611-2802

MAILED
DEC 09 2010
OFFICE OF PETITIONS

In re Application of	:	
O'Fallon, et al.	:	
Application No. 12/752,084	:	DECISION ACCORDING STATUS
Filed: March 31, 2010	:	UNDER 37 CFR 1.47(a)
Attorney Docket No. ME-07-08	:	

This is in response to the petition under 37 CFR 1.47(a), filed September 21, 2010.

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

Rule 47 applicant has demonstrated that inventor Yang has refused to sign the declaration after having been presented with the application papers.

The petition and declaration have been reviewed and determined to be in compliance with 37 CFR 1.47(a).

The application is hereby accorded Rule 47 status.

As provided in 37 CFR 1.47(c), the Office will provide notice of this application's filing to the non-signing inventor at the last known address provided in the petition. Notice will also be provided in the Official Gazette.

The application is being forwarded to Group Art Unit 3726 for examination.

Telephone inquiries related to this decision may be directed to the undersigned at (571)272-3207.

Cliff Congo
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. Box 1450
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JUN YANG
46 FOXTAIL LN
DOVE CANYON CA 92679-3804

MAILED

DEC 09 2010

OFFICE OF PETITIONS

In re Application of :
O'Fallon, et al. :
Application No. 12/752,084 :
Filed: March 31, 2010 : LETTER
Title: Leaflet Alignment Fixture and Methods Therefor

Dear Mr. Yang:

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

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

Telephone inquiries regarding this communication should be directed to Petitions Attorney Cliff Congo at (571)272-3207. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to the Certification Division at (703) 308-9726 or 1-800-972-6382 (outside the Washington D.C. area).

Cliff Congo
Petitions Attorney
Office of Petitions

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CANTOR COLBURN LLP - FOX ENTERTAINMENT GROUP
20 CHURCH STREET
22ND FLOOR
HARTFORD CT 06103

MAILED

NOV 04 2010

OFFICE OF PETITIONS

In re Application of
Manik Bambha et al.
Application No. 12/752,099
Filed: March 31, 2010
Attorney Docket No. CA09/9344

DECISION ACCORDING STATUS
UNDER 37 CFR 1.47(a)

This is in response to the petition filed September 22, 2010 under 37 CFR 1.47(a).

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

The above-identified application was filed on March 31, 2010 without an oath or declaration. Accordingly, on April 22, 2010, a "Notice To File Missing Parts Of Nonprovisional Application" ("Notice To File Missing Parts") was mailed, requiring an executed oath or declaration in compliance with 37 CFR 1.63 and a surcharge for its late filing.

In response, a three month extension of time request and the instant petition, seeking status under 37 CFR 1.47, was filed. Petitioners claim that joint inventor Thomas Anderson refuses to execute the declaration.

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

The petition bears proof that the application papers were forwarded to and received by joint inventor Anderson, but to date has not returned an executed copy of the oath or declaration and thus by his actions, refuses to cooperate with the filing of the instant application.

The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). In view thereof, this application is hereby accorded Rule 1.47(a) status.

Thus, as provided in Rule 1.47c, this Office will forward notice of this application's filing

to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

The late filing surcharge, petition fee and the extension of time fee have been charged to the credit card provided.

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

Telephone inquiries concerning this matter may be directed to the undersigned Petitions Attorney at (571) 272-3212.

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

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JOSEPH BAIN
NOVAK DRUCE & QUIGG LLP
525 OKEECHOBEE BLVD
SUITE 1500
WEST PALM BEACH, FL 33401

MAILED
DEC 16 2010
OFFICE OF PETITIONS

In re Application of	:	
Konstantin Korytnikov	:	DECISION GRANTING STATUS
Application No. 12/752,101	:	UNDER 37 CFR 1.47(b)
Filed: March 31, 2010	:	
Attorney Docket No.: 10110-15-1	:	

This is in response to the petition under 37 CFR 1.47(b), filed October 20, 2010.

The petition is **GRANTED.**

Petitioner has shown that the non-signing inventor Konstantin Korytinkov has refused to join in the filing of the above-identified application.

The application and papers have been reviewed and found in compliance with 37 CFR 1.47(b). This application is hereby accorded Rule 1.47(b) status.

As provided in 37 CFR 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the declaration. Notice of the filing of this application will also be published in the Official Gazette.

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

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3204.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

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DR. KONSTANTIN KORYTNIKOV
1014-15 NORTH PART ROAD
THORNHILL, ONTARIO
CANADA L4J 0A1

MAILED
DEC 16 2010
OFFICE OF PETITIONS

In re Application of :
Konstantin Korytnikov :
Application No. 12/752,101 : LETTER
For: METHOD AND APPARATUS FOR PEM :
FUEL CELL FREEZING PROTECTION :

Dear Dr. Korytnikov:

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

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

Telephone inquiries regarding this communication should be directed to the undersigned at (571) 272-3204. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at (571)272 -3150 or 1-800-972-6382 (outside the Washington D.C. area).

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

cc: JOSEPH BAIN
NOVAK DRUCE & QUIGG LLP
525 OKEECHOBEE BLVD
SUITE 1500
WEST PALM BEACH, FL 33401

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20 CHURCH STREET
22ND FLOOR
HARTFORD CT 06103

MAILED

NOV 04 2010

OFFICE OF PETITIONS

In re Application of
Manik Bambha et al.
Application No. 12/752,106
Filed: March 31, 2010
Attorney Docket No. CA10/1566

DECISION ACCORDING STATUS
UNDER 37 CFR 1.47(a)

This is in response to the petition filed September 22, 2010 under 37 CFR 1.47(a).

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

The above-identified application was filed on March 31, 2010 without an oath or declaration. Accordingly, on April 22, 2010, a "Notice To File Missing Parts Of Nonprovisional Application" ("Notice To File Missing Parts") was mailed, requiring an executed oath or declaration in compliance with 37 CFR 1.63 and a surcharge for its late filing.

In response, a three month extension of time request and the instant petition, seeking status under 37 CFR 1.47, was filed. Petitioners claim that joint inventor Thomas Anderson refuses to execute the declaration.

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

The petition bears proof that the application papers were forwarded to and received by joint inventor Anderson, but to date has not returned an executed copy of the oath or declaration and thus by his actions, refuses to cooperate with the filing of the instant application.

The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). In view thereof, this application is hereby accorded Rule 1.47(a) status.

Thus, as provided in Rule 1.47c, this Office will forward notice of this application's filing

to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

The late filing surcharge, petition fee, filing fees and the extension of time fee have been charged to the credit card provided.

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

Telephone inquiries concerning this matter may be directed to the undersigned Petitions Attorney at (571) 272-3212.

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

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AUG 1 6 2010

RAJ ABHYANKER, P.C.
1580 WEST, EL CAMINO REAL, SUITE 8
MOUNTAIN VIEW CA 94040

In re application of:	:	**DECISION ON PETITION**
Shyam Chetal	:	**TO MAKE SPECIAL FOR**
Application No. 12/752,178	:	**NEW APPLICATION**
Filed: April 1, 2010	:	**UNDER 37 CFR 1.102**

For: BIOMETRIC IDENTIFICATION AND AUTHENTICATION SYSTEM FOR FINANCIAL ACCOUNTS

This is a decision on the renewed petition filed on July 29, 2010 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

The petition to make the application special is **GRANTED**.

The application is eligible for accelerated examination and the petition complies with the conditions for granting the application special status pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published June 26, 2006, in the Federal Register. (71 Fed. Reg. 36323).

The prosecution of the instant application will be conducted expeditiously according to the following guidelines.

1. The application will be docketed to an examiner and taken up for action within two weeks of the date of this decision.

2. Restriction Practice:
   If the examiner determines that the claims are not directed to a single invention, a telephone request to elect one single invention will be made pursuant to MPEP 812.01. As a prerequisite to the grant of this petition, the applicant has agreed to make an oral election, by telephone, without traverse. If the applicant refuses to make an election without traverse, or the examiner cannot reach the applicant after a reasonable effort, the examiner will treat the

first claimed invention (invention defined by claim 1) as having being constructively elected without traverse for examination.

3. Office action:
   If it is determined that, after appropriate consultation, there is a potential rejection or any other issue to be addressed, the examiner will telephone the applicant and arrange an interview to discuss and resolve the issue. An Office action, other than a Notice of Allowance and Fee(s) Due (Notice of Allowance), will not be issued unless either: 1) an interview was conducted but did not result in agreed to action that places the application in condition for allowance, or, 2) a determination is made that an interview would be unlikely to result in the application being placed in condition for allowance, and 3) an internal conference has been held to review any rejection of any claim.

4. Time for Reply:
   An Office action other than a Notice of Allowance or a final Office action will set a shortened statutory period of one month or thirty days, whichever is longer, for reply with no extension of time available under 37 CFR 1.136(a). Failure to timely file a reply within this non-extendible period for reply will result in the abandonment of the application.

5. Reply by Applicant:
   A timely reply to an Office action other than the Notice of Allowance must be submitted electronically via EFS or EFS-web and limited to addressing the rejections, objections and requirement made. Any amendment that attempts to: 1) add claims which would result in more than three pending independent claims or more than twenty pending total claims; 2) present claims not encompassed by the pre-examination search or an updated accelerated examination support document; or 3) present claims that are directed to a non-elected invention or an invention other than that previously claimed and examined in the application, will be treated as not fully responsive and will not be entered.

   For any amendment to the claims (including any new claim) that is not encompassed by the accelerated examination support document, applicant must provide an updated accelerated examination support document that encompasses the amended or new claims at the time of filing of the amendment.

   To proceed expeditiously with the examination, it is recommended that a reply with amendments made to any claim or with any new claim being added be accompanied by an updated accelerated

examination support document or a statement explaining how the amended or new claim is supported by the original accelerated examination support document.

6. Information Disclosure Statement (IDS):
   Any IDS filed during prosecution must be submitted electronically via EFS or EFS-web, accompanied by an updated accelerated examination support document, and be in compliance with 37 CFR 1.97 and 1.98.

7. Post-Allowance Processing:
   To expedite processing of the allowed application into a patent, the applicant must: 1) pay the required fees within one month of the date of the Notice of Allowance, and 2) not file any post allowance papers not required by the Office. In no event may the issue fee be paid and accepted later than three months from the date of the Notice of Allowance.

8. After-Final and Appeal Procedures:
   To expedite prosecution, after receiving the final Office action, applicant must: 1) promptly file a notice of appeal, an appeal brief and appeal fees; and 2) not request a pre-appeal brief conference.

   Any amendment, affidavit or other evidence filed after final Office action must comply with applicable rules and the requirements outlined in numbered paragraphs 5 and 6 above.

   On appeal, the application will proceed according to normal appeal procedures. After appeal, the application will again be treated special.

9. Proceedings Outside the Normal Examination Process:
   If the application becomes involved in a proceeding that is outside the normal examination process (e.g., a secrecy order, national security review, interference proceeding, petitions under 37 CFR 1.181, 182 or 183), the application will be treated special before and after such proceeding.

10. Final Disposition:
    The twelve month goal of this accelerated examination procedure ends with a final disposition. The mailing of a final Office action, a Notice of Allowance, the filing of a Notice of Appeal, or the filing of a Request for Continued Examination (RCE) is the final disposition.

    If, during prosecution, a paper is not filed electronically using EFS-web, a reply is filed but is not fully responsive, the application is

involved in an appeal, or a proceeding outside normal examination process, the application will still be examined expeditiously, however, the final disposition may occur more than twelve months from the filing of the application.

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

Robert Weinhardt
Business Practice Specialist
Technology Center 3600

RW/8/15/10

UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/752,199	04/01/2010	Hideharu TAKAMIYA	108419.00132	2007

4372 7590 10/03/2011
ARENT FOX LLP
1050 CONNECTICUT AVENUE, N.W.
SUITE 400
WASHINGTON, DC 20036

EXAMINER
CRONIN, STEPHEN K

ART UNIT	PAPER NUMBER
3747	

NOTIFICATION DATE	DELIVERY MODE
10/03/2011	ELECTRONIC

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

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

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

DCIPDocket@arentfox.com
IPMatters@arentfox.com
Patent_Mail@arentfox.com

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

In re Application of: TAKAMIYA, HIDEHARU Serial No.: 12/752,199 Filed: 04/01/2011 Attorney Docket No. : 108419.00132 Title: INTAKE CONTROL SYSTEM AND METHOD FOR INTERNAL COMBUSTION ENGINE	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 Sep. 30, 2011 to make the above-identified application special.

The request and petition are **granted**.

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

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s);
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the 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.

Response must be filed via EFS-Web. Telephone inquiries concerning this decision should be directed to Henry C. Yuen, at 571-272-4856.

Petition is **granted**.

/Henry C. Yuen/

Henry C. Yuen
Special Programs Examiner
Technology Center 3700
Tel: 571-272-4856

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Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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SAND & SEBOLT
AEGIS TOWER, SUITE 1100
4940 MUNSON STREET, NW
CANTON, OH 44718-3615

MAILED

NOV 16 2011

OFFICE OF PETITIONS

In re Application of :
Julia Irmscher, et. al. :
Application No. 12/752,223 : DECISION ON PETITION
Filed: April 1, 2010 :
Attorney Docket No. 2450112US2DP :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed November 3, 2011, to revive the above-identified application.

The application became abandoned for failure to file a timely reply to the Notice of Allowance and Fee(s) Due mailed July 11, 2011. A Notice of Abandonment was mailed on October 31, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of $1,740 for payment of the issue fee and $300 for payment of the publication fee; (2) the petition fee of $1,860; and (3) a proper statement of unintentional delay. Therefore, the petition is **GRANTED**.

This application file is being referred to the Office of Data Management for further processing into a patent.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3226.

Andrea Smith
Petitions Examiner
Office of Petitions

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Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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AUG 2 3 2010

IP GROUP OF DLA PIPER LLP (US)
ONE LIBERTY PLACE
1650 MARKET ST, SUITE 4900
PHILADELPHIA PA 19103

In re application of:	:	**DECISION ON PETITION**
Daniel SMITH, et al.	:	**TO MAKE SPECIAL FOR**
Application No. 12/752,272	:	**NEW APPLICATION**
Filed: April 1, 2010	:	**UNDER 37 CFR 1.102**

For: SYSTEMS AND METHODS FOR PROVIDING CUSTOMIZED FINANCIAL PRODUCTS AND FOR HEDGING RISK EXPOSURE

This is a decision on the petition filed on April 1, 2010 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

The petition to make the application special is **DISMISSED**.

REGULATION AND PRACTICE

A grantable petition to make special under 37 C.F.R. § 1.102(d) and pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published in the Federal Register on June 26, 2006 (71 Fed. Reg. 36323), must satisfy the following conditions:

I. Conditions Regarding the Application:

1. the application must be a non-reissue utility or design application filed under 37 CFR 1.111(a);

2. the application, the petition and the required fees must be filed electronically using the USPTO's electronic filing system (EFS), or EFS-web; if not filed electronically, a statement asserting that EFS and EFS-web were not available during the normal business hours.

3. at the time of filing, the application must be complete under 37 CFR 1.51 and in condition for examination;

4. the application must contain three or fewer independent claims and twenty or fewer total claims and the claims must be directed to a single invention.

II. Conditions Regarding the Petition:

The petition must:

1. be filed with the application;

2. include a statement that applicant agrees not to separately argue the patentability of any independent claim during any appeal in the application;

3. include a statement that applicant agrees to make an election without traverse in a telephone interview.

4. include a statement that applicant agrees to conduct such an interview when requested by the examiner.

5. include a statement, made based on a good faith belief, that a preexamination search in compliance with the following requirements, was conducted, including an identification of the field of search by United States class and subclass, where applicable, and for database searches, the search logic or chemical structure or sequence used as a query, the name of the file(s) searched and the database service, and the date of the search.

The preexamination search must:

5.1 involve U.S. patents and patent application publications, foreign patent documents, and non-patent literature, unless the applicant can justify with reasonable certainty that no references more pertinent than those already identified are likely to be found in the eliminated sources and includes such a justification with this statement;

5.2. be directed to the claimed invention and encompass all of the features of the claims, giving the claims the broadest reasonable interpretation;

5.3. encompass the disclosed features that may be claimed.

6. must provide in support of the petition an accelerated examination support document.

An accelerated examination support document must include:

6.1. an information disclosure statement (IDS) in compliance with 37 CFR 1.98 citing each reference deemed most closely related to the subject matter of each of the claims;

6.2. an identification of all the limitations in the claims that are disclosed by the reference specifying where the limitation is disclosed in the cited reference;

6.3. a detailed explanation of how each of the claims is patentable over the references cited with particularity required by 37 CFR 1.111(b) and (c);

6.4. a concise statement of the utility of the invention as defined in each of the independent claims (unless the application is a design application);

6.5. a showing of where each limitation of the claims finds support under 35 USC 112, first paragraph, in the written description of the specification. If applicable, the showing must also identify: (1) each means- (or step) plus-function claim element that invokes consideration under 35 USC 112, sixth paragraph; and (2) the structure, material, or acts

in the specification that corresponds to each means- (or step) plus-function claim element that invokes consideration under 35 USC 112, sixth paragraph; if the application claims the benefit of one or more applications under title 35, United States Code, the showing must also include where each limitation of the claims finds support under 35 USC 112, first paragraph, in each such application in which such supports exists;

6.6. an identification of any cited references that may be disqualified under 35 USC 103(c).

REVIEW OF FACTS

The petition in this case fails to comply with conditions II.6.2 - II.6.3

As to Condition II.6.2, the Support Document submitted only identifies the limitations of independent claims 1 and 12 that are disclosed in the prior art. The remainder of the claims filed must be addressed with respect to each of the references deemed most closely related.

As to Condition II.6.3, similar to the above, the Support Document submitted only discusses independent claims 1 and 12 with respect to patentability. This thus leaves open the question of the patentability of the dependent claims in the event that the independent claims are found unpatentable by the Examiner. As an alternative to explaining the patentability of each dependent claim, applicant may satisfy this requirement by stating that the dependent claims are not seen to be separately patentable from the independent claims.

DECISION

For the above stated reasons, the petition is **DISMISSED**. The application will therefore be taken up by the examiner for action in its regular turn.

Petitioner is given a single opportunity to perfect the petition. Any request for reconsideration of this decision must be submitted within one (1) month or thirty (30) days, whichever is longer, from the date of this decision. No extensions of time will be granted under 37 CFR 1.136(a) if the request is to be considered timely. Any request for reconsideration must address the deficiencies indicated above.

Petitioner is reminded that, upon granting of the special status of the application on request for reconsideration, the application will be processed expeditiously. However, due to the dismissal of the instant petition, examination may not be completed within twelve months of the filing date of the application.

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

Robert A. Weinhardt,
Business Practice Specialist
Technology Center 3600

RW/8/22/10

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/752,272	04/01/2010	Daniel J. Smith	IDF-09-1304R	2158

35811 7590 11/10/2010
IP GROUP OF DLA PIPER LLP (US)
ONE LIBERTY PLACE
1650 MARKET ST, SUITE 4900
PHILADELPHIA, PA 19103

EXAMINER
KRAMER, JAMES A

ART UNIT	PAPER NUMBER
3693	

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):

pto.phil@dlapiper.com

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NOV - 9 2010

IP GROUP OF DLA PIPER LLP (US)
ONE LIBERTY PLACE
1650 MARKET ST, SUITE 4900
PHILADELPHIA PA 19103

In re application of:	:	**DECISION ON PETITION**
Smith, Daniel J., et al.	:	**TO MAKE SPECIAL FOR**
Application No.: 12/752,272	:	**NEW APPLICATION**
Filed: April 1, 2010	:	**UNDER 37 CFR 1.102**
For: SYSTEMS AND METHODS FOR PROVIDING CUSTOMIZED FINANCIAL PRODUCTS AND FOR HEDGING RISK EXPOSURE		

This is a decision on the petition filed on April 1, 2010 and the revised Accelerated Examination Support Document filed September 24, 2010 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

The petition to make the application special is **GRANTED**.

The application is eligible for accelerated examination and the petition complies with the conditions for granting the application special status pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published June 26, 2006, in the Federal Register. (71 Fed. Reg. 36323).

The prosecution of the instant application will be conducted expeditiously according to the following guidelines.

1. The application will be docketed to an examiner and taken up for action within two weeks of the date of this decision.

2. Restriction Practice:
   If the examiner determines that the claims are not directed to a single invention, a telephone request to elect one single invention will be made pursuant to MPEP 812.01. As a prerequisite to the grant of this petition, the applicant has agreed to make an oral election, by telephone, without traverse. If the applicant refuses to

make an election without traverse, or the examiner cannot reach the applicant after a reasonable effort, the examiner will treat the first claimed invention (invention defined by claim 1) as having being constructively elected without traverse for examination.

3. Office action:
   If it is determined that, after appropriate consultation, there is a potential rejection or any other issue to be addressed, the examiner will telephone the applicant and arrange an interview to discuss and resolve the issue. An Office action, other than a Notice of Allowance and Fee(s) Due (Notice of Allowance), will not be issued unless either: 1) an interview was conducted but did not result in agreed to action that places the application in condition for allowance, or, 2) a determination is made that an interview would be unlikely to result in the application being placed in condition for allowance, and 3) an internal conference has been held to review any rejection of any claim.

4. Time for Reply:
   An Office action other than a Notice of Allowance or a final Office action will set a shortened statutory period of one month or thirty days, whichever is longer, for reply with no extension of time available under 37 CFR 1.136(a). Failure to timely file a reply within this non-extendible period for reply will result in the abandonment of the application.

5. Reply by Applicant:
   A timely reply to an Office action other than the Notice of Allowance must be submitted electronically via EFS or EFS-web and limited to addressing the rejections, objections and requirement made. Any amendment that attempts to: 1) add claims which would result in more than three pending independent claims or more than twenty pending total claims; 2) present claims not encompassed by the pre-examination search or an updated accelerated examination support document; or 3) present claims that are directed to a non-elected invention or an invention other than that previously claimed and examined in the application, will be treated as not fully responsive and will not be entered.

   For any amendment to the claims (including any new claim) that is not encompassed by the accelerated examination support document, applicant must provide an updated accelerated examination support document that encompasses the amended or new claims at the time of filing of the amendment.

To proceed expeditiously with the examination, it is recommended that a reply with amendments made to any claim or with any new claim being added be accompanied by an updated accelerated examination support document or a statement explaining how the amended or new claim is supported by the original accelerated examination support document.

6. Information Disclosure Statement (IDS):
   Any IDS filed during prosecution must be submitted electronically via EFS or EFS-web, accompanied by an updated accelerated examination support document, and be in compliance with 37 CFR 1.97 and 1.98.

7. Post-Allowance Processing:
   To expedite processing of the allowed application into a patent, the applicant must: 1) pay the required fees within one month of the date of the Notice of Allowance, and 2) not file any post allowance papers not required by the Office. In no event may the issue fee be paid and accepted later than three months from the date of the Notice of Allowance.

8. After-Final and Appeal Procedures:
   To expedite prosecution, after receiving the final Office action, applicant must: 1) promptly file a notice of appeal, an appeal brief and appeal fees; and 2) not request a pre-appeal brief conference.

   Any amendment, affidavit or other evidence filed after final Office action must comply with applicable rules and the requirements outlined in numbered paragraphs 5 and 6 above.

   On appeal, the application will proceed according to normal appeal procedures. After appeal, the application will again be treated special.

9. Proceedings Outside the Normal Examination Process:
   If the application becomes involved in a proceeding that is outside the normal examination process (e.g., a secrecy order, national security review, interference proceeding, petitions under 37 CFR 1.181, 182 or 183), the application will be treated special before and after such proceeding.

10. Final Disposition:
    The twelve month goal of this accelerated examination procedure ends with a final disposition. The mailing of a final Office action, a Notice of Allowance, the filing of a Notice of Appeal, or the filing of a Request for Continued Examination (RCE) is the final disposition.

If, during prosecution, a paper is not filed electronically using EFS-web, a reply is filed but is not fully responsive, the application is involved in an appeal, or a proceeding outside normal examination process, the application will still be examined expeditiously, however, the final disposition may occur more than twelve months from the filing of the application.

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

Robert Weinhardt
Business Practice Specialist
Technology Center 3600

RW/11/8/10

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DEC 05 2011
OFFICE OF PETITIONS

ANTONELL TERRY STOUT & KRAUS, LLP
1300 NORTH SEVENTEENTH STREET
SUITE 1800
ARLINGTON VA 22209-3873

In re Application of	:	
Nobuo Beniyama et al	:	
Application No. 12/752,343	:	DECISION GRANTING PETITION
Filed: April 1, 2010	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 1213.46888CX1	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed, November 30, 2011 to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on November 10, 2011 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

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

This matter is being referred to Technology Center AU 2186 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed Information Disclosure Statement.

/Irvin Dingle/
Irvin Dingle
Petitions Examiner
Office of Petitions

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

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L.C. BEGIN & ASSOCIATES, PLLC
510 HIGHLAND AVENUE
PMB 403
MILFORD MI 48381

MAILED
JUN 28 2011
OFFICE OF PETITIONS

In re application of :
Michael A. Crow et al :
Application No. 12/752,346 :
Filed: April 1, 2010 :
Attorney Docket No. 6060-00029 :

NOTICE

This is a notice regarding your communication filed March 14, 2011, which is being treated as a request for acceptance of a fee deficiency submission under 37 CFR 1.28.

The request is **DISMISSED**.

Applicant asserts that the filing fees were incorrectly paid at the small entity rate. However, the request does not comply with the requirements under 37 CFR 1.28(c)(2)(ii), which states:

> (ii) *Itemization of the deficiency payment.* An itemization of the total deficiency payment is required. The itemization must include the following information:
>
> > A) Each particular type of fee that was erroneously paid as a small entity, (e.g., basic statutory filing fee; two-month extension of time fee) along with the correct fee amount for a non-small entity;
> >
> > (B) The small entity fee actually paid, and when. This will permit the Office to differentiate, for example, between two one-month extension of time fees erroneously paid as a small entity but on different dates;
> >
> > (C) The deficiency owed amount (for each fee erroneously paid); and
> >
> > (D) The total deficiency payment owed, which is the sum or total of the individual deficiency owed amounts set forth in paragraph (c)(2)(ii)(C) of this section.

Applicant is given **ONE MONTH** to submit a complete listing of the fees erroneously paid as a small entity and the total fee deficiency ($462.00 deficiency payment submitted on March 14, 2011, should be itemized) to avoid the return of the present fee deficiency paper. This time period is not extendable under 37 CFR 1.136(a).

Further correspondence with respect to this matter should be delivered through one of the following mediums:

By mail:	Mail Stop PETITIONS Commissioner for Patents Post Office Box 1450 Alexandria, VA 22313-1450
By hand:	Customer Service Window Mail Stop Petitions Randolph Building 401 Dulany Street Alexandria, VA 22314
By fax:	(571) 273-8300 ATTN: Office of Petitions
By internet:	EFS-Web www.uspto.gov/ebc/efs_help.html (for help using EFS-Web call the Patent Electronic Business Center at (866) 217-9197)

Any questions concerning this matter may be directed to the undersigned at (571) 272-3208.

/KOC/
Karen Creasy
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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L.C. BEGIN & ASSOCIATES, PL.L.C.
510 HIGHLAND AVENUE
PMB 403
MILFORD MI 48381

MAILED
AUG 09 2011
OFFICE OF PETITIONS

In re application of	:	
Michael A. Crow et al	:	
Application No. 12/752,346	:	NOTICE
Filed: April 1, 2010	:	
Attorney Docket No. 6060-00029	:	

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28 on July 26, 2011.

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

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

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

Inquiries related to this communication should be directed to the undersigned at (571) 272-3208.

/KOC/
Karen Creasy
Petitions Examiner
Office of Petitions

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Alexandria, VA 22313-1450
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MAR 12 2012
OFFICE OF PETITIONS

HOLTZ HOLTZ GOODMAN & CHICK
220 FIFTH AVENUE
16TH FLOOR
NEW YORK NY 10001-7708

In re Application of	
Haruo Kajitani	**: DECISION ON REQUEST TO**
Application No.: 12/752,382	**: PARTICIPATE IN THE PATENT**
Filed: April 1, 2010	**: PROSECUTION HIGHWAY**
Attorney Docket No.: 10056/LH	**: PROGRAM AND PETITION**
For: ANALOG TYPE ELECTRONIC	**: TO MAKE SPECIAL UNDER**
TIMEPIECE	**: 37 CFR 1.102(a)**

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed February 6, 2012, to make the above-identified application special.

The request and petition are **GRANTED**.

DISCUSSION

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

1. The U.S. application is

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

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

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

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

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

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

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

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

David Bucci
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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

MAILED

MAR 14 2011

OFFICE OF PETITIONS

In re Application of :
Nakagawa, et al. :
Application No. 12/752,399 : DECISION ON PETITION
Filed: April 1, 2010 :
Attorney Docket No. 0826.1893D8 :

This is a decision on the petition, filed February 3, 2011, which is being treated as a petition under 37 CFR 1.181 (no fee) requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is **GRANTED**.

This application was held abandoned for failure to reply to the Notice to File Corrected Application Papers, mailed April 19, 2010, which set a two (2) month shortened statutory period for reply. A Notice of Abandonment was mailed on January 4, 2011.

Petitioners assert that the Notice dated April 19, 2010 was not received at the correspondence address of record.

A review of the written record indicates no irregularity in the mailing of the Notice, and, in the absence of any irregularity, there is a strong presumption that the Notice was properly mailed to the practitioner at the address of record. This presumption may be overcome by a showing that the Office action was not in fact received.

The showing required to establish non-receipt of an Office communication must include:

(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. The statement should establish that the docketing system is sufficiently reliable. It is expected that the record would include, but not be limited to, the application number, attorney docket number, the mail date of the Office action and the due date for the response.

(2) Practitioner must state that the Office action was not received at the correspondence address of record, and that a search of the practitioner's record(s), including any file jacket or the equivalent, and the application contents, indicates that the Office action was not received.

(3) A copy of the record(s) used by the practitioner where the non-received Office action would have been entered had it been received is required. A copy of the practitioner's record(s) required to show non-receipt of the Office action should include the master docket for the firm. That is, if a three month period for reply was set in the non-received Office action, a copy of the master docket report showing all replies docketed for a date three months from the mail date of the non-received Office action must be submitted as documentary proof of non-receipt of the Office action. If no such master docket exists, the practitioner should so state and provide other evidence such as, but not limited to, the following: the application file jacket; incoming mail log; calendar; reminder system; or the individual docket record for the application in question. See MPEP §711.03(c)(I)(A).

The petition satisfies the above-stated requirements. Accordingly, the application was not abandoned in fact.

In view of the above, the Notice of Abandonment is hereby vacated and the holding of abandonment withdrawn.

This application is being referred to the Office of Patent Application Processing for re-mailing the Notice to File Corrected Application Papers of April 19, 2010. The period for reply will run from the mailing date of the Notice.

Shirene Willis Brantley
Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov
DIW Oct-10

MAILED

OCT 26 2010

OFFICE OF PETITIONS

TEXAS INSTRUMENTS INCORPORATED
P O BOX 655474, M/S 3999
DALLAS, TX 75265

In re Application of	:	
Yanjun Sun, David Levy and	:	DECISION REFUSING STATUS
Ofer Guetta	:	UNDER 37 CFR 1.47(a)
Application No.: 12/752,434	:	
Filed: April 1, 2010	:	
Atty Docket No.: TI-67942	:	

This is a decision in response to the petition, filed August 23, 2010, under the provisions of 37 CFR 1.47(a).

The petition is **DISMISSED**.

Rule 47 applicant is given TWO MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(a)," and should only address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventor. **FAILURE TO RESPOND WILL RESULT IN ABANDONMENT OF THE APPLICATION.** Extensions of time may be obtained in accordance with 37 CFR 1.136(a).

The above-identified application was filed on April 1, 2010, without an executed oath or declaration. Accordingly, on April 21, 2010, the Office of Data Management, Application Assistance Unit mailed a Notice to File Missing Parts of Nonprovisional Application, requiring an executed oath or declaration and a surcharge for it's late filing. On August 5, 2010, applicant filed an executed declaration and petition for extension of time for two (2) months. Accordingly, on August 19, 2010, a Notice of Incomplete Reply was mailed.

In response, on August 23, 2010, the present petition was filed, along with a payment of $620 for the $130 surcharge and $490 for a two month petition for extension of time. Since the fee for an appropriate 2-month extension of time was paid on August 5, 2010,

no further extension of time fee is required and the $490 overpaid is subject to refund. However, as petitioner has failed to submit the requisite petition fee for treatment of the present petition, the $200 petition fee will be deducted from the $490 overpaid for a total refund of $290 to counsel's deposit account.

A grantable petition under 37 CFR 1.47(a) requires:

(1) proof that the non-signing inventor cannot be reached or located, notwithstanding diligent effort, or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings);

(2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116;

(3) the petition fee;

(4) a surcharge of $130 or $65 (small entity) if the petition and/or declaration is not filed at the time of filing the application, and

(5) a statement of the last known address of the non-signing inventor.

The petition lacks items (1).

Before a refusal to sign an oath or declaration can be alleged, it must be demonstrated that a *bona fide* effort has been made to present a complete copy of the application papers (specification, including claims, drawings, and oath or declaration) to the non-signing inventor at the non-signing inventor's last know address.

Petitioner indicates that the application was sent to David Levy, the non-signing inventor via Federal Express on May 11, 2010, but that the non-signing inventor did not thereafter sign the declaration. Refusal by inventor Levy cannot be inferred as the evidence submitted does not indicates that the application was actually received by him at his last known address. In fact, the delivery tracking record submitted as evidence on August 5, 2010, indicates that the package in question was signed for by someone other than David Levy.

Therefore, at the very least, petitioner should mail correspondence to the last known address of joint inventor, return receipt and/or forwarding address requested. If a forwarding address is provided, petitioner should then mail a complete copy of the application papers (specification, claims, drawings, oath, etc.) to that address, return receipt requested, along with a cover letter of instructions which includes a deadline or a statement that no response will constitute a

refusal. This sort of ultimatum lends support to a finding of refusal by conduct.

In the event that the application papers are returned as undeliverable, petitioners may show diligent efforts to locate the non-signing inventor by providing a copy of an envelope showing that a letter sent to the last known address of the non-signing inventor was returned as undeliverable by the post office. Furthermore, details of the efforts made to locate the non-signing inventor should be set forth in an affidavit or declaration of facts by a person having first-hand knowledge of the details.

Where there is an express or oral refusal, that fact, along with the time and place of the refusal, must be stated in an affidavit or declaration by the party to whom the refusal was made. Where there is a written refusal, a copy of the document(s) evidencing that refusal must be made part of the affidavit or declaration.

If repeated attempts to contact the non-signing inventor are unsuccessful, petitioners will have demonstrated that the inventors cannot be reached, despite diligent efforts, or have refused to sign the declaration.

Further correspondence with respect to this matter should be delivered through one of the following mediums:

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

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

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

By Internet: EFS-Web[1]

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[1] www.uspto.gov/ebc/efs help.html (for help using EFS-Web call the Patent Electronic Business Center at (866) 217-9197)

Any questions concerning this matter may be directed to the undersigned at (571) 272-3204.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

TEXAS INSTRUMENTS INCORPORATED
P O BOX 655474, M/S 3999
DALLAS, TX 75265

MAILED

MAR 10 2011

OFFICE OF PETITIONS

In re Application of	:	
Yanjun Sun, et al.	:	DECISION NOTING JOINDER OF
Application No. 12/752,434	:	INVENTOR AND PETITION
Filed: April 1, 2010	:	UNDER 37 CFR 1.47(a)
Attorney Docket No.: TI-67942	:	

Papers filed on December 19, 2010 in response to a "Decision Refusing Status Under 37 CFR 1.47(a)," mailed October 26, 2010, included a Declaration signed by a previously non-signing inventor, David Levy, in compliance with 37 CFR 1.63.

Accordingly, the petition under 37 CFR 1.47(a) is **DISMISSED AS MOOT**.

In view of the joinder of the inventor, further consideration under § 1.47(a) is not necessary. This application does not have any Rule 1.47 status and no such status should appear on the record for this file. This application need not be returned to this Office for any further consideration under 37 CFR 1.47(a).

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

Telephone inquires related to this decision should be directed to the undersigned at (571) 272-3204. Telephone inquiries related to processing at OPAP should be directed to their hotline at (571) 272-4000.

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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SAND & SEBOLT
AEGIS TOWER, SUITE 1100
4940 MUNSON STREET, NW
CANTON, OH 44718-3615

MAILED

JUN 27 2011

OFFICE OF PETITIONS

In re Application of
Julia IRMSCHER, et *al.*
Application No. 12/752,494
Filed: April 1, 2010
Attorney Docket No. **2450112US5AP**

DECISION GRANTING PETITION
UNDER 37 CFR 1.313(c)(2)

This is a decision on the petition under 37 CFR 1.313(c)(2), filed June 21, 2011, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on June 3, 2011 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries should be directed to the undersigned at (571) 272-7253.

This application is being referred to Technology Center AU 2612 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed amendment and information disclosure statement.

/Monica A. Graves/
Petitions Examiner, Office of Petitions

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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.
12/752,500	04/01/2010	Gary T. Dane	Polyvac 10.30	2594

26812 7590 10/17/2011
HAYES, SOLOWAY P.C.
175 CANAL STREET
MANCHESTER, NH 03101

EXAMINER
PERREAULT, ANDREW D

ART UNIT	PAPER NUMBER
3788	

MAIL DATE	DELIVERY MODE
10/17/2011	PAPER

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

HAYES, SOLOWAY P.C.
175 CANAL STREET
MANCHESTER NH 03101

In re Application of	:	
DANE, GARY T., et al.	:	DECISION ON REQUEST TO
Application No. 12/752,500	:	PARTICIPATE IN PATENT
Filed: April 01, 2010	:	PCT/PROSECUTION HIGHWAY
Attorney Docket No. Polyvac 10.30	:	PROGRAM AND PETITION
For: SYSTEM AND METHOD OF LABELING	:	TO MAKE SPECIAL UNDER
AND IDENTIFYING THE CONTENTS	:	37 CFR 1.102(a)
WITHIN A STERILIZATION CASE		

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 applications filed in the JPO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO/PCT application(s) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of all the office actions from each of the JPO/PCT application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate; and
(6) Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO office action along with copies of documents except U.S. patents or U.S. patent application publications.
In light of the petition being properly submitted, the request to participate in the PPH program and the petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

The applicant is encouraged to cite and submit all relevant prior art references, if any, to facilitate examination in this application. Upon completion of pre-examination processing, this application will be forwarded to an examiner for examination.

Telephone inquiries concerning this decision should be directed to Henry C. Yuen at 571-272-4485. All other inquiries concerning the examination or status of the application should be directed to Gregory Pickett, SPE of Art Unit 3788, and 571-272-4560 for Class 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

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: 4031	Application Number (if known): 12/752502	Filing date: 04/01/2010
First Named Inventor: John A		
Title: Electric Power Gender Utilizing Intermittent Wind		

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 /Jerome A. DeLuca /	Date 12/3/2010
Name (Print/Typed) Jerome A. DeLuca	Registration Number 55,106

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

☒ *Total of 1 forms are submitted.

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

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

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

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

(Not to be Submitted to the USPTO)

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

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

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

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

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

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

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

Privacy Act Statement

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

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

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

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: 4031	Application Number (if known): 12/752502	Filing date: 04/01/2010
First Named Inventor: John A		
Title: Electric Power Gender Utilizing Intermittent Wind		

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 /Jerome A. DeLuca /	Date 12/3/2010
Name (Print/Typed) Jerome A. DeLuca	Registration Number 55,106

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

☒ *Total of 1 forms are submitted.

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

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

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

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

(Not to be Submitted to the USPTO)

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

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

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

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

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

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

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

Privacy Act Statement

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

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

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

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UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/752,502	04/01/2010	John A. Saavedra	4031/1US	2597

23638 7590 12/21/2010
ADAMS INTELLECTUAL PROPERTY LAW
Suite 2350 Charlotte Plaza
201 South College Street
CHARLOTTE, NC 28244

EXAMINER
PONOMARENKO, NICHOLAS

ART UNIT	PAPER NUMBER
2839	

NOTIFICATION DATE	DELIVERY MODE
12/21/2010	ELECTRONIC

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

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

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

patbox@adamspat.com
als@adamspat.com

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Alexandria, VA 22313-1450
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ADAMS INTELLECTUAL PROPERTY LAW
Suite 2350 Charlotte Plaza
201 South College Street
CHARLOTTE NC 28244

In re Application of	:	
John A. SAAVEDRA	:	DECISION ON PETITION
Application No. 12/752,502	:	TO MAKE SPECIAL UNDER
Filed: April 01, 2010	:	THE GREEN TECHNOLOGY
Attorney Docket No. 4031/1US	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed on April 01, 2010 and renewed on December 03, 2010, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **GRANTED**.

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

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

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

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

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

The application is being forwarded to the Technology Center Art Unit 2839 for action in its regular turn.

Lee W. Young
Quality Assurance Specialist
Technology Center 2800

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P.O. Box 1450

Zarian Midgley & Johnson PLLC
University Plaza
960 Broadway Ave., Suite 250
Boise ID 83706

MAILED
MAY 19 2011
OFFICE OF PETITIONS

In re Application of	:	
Thomas G. HILL, Jr. et al.	:	DECISION GRANTING PETITION
Application No. 12/752,547	:	UNDER 37 CFR 1.137(b)
Filed: April 1, 2010	:	
Atty. Docket No.: BJSC.036CNT	:	

This is a decision on the petition under 37 CFR 1.137(b), filed April 7, 2011, to revive the above-identified application.

The petition is **GRANTED.**

The application went abandoned for failure to reply in a timely manner to the Notice of Allowance and Fees Due mailed January 5, 2011 (Notice), which set a statutory period of reply of three (3) months. The application thus became abandoned on April 6, 2011. A Notice of Abandonment was mailed April 20, 2011.

The petition satisfies the conditions for revival pursuant to 37 CFR 1.137(b) by including (1) a reply in the form of payment of the issue and publication fees in accordance with the Notice mailed January 5, 2011, (2) a petition fee of $1620, and (3) a statement of unintentional delay. The reply to the Notice is accepted as having been unintentionally delayed.

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

The application file will be referred to Office of Data Management.

for
David Bucci
Petitions Examiner
Office of Petitions

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:	12/752,557	Filing date:	April 1, 2010
First Named Inventor:	Edward J. Linke		
Title of the Invention:	Solar Tracking System and Method		

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

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

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

The corresponding PCT application number(s) is/are: PCT/US11/30861

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

April 1, 2011

I. List of Required Documents:

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

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

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

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

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

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

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.:	12/752,557
First Named Inventor:	Edward J. Linke

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 04/29/10; 05/26/11

(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	2	Limitation of PCT claim 2 added to US claim 1 by amendment
2		US claim 2 was cancelled by amendment
3	3	Claims are identical except dependency in US claim amended to reflect cancellation of claim 2
4	2+4	US and PCT claims 4 are identical, but US claim includes limitation of PCT claim 2
5	2	US and PCT claims 5 are identical, but US claim includes limitation of PCT claim 2; this claim should now be patentable
6	2+6	US and PCT claims 6 are identical, but US claim includes limitation of PCT claim 2
7 - 10	2	US and PCT Claims 7- 10 are identical, but US claims include limitation of PCT claim 2; these claims should now be patentable
11 - 21	2+ (11 - 21)	US and PCT Claims 11 - 21 are identical, but US claims include limitation of PCT claim 2
22 - 26	2	US and PCT Claims 22 - 26 are identical, but US claims include limitation of PCT claim 2; these claims should now be patentable
27	29	Limitation of PCT claim 29 added to US claim 27 by amendment
28	28+29	US and PCT claims 28 are identical, but US claim 28 includes limitation of PCT claim 29
29		US claim 29 was cancelled by amendment
30	29+30	US and PCT claims 30 are identical except dependency in US claim amended to reflect cancellation of claim 29
31	2+31	US and PCT claims 31 are identical, but US claim 31 includes limitation of PCT claim 2

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

Signature	/Jay P. Sbrollini/	Date	July 6, 2011
Name (Print/Typed)	Jay P. Sbrollini	Registration Number	36,266

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UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/752,557	04/01/2010	Edward J. Linke	OPE-061	2707

36822 7590 07/14/2011
GORDON & JACOBSON, P.C.
60 LONG RIDGE ROAD
SUITE 407
STAMFORD, CT 06902

EXAMINER

ART UNIT	PAPER NUMBER
3749	

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.

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GORDON & JACOBSON, P.C.
60 LONG RIDGE ROAD
SUITE 407
STAMFORD CT 06902

In re Application of: LINKE, EDWARD J. Serial No.: 12/752557 Filed: April 1, 2010 Attorney Docket No. : OPE-061 Title: SOLAR TRACKING SYSTEM AND METHOD	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 6, 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
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/572,558	10/02/2009	Dennis Bertken	7097-0036	4140

20575 7590 12/03/2010
MARGER JOHNSON & MCCOLLOM, P.C.
210 SW MORRISON STREET, SUITE 400
PORTLAND, OR 97204

EXAMINER
MAKIYA, DAVID J

ART UNIT	PAPER NUMBER
2885	

NOTIFICATION DATE	DELIVERY MODE
12/03/2010	ELECTRONIC

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

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

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

docketing@techlaw.com

UNITED STATES PATENT AND TRADEMARK OFFICE

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MARGER JOHNSON & MCCOLLOM, P.C.
210 SW MORRISON STREET, SUITE 400
PORTLAND OR 97204

In re Application of	
Dennis BERTKEN	**: DECISION ON REQUEST TO**
Application No.: 12/572,558	**: PARTICIPATE IN THE PCT PATENT**
Filed: 02 October 2009	**: PROSECUTION HIGHWAY PILOT**
Attorney Docket No.: 7097-0036	**: PROGRAM AND PETITION**
For: FLASHLIGHT AND	**: TO MAKE SPECIAL UNDER**
ILLUMINATED REAR SECTION	**: 37 CFR 1.102(d)**
WITH TWO-SIDED LIGHTING	
MODULE	

This is a decision on the request to participate in the PCT Patent Prosecution Highway (PCT-PPH) pilot program and the petition under 37 CFR 1.102(a), filed 21 October 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 (1-6) above are considered to have been met. However, the request to participate in the PPH pilot program and petition fails meet condition (7).

Regarding the requirement of condition (7), applicant has failed submit a copy EP 0746718.

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

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United States Patent and Trademark Office
P.O. Box 1450
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KEITH L. JENKINS, Registered Patent Attorney, LLC
44075 W. Neely Drive
Maricopa AZ 85138

MAILED

JUN 28 2011

OFFICE OF PETITIONS

In re Application of :
Ivey et al. :
Application No. 12/752,560 :
Filed: April 1, 2010 :
Attorney Docket No. MI11076 :
For: LIGHTING AND AUDIO
COMMUNICATION SYSTEM

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed May 25, 2011, to revive the above-identified application.

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

This application became abandoned for failure to timely reply to the Notice to File Missing Parts of Nonprovisional Application, mailed April 22, 2010, which set a two month shortened statutory period to submit an executed declaration, a substitute specification, replacement drawings, and a $65.00 surcharge. Applicants submitted an executed declaration, a substitute specification, replacement drawings, and a $65.00 surcharge on June 16, 2010. Unfortunately, the replacement drawings were not acceptable because the numbers, letters, and reference characters on Figure 7 did not measure at least .32 cm in height. See Notice of Incomplete Reply, mailed June 28, 2010. No extensions of time were obtained under 37 CFR 1.136(a). This application became abandoned on June 23, 2010. A Notice of Abandonment was mailed on May 3, 2011.

Applicants have submitted a proper reply to the April 22, 2010 Notice, including a replacement Figure 7, an acceptable statement of the unintentional nature of the delay in responding to the April 22, 2010 Notice, and the $810.00 petition fee.

The statement of unintentional delay was not signed by a person who would have been in a position of knowing that the delay in filing a timely response was unintentional. In the event that practitioner has no knowledge that the delay was in fact unintentional, practitioner should make a reasonable inquiry to ascertain that, in fact, the delay was unintentional. If practitioner discovers that the delay was intentional, practitioner must so notify the Office.

All requirements under 37 CFR 1.137(b) being met, the petition is granted.

After the mailing of this decision, the file will be returned to the Office of Patent Application Processing for further pre-examination processing.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3230.

Shirene Willis Brantley

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

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WOMBLE CARLYLE SANDRIDGE & RICE, PLLC
ATTN: IP DOCKETING
P.O. BOX 7037
ATLANTA, GA 30357-0037

MAILED

MAR 03 2011

OFFICE OF PETITIONS

In re Application of
Glen R. Harrelson
Application No. 12/752,586
Filed: April 1, 2010
Attorney Docket No. DISPENSING SYSTEM FOR DOUBLE STACK CARTON

ON PETITION

This is a decision on the petition, filed March 1, 2011 under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on February 9, 2011 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

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

This matter is being referred to Technology Center AU 3728 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed amendment.

/Irvin Dingle/
Irvin Dingle
Petitions Examiner
Office of Petitions

---

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

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/752,647	04/01/2010	Masaki Ueno	87136-286146	2911

26694 7590 10/29/2010
VENABLE LLP
P.O. BOX 34385
WASHINGTON, DC 20043-9998

EXAMINER
TRAN, MINH LOAN

ART UNIT	PAPER NUMBER
2826	

MAIL DATE	DELIVERY MODE
10/29/2010	PAPER

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. Box 1450
Alexandria, VA 22313-1450
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VENABLE LLP
P.O. BOX 34385
WASHINGTON DC 20043-9998

Applicant: Ueno et al.
Appl. No.: 12/752,647
Filing Date: April 1, 2010
Title: NITRIDE BASED SEMICONDUCTOR OPTICAL DEVICE, EPITAXIAL WAFER FOR NITRIDE BASED SEMICONDUCTOR OPTICAL DEVICE, AND METHOD OF FABRICATING SEMICONDUCTOR LIGHT-EMITTING DEVICE
Attorney Docket No.: 87136-286146
Pub. No.: US 2010/0213439 A1
Pub. Date: August 26, 2010

This is a decision on the request for republication of patent application publication under 37 CFR 1.221(a), filed on October 26, 2010, for the above-identified application.

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

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

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

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

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

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

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

By facsimile: 571-273-8300

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

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

Adjustment date: 10/29/2010 KKING1
10/27/2010 INTEFSW 00001476 220261 12752647
01 FC:1504 300.00 CR

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : **4-5-12**

TO SPE OF : ART UNIT **3616**

SUBJECT : Request for Certificate of Correction for Appl. No.: **12752662** Patent No.: **8132639**

CofC mailroom date: **3-27-12**

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

FOR IFW FILES:

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

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

FOR PAPER FILES:

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

Certificates of Correction Branch (CofC)
Randolph Square – 9D40-E
Palm Location 7580

Note: _

Omega Lewis

703-756-1575

Thank You For Your Assistance

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

X	**Approved**	**All** changes apply.
☐	**Approved in Part**	Specify below which changes **do not** apply.
☐	**Denied**	State the reasons for denial below.

Comments:

APPROVED.

/Paul N. Dickson/ **3616**
SPE **Art Unit**

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Alexandria, VA 22313-1450
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MARK A. LITMAN & ASSOCIATES, P.A.
7001 CAHILL ROAD, STE. 15A
EDINA MN 55439

MAILED
APR 16 2012
OFFICE OF PETITIONS

In re Application of	:	
Joze Pececnik	:	
Application No. 12/752,790	:	DECISION ON PETITION
Filed: April 1, 2010	:	TO WITHDRAW
Attorney Docket No. 333,013US1	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent under 37 C.F.R. § 1.36(b) or 37 C.F.R. § 10.40 filed March 25, 2012.

The request is **APPROVED**.

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

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

Irvin Dingle
Petitions Examiner
Office of Petitions

cc: J. David Dainow
666 Third Avenue, 10th Floor
New York, NY 10017-5621

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: 51017-88862	Application Number (if known): 12752821	Filing date: 2010-04-01
First Named Inventor: Ryan Sven Johnson		
Title: Method and System for Reducing Carbon Emissions Arising from Vehicle Travel		

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: Letter in Support of Petition to Make Special, Preliminary Amendment

Signature /Benjamin L. Volk, Jr./	Date 2011-02-23
Name (Print/Typed) Benjamin L. Volk, Jr.	Registration Number 48017

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 3 forms are submitted.

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

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

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

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

(Not to be Submitted to the USPTO)

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

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

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

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

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

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

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

Privacy Act Statement

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

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

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

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/752,821	04/01/2010	Ryan Sven Johnson	51017-88862	3290

21888 7590 03/17/2011
THOMPSON COBURN LLP
ONE US BANK PLAZA
SUITE 3500
ST LOUIS, MO 63101

EXAMINER
SALIARD, SHANNON S

ART UNIT	PAPER NUMBER
3628	

NOTIFICATION DATE	DELIVERY MODE
03/17/2011	ELECTRONIC

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

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

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

IPDOCKET@THOMPSONCOBURN.COM

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

MAR 16 2011

THOMPSON COBURN LLP
ONE US BANK PLAZA
SUITE 3500
ST LOUIS MO 63101

In re Application of	:	
Ryan JOHNSON	:	DECISION ON PETITION
Application No. 12/752,821	:	TO MAKE SPECIAL UNDER
Filed: April 1, 2010	:	THE GREEN TECHNOLOGY
Attorney Docket No. 51017-88862	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed February 23, 2011 to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **DISMISSED**.

If reconsideration of this decision is desired, a petition for reconsideration must be filed within ONE (1) MONTH OR THIRTY (30) DAYS from the mail date of this decision, whichever is longer. No extension of this time limit can be granted under 37 CFR 1.136(a) or (b). The petition for reconsideration should include an exhaustive attempt to provide the lacking item(s) noted below, since, after a decision on the petition for reconsideration, no further reconsideration or review of the matter will be undertaken by the Director.

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

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the

Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

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

The petition lacks item 4.

In regard to item 4, the claimed system for reducing carbon emission arising from vehicle travel and its method thereof would not materially contribute to greenhouse gas reduction since each vehicle travel mode emits greenhouse gas, and the "lowest monetary cost" rule would not necessarily result in a vehicle travel mode selection with the lowest carbon emissions. The distance for a trip and an emissions rating for the vehicle are not accurate factors for determining the carbon emissions of a vehicle. The distance of a trip does not take into account traffic patterns, road condition, the type of road (interstate highways versus local roads), the weather and other elements that affect the carbon emissions of a vehicle. The emissions rating for a vehicle does not take into account the condition of a vehicle, the load placed on the vehicle, or the driving style of the driver, which also affects the carbon emission of a vehicle. A low estimate for one vehicle travel mode using the travel management software may be much higher in reality compared to other vehicle travel modes when other factors mentioned above are taken into consideration. As stated in the notice, the materiality standard does not permit an applicant to speculate as to how a hypothetical end-user might specially apply the invention in a manner than could materially contribute to category (A) or (B). *Also see MPEP § 708.02 (VI).* Accordingly, it is not agreed that the application on its face meets that materiality standard.

Any reconsideration of this decision should be submitted through the USPTO electronic filing system, EFS-Web, and selecting the document description of "Petition for Green Tech Pilot" on the EFS-Web screen.

Telephone inquiries concerning this decision should be directed to Lanna Mai at 571-272-6867.

The application is being forwarded to the Technology Center Art Unit 3628 for action in its regular turn.

/Lanna Mai/

Lanna Mai
Quality Assurance Specialist
Technology Center 3600

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

PTO/SB/420 (11-10)
Approved for use through 01/31/2011. OMB 0651-0062
U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Attorney Docket Number: 51017-88862	Application Number (if known): 12752821	Filing date: 2010-04-01
First Named Inventor: Ryan Sven Johnson		
Title: Method and System for Reducing Carbon Emissions Arising from Vehicle Travel		

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: Petition for Reconsideration

Signature /Benjamin L. Volk, Jr./	Date 2011-04-18
Name (Print/Typed) Benjamin L. Volk, Jr.	Registration Number 48017

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 2 forms are submitted.

The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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Instruction Sheet for Petition to Make Special Under the Green Technology Pilot Program

(Not to be Submitted to the USPTO)

The following is a summary of the requirements (for more information see the notices (i) "Pilot Program for Green Technologies Including Greenhouse Gas Reduction," (ii) "Elimination of Classification Requirement in the Green Technology Pilot Program," and (iii) "Expansion and Extension of the Green Technology Pilot Program," available on the USPTO web site at http://www.uspto.gov/patents/init_events/green_tech.jsp):

1) The application must be a non-reissue, non-provisional utility application filed under 35 U.S.C. 111 (a), or an international application that has entered the national stage in compliance with 35 U.S.C. 371, irrespective of the filing date of the application. Reexamination proceedings are excluded from this pilot program.

2) The application must contain three or fewer independent claims and twenty or fewer total claims. The application must not contain any multiple dependent claims. For an application that contains more than three independent claims or twenty total claims, or multiple dependent claims, applicant must file a preliminary amendment in compliance with 37 CFR 1.121 to cancel the excess claims and/or the multiple dependent claims at the time the petition to make special is filed.

3) The claims must be directed to a single invention that materially enhances the quality of the environment, or that materially contributes to: (1) the discovery or development of renewable energy resources; (2) the more efficient utilization and conservation of energy resources; or (3) green house gas emission reduction (see the eligibility requirements of sections II and III of the notice (i) cited above). The petition must include a statement that, if the USPTO determines that the claims are directed to multiple inventions (e.g., in a restriction requirement), applicant will agree to make an election without traverse in a telephonic interview, and elect an invention that meets the eligibility requirements in section II or III of the notice (i) cited above.

4) The petition to make special must be timely filed electronically using the USPTO electronic filing system, EFS-Web, and selecting the document description of "Petition for Green Tech Pilot" on the EFS-Web screen. Applicant should use form PTO/SB/420, which is available as a Portable Document Format (PDF) fillable form in EFS-Web and on the USPTO Web site.

5) The petition to make special must be filed at least one day prior to the date that a first Office action (which may be an Office action containing only a restriction requirement) appears in the Patent Application Information Retrieval (PAIR) system. Applicant may check the status of the application using PAIR.

6) The petition to make special must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d).

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/752,821	04/01/2010	Ryan Sven Johnson	51017-88862	3290

21888 7590 05/18/2011
THOMPSON COBURN LLP
ONE US BANK PLAZA
SUITE 3500
ST LOUIS, MO 63101

EXAMINER
SALIARD, SHANNON S

ART UNIT	PAPER NUMBER
3628	

NOTIFICATION DATE	DELIVERY MODE
05/18/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

IPDOCKET@THOMPSONCOBURN.COM

UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, VA 22313-1450
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MAY 17 2011

THOMPSON COBURN LLP
ONE US BANK PLAZA
SUITE 3500
ST LOUIS MO 63101

In re Application of	:	
Ryan JOHNSON	:	DECISION ON PETITION
Application No. 12/752,821	:	TO MAKE SPECIAL UNDER
Filed: April 1, 2010	:	THE GREEN TECHNOLOGY
Attorney Docket No. 51017-88862	:	PILOT PROGRAM

This is a decision on the renewed petition under 37 CFR 1.102, filed February 23, 2011 to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **DENIED**.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The petition lacks item 4.

In regard to item 4, petitioner argues on page 2 of the renewed petition that *"none of the claims in this patent application are directed toward the "lowest monetary cost" rule for selecting among vehicle travel modes."* Petitioner's argument is not persuasive as claims 6, 7, 27 and 28 recite a monetary cost component which encompasses the "lowest monetary cost" rule. Petitioner further argues that *"trip distance and emissions rating data will be the largest determinants affecting the carbon emissions produced by a vehicle during a trip"*, and factors such as *"traffic patterns, road condition, type of road, weather, etc. will cancel each other out because such factors would be expected to be borne equally by each of the vehicle travel modes under consideration because those vehicle travel modes are effectively competing for the same trip."* Contrary to petitioner's argument, each type of vehicle responds differently to traffic patterns, road condition, type of road or weather and other factors. For example, a passenger van will operate in certain way in a congested traffic, local road than a compact sedan, a full size sedan, heavy duty truck, or a SUV and so on.

In addition, petitioner argues that since the driver would be the same for each vehicle travel mode, factors such as the condition of a vehicle, the loads, or driving style of the driver would not play a role in a vehicle's emission rating. This argument is not persuasive because the condition of a vehicle, the loads and driving style of a driver do have a significant impact on a vehicle's emissions. Depending on its condition, a vehicle will have different emissions for a normal commuting trip than a long distance trip. A significant load that includes luggage, office equipments and other necessities for a trip would cause higher emissions in a vehicle than a much lighter load in a normal commuting trip. Driving behavior changes due to a different driving environment would have a significant impact on the emissions of a vehicle.

Page 5 of the renewed petition states that *"independent claims 1, 22 and 43 expressly recite that the vehicle travel selection mode rule favors a vehicle travel mode if the vehicle travel mode is estimated to produce a lower amount of carbon emissions than another vehicle travel mode."* As the emissions ratings are only estimates, this fact indicates inaccuracies in the vehicle travel selection mode rules. Therefore, petitioner's assertion of a reduction in greenhouse gas emissions is mostly speculative.

As for petitioner's argument regarding the classification of the instant application, petitioner's attention is directed to the amended 75 Federal Register Notice 28554 (May 21, 2010) which eliminates the classification requirement as the classification was used for the purpose of regulating the workload only. The classification is not a controlling factor in the green technology pilot program.

As stated in the notice, the materiality standard does not permit an applicant to speculate as to how a hypothetical end-user might specially apply the invention in a manner than could materially contribute to category (A) or (B). *Also see MPEP § 708.02 (VI).* Accordingly, it is not agreed that the application on its face meets that materiality standard.

Telephone inquiries concerning this decision should be directed to Lanna Mai at 571-272-6867.

The application is being forwarded to the Technology Center Art Unit 3628 for action in its regular turn.

/Lanna Mai/

Lanna Mai
Quality Assurance Specialist
Technology Center 3600

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/752,844	04/01/2010	Takehiko Kurashige	6639P915	3342

8791 7590 07/08/2011
BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP
1279 OAKMEAD PARKWAY
SUNNYVALE, CA 94085-4040

EXAMINER

ART UNIT	PAPER NUMBER
2189	

MAIL DATE	DELIVERY MODE
07/08/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

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BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP
1279 OAKMEAD PARKWAY
SUNNYVALE CA 94085-4040

In re Application of: T. KURASHIGE
Application No. 12/752,844
Attorney Docket #: **6639P915**
Filed: April 1, 2010
For: **DATA STORAGE SYSTEM AND CACHE DATA-CONSISTENCY ASSURANCE 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 renewed request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed May 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

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/752,868	04/01/2010	Tatsuro Fujisawa	6639P916	3390

8791 7590 07/18/2011
BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP
1279 OAKMEAD PARKWAY
SUNNYVALE, CA 94085-4040

EXAMINER

ART UNIT	PAPER NUMBER
2622	

MAIL DATE	DELIVERY MODE
07/18/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP
1279 OAKMEAD PARKWAY
SUNNYVALE CA 94085-4040

In re Application of	**: DECISION ON REQUEST TO**
FUJISAWA et al.	**: PARTICIPATE IN THE PATENT**
Application No.: 12/752,868	**: PROSECUTION HIGHWAY**
Filed: 01 April 2010	**: PROGRAM AND PETITION**
Attorney Docket No.: 6639P916	**: TO MAKE SPECIAL UNDER**
For: IMAGE PROCESSING	**: 37 CFR 1.102(a)**
APPARATUS AND IMAGE	
PROCESSING METHOD	

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed 10 June 2011, to make the above-identified application special.

The request and petition are **GRANTED**.

Discussion

A grantable request to participate in the PPH pilot program and petition to make special require:

1. The U.S. application is
    a. a Paris Convention application which either
        i. validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the JPO, or
        ii. validly claims priority to a PCT application that contains no priority claims, or
    b. a national stage application under the PCT (an application which entered the national stage in the U.S. from a PCT international application after compliance with 35 U.S.C. 371), which PCT application
        i. validly claims priority to an application filed in the JPO, or
        ii. validly claims priority to a PCT application that contains no priority claims, or
        iii. contains no priority claim, or
    c. a so-called bypass application filed under 35 U.S.C. 111(a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application
        i. validly claims priority to an application filed in the JPO, or
        ii. validly claims priority to a PCT application that contains no priority claims, or

iii. contains no priority claim;

2. Applicant must submit a copy of:
   a. The allowable/patentable claim(s) from the JPO application(s);
   b. An English translation of the allowable/patentable claim(s) and
   c. A statement that the English translation is accurate;
3. Applicant must:
   a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s) and
   b. Submit a claims correspondence table in English;
4. Examination of the U.S. application has <u>not</u> begun;
5. Applicant must submit:
   a. Documentation of prior office action:
      i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claim(s) or
      ii. if the allowable/patentable claims(s) are from a "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
      iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form;
   b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above
   c. A statement that the English translation is accurate;
6. Applicant must submit:
   a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application)
   b. Copies of the documents except U.S. patents or U.S. patent application publications (unless already submitted in this application);

The request to participate in the PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Inquiries concerning this decision should be directed to Lee W. Young at 571-272-4549.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc.index.html.

This application will be forwarded to the examiner for action on the merits commensurate with this decision once this application's formality reviews have been completed.

Lee W. Young
TQAS, Technology Center 2600

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HOWREY LLP
C/O IP DOCKETING DEPARTMENT
2941 FAIRVIEW PARK DRIVE, SUITE 200
FALLS CHURCH VA 22042-2924

MAILED
SEP 13 2010
OFFICE OF PETITIONS

In re Application of
Liang, et al.
Application No. 12/752,881
Filed: 1 April, 2010
Attorney Docket No. 107835-5

DECISION ON PETITION

This is a decision on the petition filed on 10 August, 2010, pursuant to 37 C.F.R. §1.47

The petition as considered under 37 C.F.R. §1.47(a) is **GRANTED**.

A grantable petition pursuant to 37 C.F.R. §1.47(a) requires: (1) petition and fee; (2) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification: description, claims and drawings); (3) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116; and (4) a statement of the last known address of the non-signing inventor(s)—with diligence in the effort to ascertain the validity of the address set forth as the reasonably believed to be last known/current/valid address.

(Petitioners always are reminded that for transmission by Email of any document to be accepted by the Office, written acknowledgment of receipt and readability will be required.)

BACKGROUND

The record reflects as follows:

The application was deposited on 1 April, 2010, without, *inter alia*, a fully executed oath/declaration

On 21 April, 2010, the Office mailed a Notice of Missing Parts requiring, *inter alia*, a fully executed oath/declaration.

On 10 August, 2010, Petitioner Viola Kung (Reg. No. 41,131) submitted, *inter alia*: a request and fee for extension of time, a petition pursuant to 37 C.F.R. §1.47(a) with fee with statement, and with: an oath/declaration executed by co-inventors Chang-Park and Zang for themselves and on behalf of non-signing inventors Rong-Chung Liang (Mr. Liang), Scott C-J Chen (Mr. Tseng) and Zarng-Arh George Wu (Mr. Wu). Petitioner set forth addresses to which it was averred that papers were transmitted to the nonsigning inventors, with a statement by Y ping Chow (vice president, intellectual property of the averred assignee) and Amy Chao (intellectual property administrator of the averred assignee) and included letters evidencing transmission of the entire application (description, claims, abstract and drawings) to the non-signing inventors and express refusal to sign by Mr. Tseng and Mr. Liang and—upon a showing of a diligent effort to ascertain a valid/current/reasonably believed to be last known address for Mr. Wu—a failure to reply (in that he refused to accept/sign for the papers transmitted), as a form of constructive refusal to sign, alternatively a matter of the inventor not being able to be found definitively.

Thus Petitioner made a showing that the entire application (description, claims, abstract, drawings) was sent to the non-signing inventors and that the non-signing inventors respectively could not reached or refused to sign the oath/declaration after having been presented with the entire application (specification: description, claims, abstract and drawings); and a statement of the last known address of the non-signing inventor with a showing of diligence in the effort to ascertain the validity of the address set forth as the reasonably believed to be last known/current/valid address. The showing presented of record indicates that the non-signing inventors Tseng and Liang refused to sign and Wu failed to reply following the transmission/delivery of the application, and Petitioner suggest that the non-signing inventor could not be found to join/sign.

Thus, Petitioner sought to satisfy the requirements pursuant to the Rule and the guidance in the Commentary at MPEP §409.03, and §409.03(a) et seq.), and provide a showing that the non-signing inventor constructively refused to sign.

The availability of applications and application papers online to applicants/practitioners who diligently associate their Customer Number with the respective application(s) now provides an applicant/practitioner on-demand information as to events/transactions in an application. Thus, now if one wishes to know the progress in and/or status of an application or the accuracy of the data therein, one need only look at the file online.

Out of an abundance of caution, Petitioners always are reminded that those registered to practice *and* all others who make representations before the Office must inquire into the underlying facts

of representations made to the Office and support averments with the appropriate documentation–since all owe to the Office the continuing duty to disclose.[1]

CONCLUSION

The instant petition under 37 C.F.R. §1.47(a) is **granted** (status is accorded pursuant to 37 C.F.R. §1.47(a).)

As provided in 37 C.F.R. §1.47(c), this Office will forward notice of this application's filing to the non-signing inventors at the addresses given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

The instant application is released to the Office of Patent Application Processing (OPAP) for such processing as required in due course.

Telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214—it is noted, however, that all practice before the Office is in writing (see: 37 C.F.R. §1.2[2]) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's action(s).

/John J. Gillon, Jr./
John J. Gillon, Jr.
Senior Attorney
Office of Petitions

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[1] See supplement of 17 June, 1999. The Patent and Trademark Office is relying on petitioner's duty of candor and good faith and accepting a statement made by Petitioner. See Changes to Patent Practice and Procedure, 62 Fed. Reg. at 53160 and 53178, 1203 Off. Gaz. Pat. Office at 88 and 103 (responses to comments 64 and 109)(applicant obligated under 37 C.F.R. §10.18 to inquire into the underlying facts and circumstances when providing statements to the Patent and Trademark Office). See specifically, the regulations at 37 C.F.R. §10.18.

[2] The regulations at 37 C.F.R. §1.2 provide:

§1.2 Business to be transacted in writing.
All business with the Patent and Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt

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RONG-CHANG LIANG
875 BRENT DRIVE
CUPERTINO, CA 95014

MAILED

SEP 13 2010

OFFICE OF PETITIONS

In re Application of
Liang, et al.
Application No. 12/752,881
Filed: 1 April, 2010
Attorney Docket No. 107835-5

COMMUNICATION

Dear Rong-Chang Liang:

You are named as an inventor in the above-identified United States patent application, filed under the provisions of 35 U.S.C. §116 (United States Code), and 37 C.F.R. §1.47 (Code of Federal Regulations), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as an inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 C.F.R. §1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 C.F.R. §1.63.

Should you elect to join in the application, the contact information for Counsel of Record is set forth at the end of this Communication.

Should you seek to identify independent Counsel, you may find the Patent Attorneys/Agents Search engine of assistance (https://oedci.uspto.gov/OEDCI/).

Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to the Certification Division at (571) 272-3150 or 1 (800) 972-6382 (outside the Washington, DC area).

Telephone inquiries regarding this communication may be directed to the undersigned at (571) 272-3214—it is noted, however, that all practice before the Office is in writing (see: 37 C.F.R. §1.2[1]) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's action(s) Moreover, the Office can neither advise you nor recommend Counsel in this matter.

/John J. Gillon, Jr./
John J. Gillon, Jr.
Senior Attorney
Office of Petitions

Counsel of Record:
HOWREY LLP
C/O IP DOCKETING DEPARTMENT
2941 FAIRVIEW PARK DRIVE, SUITE 200
FALLS CHURCH VA 22042-2924

[1] The regulations at 37 C.F.R. §1.2 provide:
§1.2 Business to be transacted in writing.
All business with the Patent and Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt

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GEORGE ZARNG-ARH WU
7966 AVENIDA NAVIDAD
APARTMENT 88
SANDIEGO, CA 92122

MAILED
SEP 13 2010
OFFICE OF PETITIONS

In re Application of
Liang, et al.
Application No. 12/752,881
Filed: 1 April, 2010
Attorney Docket No. 107835-5

COMMUNICATION

Dear George Zarng-Arh Wu:

You are named as an inventor in the above-identified United States patent application, filed under the provisions of 35 U.S.C. §116 (United States Code), and 37 C.F.R. §1.47 (Code of Federal Regulations), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as an inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 C.F.R. §1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 C.F.R. §1.63.

Should you elect to join in the application, the contact information for Counsel of Record is set forth at the end of this Communication.

Should you seek to identify independent Counsel, you may find the Patent Attorneys/Agents Search engine of assistance (https://oedci.uspto.gov/OEDCI/).

Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to the Certification Division at (571) 272-3150 or 1 (800) 972-6382 (outside the Washington, DC area).

Telephone inquiries regarding this communication may be directed to the undersigned at (571) 272-3214—it is noted, however, that all practice before the Office is in writing (see: 37 C.F.R. §1.2[1]) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's action(s) Moreover, the Office can neither advise you nor recommend Counsel in this matter.

/John J. Gillon, Jr./
John J. Gillon, Jr.
Senior Attorney
Office of Petitions

Counsel of Record:
HOWREY LLP
C/O IP DOCKETING DEPARTMENT
2941 FAIRVIEW PARK DRIVE, SUITE 200
FALLS CHURCH VA 22042-2924

[1] The regulations at 37 C.F.R. §1.2 provide:
§1.2 Business to be transacted in writing.
All business with the Patent and Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

SOCTT TSENG
41554 HIGGINS WAYS
FREMONT, CA 94539

MAILED

SEP 13 2010

OFFICE OF PETITIONS

In re Application of
Liang, et al.
Application No. 12/752,881
Filed: 1 April, 2010
Attorney Docket No. 107835-5

COMMUNICATION

Dear Scott Tseng:

You are named as an inventor in the above-identified United States patent application, filed under the provisions of 35 U.S.C. §116 (United States Code), and 37 C.F.R. §1.47 (Code of Federal Regulations), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as an inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 C.F.R. §1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 C.F.R. §1.63.

Should you elect to join in the application, the contact information for Counsel of Record is set forth at the end of this Communication.

Should you seek to identify independent Counsel, you may find the Patent Attorneys/Agents Search engine of assistance (https://oedci.uspto.gov/OEDCI/).

Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to the Certification Division at (571) 272-3150 or 1 (800) 972-6382 (outside the Washington, DC area).

Telephone inquiries regarding this communication may be directed to the undersigned at (571) 272-3214—it is noted, however, that all practice before the Office is in writing (see: 37 C.F.R. §1.2[1]) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's action(s) Moreover, the Office can neither advise you nor recommend Counsel in this matter.

/John J. Gillon, Jr./
John J. Gillon, Jr.
Senior Attorney
Office of Petitions

Counsel of Record:
HOWREY LLP
C/O IP DOCKETING DEPARTMENT
2941 FAIRVIEW PARK DRIVE, SUITE 200
FALLS CHURCH VA 22042-2924

[1] The regulations at 37 C.F.R. §1.2 provide:
§1.2 Business to be transacted in writing.
All business with the Patent and Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt

UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. Box 1450
Alexandria, VA 22313-1450
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ARNOLD & KNOBLOCH, LLP
4900 WOODWAY DRIVE, SUITE 900
HOUSTON, TX 77056

MAILED

MAR 21 2011

OFFICE OF PETITIONS

In re Application of :
Gordon A. TIBBITTS, et *al.* :
Application No. 12/752,897 :
Filed: April 1, 2010 :
Attorney Docket No. **42665.00.0011** :

DECISION ON PETITION TO WITHDRAW FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed February 11, 2011.

The request is **DISMISSED** as moot.

A review of the file record indicates that the power of attorney to **ARNOLD & KNOBLOCH, LLP** has been revoked by the assignee of the patent application on March 7, 2011. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to the undersigned at (571) 272-7253.

/Monica A. Graves/
Petitions Examiner, Office of Petitions

cc: **VEDDER PRICE, P.C.**
222 N. LASALLE STREET
CHICAGO, IL 60601

PTO/SB/20PCT-EP (05-10)
Approved for use through 01/31/2012. OMB 0651-0058
U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE
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REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE EUROPEAN PATENT OFFICE (EPO) AND THE USPTO

Application No:	12/752,911	Filing date:	2010-04-01
First Named Inventor:	Darrin Garrett		
Title of the Invention:	USING A BLUETOOTH CAPABLE MOBILE PHONE TO ACCESS A REMOTE NETWORK		

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.

Namely, (6) - A U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.

The corresponding PCT application number(s) is/are: PCT/US2010/029920

The international filing date of the corresponding PCT application(s) is/are: April 5, 2010

I. List of Required Documents:

a. **A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above–identified corresponding PCT application(s)**

[x] Is attached

[ ] Is not attached because the document is already in the U.S. application.

b. **A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s).**

[x] Is attached.

[ ] Is not attached because the document is already in the U.S. application.

c. **English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.**

This collection of information is required by 35 U.S.C. 119, 37 CFR 1.55, and 37 CFR 1.102(d). The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.

Approved for use through 01/31/2012. OMB 0651-0058
U.S.Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM BETWEEN THE EPO AND THE USPTO

(continued)

Application No.:	12/752,911
First Named Inventor:	Darrin Garrett

d. **(1) An information disclosure statement listing the documents cited in the international work products (ISR, WO/ISA, WO/IPEA, IPER) of the corresponding PCT application.**

☐ Is attached

☒ Has already been filed in the above-identified U.S. application on January 3, 2011

(2) Copies of all documents (except) for U.S. patents or U.S. patent application publications)

☐ Are attached.

☒ Have already been filed in the above-identified U.S. application on January 3, 2011

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1-20	1-20	Claims 1-20 in the US application are word for word identical to the patentable claims in the corresponding PCT application

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature	Date April 13, 2011
Name (Print/Typed) Michael A. Cofield	Registration Number 54,630

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
P.O. Box 1450
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MAIL

MAY 11 2011

DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

Stolowitz Ford Cowger LLP
621 SW Morrison St
Suite 600
Portland OR 97205

In re Application of	:	
GARRETT, DARRIN, et al.	:	DECISION ON REQUEST TO
Application No. 12/752,911	:	PARTICIPATE IN PATENT
Filed: April 1, 2010	:	PROSECUTION HIGHWAY
Attorney Docket No. **44375-0120**	:	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 April 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 be (a) a national stage entry of the corresponding PCT application, or (b) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (c) a national stage application that claims domestic/foreign priority to the corresponding PCT application, (d) a national application which forms the basis for the priority claim in the corresponding PCT application, or (e) a continuation application of the U.S. application which satisfies one of the above (a) to (d) scenarios.
(2) A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the corresponding PCT application(s) which indicates at least one claim in the PCT application has novelty, inventive step, and industrial applicability.
(3) A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the corresponding PCT application(s).
(4) English translations of the documents in (2) and (3) (if the documents are not in the English language).
(5) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the claims which were indicated as having novelty, inventive step, and industrial applicability in the corresponding PCT application(s).
(6) Examination of the U.S. application has not begun; and

(7) An information disclosure statement listing the documents cited in the international work products (ISR, WO/ISA. WO/IPEA, IPER) of the corresponding PCT application(s).

The request to participate in the PCT-PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Ken Wieder at 571-272-2986.

All other inquiries concerning the examination or status of the application should be directed to Patent Application Information Retrieval (PAIR) system.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

/Kenneth A. Wieder/

Kenneth A. Wieder
Quality Assurance Specialist
Technology Center 2600
Communications

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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DIW Sep-10

STOLOWITZ FORD COWGER LLP
621 SW MORRISON ST
SUITE 600
PORTLAND OR 97205

MAILED
SEP 30 2010
OFFICE OF PETITIONS

In re Application of :
Michael Dieckmann : DECISION ON PETITION
Application No. 12/752,939 :
Filed: April 1, 2010 :
Atty Docket No. 5010-0002 :

This is in response to the petition filed June 9, 2010, entitled "PETITION FOR INCORPORATION BY REFERENCE UNDER 37 CFR 1.57(a)," requesting that the above-referenced application be accorded a filing date of April 1, 2010. This petition is being treated pursuant to 37 CFR 1.53(e)(2)[1].

Application papers in the above-identified application were deposited on April 1, 2010. However, on June 9, 2010, the Office of Patent Application Processing mailed applicants a "Notice of Incomplete Nonprovisional Application," notifying applicant that the application papers had not been accorded a filing date because the application was deposited without drawings. In response, applicant timely filed this petition. Applicant requests that the application be amended to include the inadvertently omitted drawings on the basis that the application as filed contained a prior benefit claim under 37 CFR 1.55 or 1.78.

---

[1] Any request for review of a notification pursuant to paragraph (e)(1) of this section, or a notification that the original application papers lack a portion of the specification or drawing(s), must be by way of a petition pursuant to this paragraph accompanied by the fee set forth in § 1.17(f). In the absence of a timely (§ 1.181(f)) petition pursuant to this paragraph, the filing date of an application in which the applicant was notified of a filing error pursuant to paragraph (e)(1) of this section will be the date the filing error is corrected.

Petitioner's arguments and evidence have been considered. However, a review of the application confirms that, as filed, the application contained at least one method claim. MPEP 601.01(f) provides that:

> It has been USPTO practice to treat an application that contains at least one process or method claim as an application for which a drawing is not necessary for an understanding of the invention under 35 U.S.C. 113 (first sentence).

Thus, pursuant to § 601.01(f), a drawing is not considered essential for a filing date. The instant application is entitled to a filing date without drawings present in the application.

Accordingly, the Office should have granted the application a filing date and mailed a Notice of Omitted Items instead of a Notice of Incomplete Nonprovisional Application. As stated in MPEP 601.01(g) under the section entitled, "Application Entitled to a Filing Date," applicant may submit an amendment to include the inadvertently omitted portion of the drawing(s) pursuant to 37 CFR 1.57(a):

> [i]f an application was filed on or after September 21, 2004, and contains a claim under 37 CFR 1.55 for priority of a prior-filed foreign application, or a claim under 37 CFR 1.78 for the benefit of a prior-filed provisional, nonprovisional, or international application that was present on the filing date of the application, and the omitted portion of the drawing(s) was inadvertently omitted from the application and is completely contained in the prior-filed application[.]

Please note that no petition is required and that the amendment must comply with 37 CFR 1.57(a) and 37 CFR 1.121. See MPEP § 201.17. Any amendment to include the inadvertently omitted drawing(s) will be considered by the examiner.

To the extent the instant petition requests a filing date of April 1, 2010, with no drawings present in the application, the petition is **GRANTED**.

Given the basis for granting this petition, the petition fee is being refunded.

Additionally, the declaration submitted with the petition on June 9, 2010, has been acknowledged.

Pursuant to this decision, the application will be referred to the Office of Patent Application Processing for:

- **correction of the filing date to April 1, 2010**;
- **for indication in Office records, as appropriate, that "0" sheets of drawings were present on filing** and
- **for issuance of a filing receipt.**

Entry of the amendment filed June 9, 2010, will be determined by the examiner.

Telephone inquiries specific to this decision should be directed to Karen Creasy at (571)272-3208.

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
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WONG, CABELLO, LUTSCH, RUTHERFORD & BRUCCULERI, L.L.P.
20333 SH 249 6th Floor
HOUSTON TX 77070

MAILED
MAY 27 2011
OFFICE OF PETITIONS

In re Application of Joseph Scarpelli et al. Application No. 12/752,951 Filed: April 1, 2010 Attorney Docket No. **09-065-US (149-0240US)**	: : : : :	DECISION ON PETITION TO WITHDRAW FROM RECORD

This is a decision on the request to withdraw as attorney of record under 37 CFR § 1.36(b), filed May 17, 2011.

The request is **NOT APPROVED**.

The request cannot be approved because it lacks the name of the first inventor or the assignee of record that is associated with the address listed in the request. Therefore, the change of correspondence address is considered improper.

The Office will only accept correspondence address changes to the most current address information provided for the assignee of the entire interest *who properly became of record under 37 CFR 3.71,* or, if no assignee of the entire interest has properly been made of record, the most current address information provided for the first named inventor. 37 CFR 3.71(c) states:

> *An assignee becomes of record either in a national patent application or a reexamination proceeding by filing a statement in compliance with § 3.73(b) that is signed by a party who is authorized to act on behalf of the assignee.*

The assignee must establish its ownership of the patent to the satisfaction of the Director. In this regard, the statement under 37 CFR 3.73(b) must have either: (i) documentary evidence of a chain of title from the original owner to the assignee (*e.g.*, copy of an executed assignment), and a statement affirming that the documentary evidence of the chain of title from the original owner to the assignee was or concurrently is being submitted for recordation pursuant to § 3.11; or (ii) a statement specifying where documentary evidence of a chain of title from the original owner to the assignee is recorded in the assignment records of the Office (*e.g.*, reel and frame number).

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to the undersigned at (571) 272-4584.

JoAnne Burke
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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WONG, CABELLO, LUTSCH, RUTHERFORD & BRUCCULERI, L.L.P.
20333 SH 249 6th Floor
HOUSTON TX 77070

MAILED

JUN 20 2011

OFFICE OF PETITIONS

In re Application of Joseph Scarpelli et al. Application No. 12/752,951 Filed: April 1, 2010 Attorney Docket No. **09-065-US (149-0240US)**	: : : : :	DECISION ON PETITION TO WITHDRAW FROM RECORD

This is a decision on the renewed request to withdraw as attorney of record under 37 CFR § 1.36(b), filed June 15, 2011.

The request is **NOT APPROVED**.

The request cannot be approved because the Office no longer accept address changes to a new practitioner/customer number or law firm filed with a request, absent the filing of a power of attorney to the new representative. Therefore, the change of correspondence address is still considered to be improper.

As stated in the previous decision of May 27, 2011, the Office will only accept correspondence address changes to the most current address information provided for the assignee of the entire interest *who properly became of record under 37 CFR 3.71,* or, if no assignee of the entire interest has properly been made of record, the most current address information provided for the first named inventor. 37 CFR 3.71(c) states:

> *An assignee becomes of record either in a national patent application or a reexamination proceeding by filing a statement in compliance with § 3.73(b) that is signed by a party who is authorized to act on behalf of the assignee.*

The assignee must establish its ownership of the patent to the satisfaction of the Director. In this regard, the statement under 37 CFR 3.73(b) must have either: (i) documentary evidence of a chain of title from the original owner to the assignee (*e.g.*, copy of an executed assignment), and a statement affirming that the documentary evidence of the chain of title from the original owner to the assignee was or concurrently is being submitted for recordation pursuant to § 3.11; or (ii) a statement specifying where documentary evidence of a chain of title from the original owner to the assignee is recorded in the assignment records of the Office (*e.g.*, reel and frame number).

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to the undersigned at (571) 272-4584.

JoAnne Burke
Petitions Examiner
Office of Petitions

PTO/SB/20PCT-KR (06-10)
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REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY – PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE KOREAN INTELLECTUAL PROPERTY OFFICE (KIPO) AND THE USPTO

Application No.:	12/752,979	First Named Inventor:	Dominic S. Mallinson
Filing Date:	April 1, 2010	Attorney Docket No.:	90619-782329(007100US)
Title of the Invention:	Media Fingerprinting for Content Determination and Retrieval		

THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT HTTP://WWW.USPTO.GOV/EBC/EFS_HELP.HTML.

APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PILOT PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PILOT PROGRAM.

The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.

The corresponding PCT application number(s) is/are: PCT/US2011/030834

The international filing date of the corresponding PCT application(s) is/are: 31 March 2011

I. List of Required Documents:

a. **A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above-identified corresponding PCT application(s)**

☑ is attached.

☐ is not attached because the document is already in the U.S. application.

b. **A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s)**

☐ is attached.

☑ is not attached because the document is already in the U.S. application.

c. **English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.**

d. **(1) An information disclosure statement listing the documents cited in the international work products (ISR, WO/ISA, WO/IPEA, IPER) of the corresponding PCT application.**

☐ is attached.

☑ has already been filed in the above-identified U.S. application on March 12, 2012

(2) Copies of all documents (except for U.S. patents or U.S. patent application publications)

☐ are attached.

☑ have already been filed in the above-identified U.S. application on March 12, 2012

This collection of information is required by 35 U.S.C. 119, 37 CFR 1.55, and 37 CFR 1.102(d). The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.

PTO/SB/20PCT-KR (06-10)
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REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM BETWEEN THE KIPO AND THE USPTO

(continued)

Application No.:	12/752,979	First Named Inventor:	Dominic S. Mallinson

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT application	Explanation regarding the correspondence
1-20	1-20	exact correspondence

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature	Date 3/12/2012
Name (Print/Typed) Mark Mathison	Registration Number 57,556

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.

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:	12/752,999	Filing date:	2010-04-01
First Named Inventor:	David Quimby		
Title of the Invention:	AUTOMATIC GAIN CONTROL IN A PERSONAL NAVIGATION 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.

Namely, (6) - A U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.

The corresponding PCT application number(s) is/are: PCT/US2010/029937

The international filing date of the corresponding PCT application(s) is/are: April 5, 2010

I. List of Required Documents:

a. **A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above–identified corresponding PCT application(s)**

[x] Is attached

[ ] Is not attached because the document is already in the U.S. application.

b. **A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s).**

[x] Is attached.

[ ] Is not attached because the document is already in the U.S. application.

c. **English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.**

This collection of information is required by 35 U.S.C. 119, 37 CFR 1.55, and 37 CFR 1.102(d). The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.

Approved for use through 01/31/2012. OMB 0651-0058
U.S.Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM BETWEEN THE EPO AND THE USPTO

(continued)

Application No.:	12/752,911
First Named Inventor:	Darrin Garrett

d. **(1) An information disclosure statement listing the documents cited in the international work products (ISR, WO/ISA, WO/IPEA, IPER) of the corresponding PCT application.**

☐ Is attached

☒ Has already been filed in the above-identified U.S. application on January 3, 2011

(2) Copies of all documents (except) for U.S. patents or U.S. patent application publications)

☐ Are attached.

☒ Have already been filed in the above-identified U.S. application on January 3, 2011

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1-20	1-20	Claims 1-20 in the US application are word for word identical to the patentable claims in the corresponding PCT application

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature	Date April 13, 2011
Name (Print/Typed) Michael A. Cofield	Registration Number 54,630

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MAY 02 2011

DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

Stolowitz Ford Cowger LLP
621 SW Morrison St
Suite 600
Portland OR 97205

In re Application of
QUIMBY, DAVID et al.
Application No. **12/752,999**
Filed: **April 1, 2010**
Attorney Docket No. **44375-0131**

DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(a)

This is a decision on the renewed request to participate in the PCT Patent Prosecution Highway (PPH) pilot program and the petition under 37 CFR 1.102(a), filed April 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 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 Daniel Swerdlow at 571-272-7531.

All other inquiries concerning the examination or status of the application should be directed to Patent Application Information Retrieval (PAIR) system.

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.

/ Daniel Swerdlow /

Daniel Swerdlow
Quality Assurance Specialist
Technology Center 2600
Communications

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1445 DREW AVE
DAVIS CA 95618

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APR 26 2011
OFFICE OF PETITIONS

In re Application of	:	
BOLOTINE et al.	:	
Application No. 12/753,000	:	DECISION ON PETITION
Filed: April 1, 2010	:	UNDER 37 CFR 1.78(a)(3)
Attorney Docket No. 10085.520-US	:	

This is a decision on the petition under 37 CFR 1.78(a)(3), filed April 8, 2011, to accept an unintentionally delayed claim under 35 U.S.C. §120 for the benefit of priority to the prior-filed nonprovisional application set forth in the concurrently filed amendment.

The petition is **DISMISSED.**

A petition for acceptance of a claim for late priority under 37 CFR 1.78(a)(3) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 CFR 1.78(a)(2)(ii). In addition, the petition under 37 CFR 1.78(a)(3) must be accompanied by:

(1) the reference required by 35 U.S.C. § 120 and 37 CFR 1.78(a)(2)(i) of the prior-filed application, unless previously submitted;
(2) the surcharge set forth in § 1.17(t); and
(3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2)(ii) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

The petition does not comply with item (1).

A nonprovisional application that directly claims the benefit of a provisional application under 35 U.S.C. 119(e) must be filed by an inventor or inventors named in the previously filed provisional application. Here the application that claims benefit to Provisional application serial number 60/082,217 is not filed by an inventor or inventors named in the nonprovisional application 09/680,598. Also, none of 09/680,598; 11/203,606; or this application were filed within 12 months of the provisional application.

The reference to add the above-noted, prior-filed applications in the first sentence of the specification on page one following the title is not acceptable as drafted since it improperly incorporates by reference the prior-filed applications. An incorporation by reference statement added after an application's filing date is not effective because no new matter can be added to an application after its filing date (*see* 35 U.S.C. § 132(a)). If an incorporation by reference statement is included in an amendment to the specification to add a benefit claim under 35 U.S.C. § 120 after the filing date of the application, the amendment would not be proper. When a benefit claim under 35 U.S.C. § 120 is submitted after the filing of an application, the reference to the prior application cannot include an incorporation by reference statement of the prior application. *See* Dart Industries v. Banner, 636 F.2d 684, 207 USPQ 273 (C.A.D.C. 1980). *Note* MPEP §§ 201.06(c) and 608.04(b).

Before the petition under 37 CFR § 1.78(a)(3) can be granted, a renewed petition under 37 CFR § 1.78(a)(3) an Application Data Sheet or a substitute amendment (complying with 37 CFR 1.121 and 37 CFR 1.76(b)(5)), which states the relationship of the prior-filed application to this application, are required.

As authorized, the $1410 fee for the petition under 37 CFR 1.78(a) will be charged to petitioner's Deposit Account No. 50-1701.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop PETITIONS
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By hand: Customer Service Window
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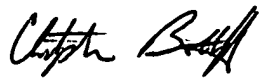
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By fax: (571) 273-8300
ATTN: Office of Petitions

Any questions concerning this matter may be directed to Jose'G Dees at (571) 272-1569.



Christopher Bottorff
Petitions Examiner
Office of Petitions

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NOVOZYMES, INC.
1445 DREW AVE
DAVIS CA 95618

In re Application of	:	
BOLOTINE et al.	:	
Application No. 12/753,000	:	DECISION ON PETITION
Filed: April 1, 2010	:	UNDER 37 CFR 1.78(a)(3)
Attorney Docket No. 10085-US-DIV[2]	:	

This is a decision on the petition under 37 CFR 1.78(a)(3), filed December 12, 2011, to accept an unintentionally delayed claim under 35 U.S.C. §120 for the benefit of priority to the prior-filed nonprovisional application set forth in the concurrently filed amendment.

The petition is **DISMISSED.**

A petition for acceptance of a claim for late priority under 37 CFR 1.78(a)(3) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 CFR 1.78(a)(2)(ii). In addition, the petition under 37 CFR 1.78(a)(3) must be accompanied by:

(1) the reference required by 35 U.S.C. § 120 and 37 CFR 1.78(a)(2)(i) of the prior-filed application, unless previously submitted;
(2) the surcharge set forth in § 1.17(t); and
(3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2)(ii) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

The petition does not comply with item (1).

A nonprovisional application that directly claims the benefit of a provisional application under 35 U.S.C. 119(e) must be filed by an inventor or inventors named in the previously filed provisional application. Here, provisional application serial number 60/082,217 is not filed by an inventor or inventors named in the nonprovisional applications. Also, none of 09/680,598; 09/974,300; 11/203,606; or this application were filed within 12 months of the provisional application.

The $1410.00 petition fee submitted with this renewed petition is unnecessary and will be refunded to petitioner's deposit account in due course.

Before the petition under 37 CFR § 1.78(a)(3) can be granted, a renewed petition under 37 CFR § 1.78(a)(3) an Application Data Sheet or a substitute amendment (complying with 37 CFR 1.121 and 37 CFR 1.76(b)(5)), to correct the above matters are required.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop PETITIONS
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Post Office Box 1450
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Randolph Building
401 Dulany Street
Alexandria, VA 22314

By fax: (571) 273-8300
ATTN: Office of Petitions

Any questions concerning this matter may be directed to Jose'G Dees at (571) 272-1569.

Jose' G Dees
Petitions Examiner
Office of Petitions

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OFFICE OF PETITIONS

In re Application of	:	
BOLOTINE et al.	:	
Application No. 12/753,000	:	DECISION ON PETITION
Filed: April 1, 2010	:	UNDER 37 CFR 1.78(a)(3)
Attorney Docket No. 10085-US-DIV[2]	:	

This is a decision on the renewed petition under 37 CFR 1.78(a)(3), filed January 10, 2012, to accept an unintentionally delayed claim under 35 U.S.C. §120 for the benefit of priority to the prior-filed nonprovisional application set forth in the concurrently filed amendment.

The petition is **DISMISSED.**

A petition for acceptance of a claim for late priority under 37 CFR 1.78(a)(3) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 CFR 1.78(a)(2)(ii). In addition, the petition under 37 CFR 1.78(a)(3) must be accompanied by:

(1) the reference required by 35 U.S.C. § 120 and 37 CFR 1.78(a)(2)(i) of the prior-filed application, unless previously submitted;
(2) the surcharge set forth in § 1.17(t); and
(3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2)(ii) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

The petition does not comply with item (1).

A nonprovisional application that directly claims the benefit of a provisional application under 35 U.S.C. 119(e) must be filed within 12 months from the filing date of the provisional application. Here, nonprovisional application 12/753,000 or nonprovisional application 09/680,598 were not filed within 12 months from the filing date of the provisional application 60/279,526. Petitioner should identify which nonprovisional application claims the benefit of the filing date of the provisional applications. See MPEP 201.11.

Before the petition under 37 CFR § 1.78(a)(3) can be granted, a renewed petition under 37 CFR § 1.78(a)(3) an Application Data Sheet or a substitute amendment (complying with 37 CFR 1.121 and 37 CFR 1.76(b)(5)), to correct the above matters are required.

Further correspondence with respect to this matter should be addressed as follows:

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Alexandria, VA 22314

By fax: (571) 273-8300
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Any questions concerning this matter may be directed to Jose'G Dees at (571) 272-1569.

Jose' G Dees
Petitions Examiner
Office of Petitions

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MAR 13 2012

OFFICE OF PETITIONS

In re Application of	:	
BOLOTINE et al.	:	
Application No. 12/753,000	:	DECISION ON PETITION
Filed: April 1, 2010	:	UNDER 37 CFR 1.78(a)(3)
Attorney Docket No.: 10085-US-DIV[2]	:	

This is a decision on the renewed petition under 37 CFR 1.78(a)(3), filed February 15, 2012 to accept an unintentionally delayed claim under 35 U.S.C. § 120 for the benefit of priority to the prior-filed nonprovisional applications set forth in the amendment.

The petitions are **GRANTED**.

A petition for acceptance of a claim for late priority under 37 CFR 1.78(a)(3) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 CFR 1.78(a)(2)(ii). In addition, the petition under 37 CFR 1.78(a)(3) must be accompanied by:

(1) the reference required by 35 U.S.C. § 120 and 37 CFR 1.78(a)(2)(i) of the prior-filed application, unless previously submitted;
(2) the surcharge set forth in § 1.17(t); and
(3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2)(ii) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

All of the above requirements having been satisfied, the late claim for priority under 35 U.S.C. § 120 is accepted as being unintentionally delayed.

The granting of the petition to accept the delayed benefit claim to the prior-filed applications under 37 CFR 1.78(a)(3) should not be construed as meaning that this application is entitled to the benefit of the prior-filed applications. In order for this application to be entitled to the

benefit of the prior-filed applications, all other requirements under 35 U.S.C. § 120 and 37 CFR 1.78(a)(1) and (a)(2) must be met. Similarly, the fact that the corrected Filing Receipt accompanying this decision on petition includes the prior-filed applications should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed applications noted thereon.

The examiner has indicated that the proposed amendment to claim priority to the prior-filed applications would be entered. This application is being forwarded to Technology Center Art Unit 1637 for consideration by the examiner of applicant's entitlement to claim benefit of priority under 35 U.S.C. § 120 to the prior-filed applications.

The corrected Filing Receipt was mailed January 18, 2012, which includes the priority claim to the prior-filed nonprovisional applications.

Any inquiries concerning this decision may be directed to Jose' G Dees at (571) 272-1569. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

Jose' G Dees
Petitions Examiner
Office of Petitions

ATTACHMENT : Response to Rule 312 Communication

Response to Rule 312 Communication	Application No.	Applicant(s)
	12/753,000	BOLOTINE ET AL.
	Examiner	**Art Unit**
	Young J. Kim	1637

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

1. ☒ The amendment filed on *15 February 2012* under 37 CFR 1.312 has been considered, and has been:

   a) ☐ entered.

   b) ☒ entered as directed to matters of form not affecting the scope of the invention.

   c) ☐ disapproved because the amendment was filed after the payment of the issue fee.
   Any amendment filed after the date the issue fee is paid must be accompanied by a petition under 37 CFR 1.313(c)(1) and the required fee to withdraw the application from issue.

   d) ☐ disapproved. See explanation below.

   e) ☐ entered in part. See explanation below.

/Young J Kim/
Primary Examiner, Art Unit 1637

OK TO ENTER: /YK/

03/08/2012

AMENDMENTS TO THE SPECIFICATION

Please replace the "Cross-Reference to Related Applications" on page **1**, lines **6-10** as with the following paragraph:

This application is a divisional of U.S. Application Serial No. 11/203,606, filed August 12, 2005, now U.S. Patent No. 7,691,574, which is a divisional of U.S. Application Serial No. 09/974,300 filed on October 5, 2001, now U.S. Patent No. 7,018,794, which is a continuation-in-part of U.S. Application Serial No. 09/680,598 filed on October 6, 2000, now abandoned. U.S. Application Serial No. 09/974,300, filed on October 5, 2001, now U.S. Patent No. 7,018,794, claims priority benefit of U.S. Provisional Application Serial No. 60/279,526, filed March 27, 2001.

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10210 GENETIC CENTER DRIVE
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SAN DIEGO CA 92121

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DEC 08 2010
OFFICE OF PETITIONS

In re Application of	:	
Daniel L. Kacian et al	:	
Application No. 12/753,010	:	DECISION ON PETITION
Filed: April 1, 2010	:	UNDER 37 CFR 1.313(c)
Attorney Docket No. GP125-07.CN4	:	

This is a decision on the petition under 37 CFR 1.313(c), filed December 7, 2010, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). *See* 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on November 1, 2010, cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries should be directed to the undersigned at (571) 272-3208.

This application is being referred to Technology Center AU 1777 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed IDS.

/Karen Creasy/
Karen Creasy
Petitions Examiner
Office of Petitions

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[1] *The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form* ***must*** *be completed and timely submitted to avoid abandonment of the application.*

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/753,046	04/01/2010	Gregory I. Frost	33320.03091.US16/ 3091C	3780

13565 7590 08/04/2011
McKenna Long & Aldridge LLP
4435 Eastgate Mall
Suite 400
San Diego, CA 92121

EXAMINER
XIE, XIAOZHEN

ART UNIT	PAPER NUMBER
1646	

MAIL DATE	DELIVERY MODE
08/04/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

AUG 04 2011

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

McKenna Long & Aldridge LLP
4435 Eastgate Mall
Suite 400
San Diego CA 92121

In re Application of:
Frost et al.
Serial No.: 12/753,046
Filed: April 1, 2010
Attorney Docket No: **33320.03091.US16/ 3091C**

: PETITION DECISION

This is in response to the petition filed on July 5, 2011 under 3 7 CFR 1.181 to correct the misclassification of submitted Information Disclosure Statements. Specifically, applicants request correction of the classification in PAIR of the Information Disclosure Statements submitted on April 1, 2010; January 20, 2011; and April 4, 2011 in connection with the above-referenced application and consideration by the Examiner of the documents and information contained therein.

Applicants argue the "Information Disclosure Statements were submitted in connection with the above-captioned application on April 1, 2010; January 20, 2011; and April 4, 2011. Each Information Disclosure Statement was prepared in accordance with 37 C.F.R 1.97 and 1.98. As required under 37 C.F.R 1.98, each Information Disclosure Statement contained 1) a list of all patents, publications, applications, or other information submitted for consideration by the Office, including a column that provides a space next to each document to be considered, for the examiner's initials and a heading that clearly indicates that the list is an Information Disclosure Statement; and 2) legible copies of all items listed. The items either were in English or a translation was provided. A copy of the misclassified Information Disclosure Statements filed on April 1, 2010; January 20, 2011; and April 4, 2011 is attached.

The submitted Information Disclosure Statement included a tabular Form PTO-1449, which was classified as an "IDS," and a written disclosure of information. In each instance, the written disclosure of information was misclassified in PAIR as a "Transmittal Letter" April 1, 2010, "Transmittal Letter" of 2 pages; January 20, 2011, "Transmittal Letter" of 3 pages; and April 4, 2011, "Transmittal Letter" of 2 pages). Consequently the information contained therein may not be considered or reviewed by the Examiner."

Applicants' argument has been accorded careful consideration and is persuasive. PAIR will be corrected to reflect the misclassification of the submitted Information Disclosure Statements of April 1, 2010; January 20, 2011; and April 4, 2011.

DECISION

The petition is **GRANTED.**

The examiner is instructed to consider the IDS of April 1, 2010; January 20, 2011; and April 4, 2011 which was misclassified in PAIR as a "Transmittal Letter" April 1, 2010, "Transmittal Letter" of 2 pages; January 20, 2011, "Transmittal Letter" of 3 pages; and April 4, 2011, "Transmittal Letter" of 2 pages).

Should there be any questions about this decision please contact Marianne C. Seidel, by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0584 or by facsimile sent to the general Office facsimile number, 571-273-8300.

/MC Seidel/
Marianne C. Seidel, Quality Assurance Specialist
Technology Center 1600

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United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/753,210	04/02/2010	JUN MIYAZAKI	J-10-0136	4112

71799 7590 11/08/2011
Mr. Jackson Chen
6535 N. STATE HWY 161
IRVING, TX 75039

EXAMINER
BARRON JR, GILBERTO

ART UNIT	PAPER NUMBER
2432	

NOTIFICATION DATE	DELIVERY MODE
11/08/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

jackson.chen@necam.com
KENSAKU.SATO@NECAM.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

Mr. Jackson Chen
6535 N. STATE HWY 161
IRVING TX 75039

In re Application of: Jun Miyazaki
Application No. 12/753,210
Filed: April 2, 2010
For: **AUTHENTICATION DEVICE, SERVER SYSTEM, AND METHOD OF AUTHENTICATING SERVER BETWEEN A PLURALITY OF CELLS AND AUTHENTICATION PROGRAM THEREOF**

DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed October 3, 2011, to make the above-identified application special.

The petition is **GRANTED.**

A grantable request to participate in the PPH program and petition to make special require:

1. The U.S. application for which participation in the PPH program is requested and the corresponding JPO application must have the same priority/filing date; In particular, the U.S. application (including national stage entry of a PCT application and a so-called bypass application filed under 35 U.S.C. § 111(a) which validly claims benefit under 35 U.S.C. § 120 to a PCT application):

   (a) is an application that validly claims priority under 35 U.S.C. § 119(a) and 37 CFR 1.55 to one or more applications filed with JPO,

   or

   (b) is an application which is the basis of a valid priority claim under the Paris Convention for the application filed in JPO,

   or

   (c) is an application which shares a common priority document with the application filed in JPO,

   or

   (d) and the JPO application are derived from/related to a PCT application having no priority claim.

2. Applicant must submit a copy of:
    a. The allowable/patentable claim(s) from the JPO application(s);
    b. An English translation of the allowable/patentable claim(s); and
    c. A statement that the English translation is accurate;

3. Applicant must
    a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to one or more of those claims indicated as allowable/patentable claim(s) in the JPO application(s). Claims are considered to "sufficiently correspond" where, accounting for differences due to translations and claim format, the claims in the USPTO are of the same or similar scope as the claims in the JPO, or the claims in the USPTO are narrower in scope than the claims in the JPO. In this regard, a claim that is narrower in scope occurs when a JPO claim is amended to be further limited by an additional feature that is supported in the specification (description and/or claims). A claim in the USPTO which introduces a new/different category of claims to those claims indicated as allowable in the JPO is not considered to sufficiently correspond. For example, if the JPO claims only contain claims to a process of manufacturing a product, then the claims in the USPTO are not considered to sufficiently correspond if the USPTO claims introduce product claims that are dependent on the corresponding process claims; 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 (if the translation is not a machine translation provided by the JPO);

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 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 Christopher Grant at 571-272-7294.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc/index.html.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

/Christopher Grant/
Christopher Grant
Quality Assurance Specialist
Technology Center 2400

PTO/SB/20PCT-KR (06-10)
Approved for use through 01/31/2012. OMB 0651-0058
U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE KOREAN INTELLECTUAL PROPERTY OFFICE (KIPO) AND THE USPTO

Application No:	12/753278	Filing date:	04/02/2010
First Named Inventor:	Richard Rice		
Title of the Invention:	Natural Blue Flavorants and Colorants		

THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT HTTP://WWW.USPTO.GOV/EBC/EFS_HELP.HTML

APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PROGRAM.

The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.

The corresponding PCT application number(s) is/are: PCT/US2010/029739

The international filing date of the corresponding PCT application(s) is/are: 02 April 2010 (02.04.2010)

I. List of Required Documents:

a. **A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above–identified corresponding PCT application(s)**

- [x] Is attached.
- [ ] Is not attached because the document is already in the U.S. application.

b. **A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s).**

- [ ] Is attached.
- [x] Is not attached because the document is already in the U.S. application.

c. **English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.**

This collection of information is required by 35 U.S.C. 119, 37 CFR 1.55, and 37 CFR 1.102(d). The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.

Approved for use through 01/31/2012. OMB 0651-0058
U.S.Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
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REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM BETWEEN THE KIPO AND THE USPTO

(continued)

Application No.:	12/753278
First Named Inventor:	Richard Rice

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

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature /David L. Nocilly/	Date 12/14/2010
Name (Print/Typed) David L. Nocilly	Registration Number 48,259

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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P.O. Box 1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/753,278	04/02/2010	Richard Rice	438P2653A	4249

28264 7590 02/01/2011
BOND, SCHOENECK & KING, PLLC
ONE LINCOLN CENTER
SYRACUSE, NY 13202-1355

EXAMINER

ART UNIT	PAPER NUMBER
1781	

NOTIFICATION DATE	DELIVERY MODE
02/01/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

bskpto@bsk.com
gmcguire@bsk.com
dnocilly@bsk.com

UNITED STATES PATENT AND TRADEMARK OFFICE

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CT

January 31, 2011

In re application of	:	DECISION ON REQUEST TO
Richard Rice	:	PARTICIPATE IN PATENT
Serial No. 12/753,278	:	PROSECUTION HIGHWAY
Filed: April 2, 2010	:	PROGRAM AND
For: NATURAL BLUE FLAVORANTS	:	PETITION TO MAKE SPECIAL
AND COLORANTS	:	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 December 14, 2010, to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PCT-PPH pilot program and petition to make special require:

(1) The U.S. application must disclose an eligible relationship to one or more PCT applications where the ISA or IPEA are the JPO, EPO, USPTO or KIPO;

(2) At least one claim in the PCT application has novelty, inventive step, and industrial applicability and must be free of any observations in Box VIII in the latest work product in the international stage or applicant must identify and explain why the claim(s) is/are not subject to the observation in Box VIII;

(3) Applicant must submit a copy of the claim(s) from the PCT application(s) that have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate, if the claims are not in the English language;

(4) Applicant must submit a claims correspondence table in English and all the independent claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the claim(s) that have novelty, inventive step, and industrial applicability in the PCT application(s);

(5) Examination of the U.S. application has not begun;

(6) Applicant must submit a copy of the latest international work product from the PCT application indicating that the claim(s) have novelty, inventive step, and industrial

applicability along with an English translation thereof if the latest international work product is not in the English language; and

(7) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

The request to participate in the PPH program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

Any inquiry regarding this decision should be directed to Christine Tierney, Quality Assurance Specialist, at (571) 272-1055.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc/index.html.

/Christine Tierney/

Christine Tierney
Quality Assurance Specialist
Technology Center 1700

Doc Code: PET.GREEN
Document Description: Petition for Green Tech Pilot

PTO/SB/420 (11-10)
Approved for use through 01/31/2011. OMB 0651-0062
U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE
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PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Attorney Docket Number: 83142769 (67,600-126)	Application Number (if known): 12/753,318	Filing date: 4/2/2010
First Named Inventor: Steven Thomas		
Title: Powertrain Driveline Warm-Up System and Method		

APPLICANT HEREBY REQUESTS TO PARTICIPATE IN THE GREEN TECHNOLOGY PILOT PROGRAM FOR THE ABOVE-IDENTIFIED APPLICATION. See Instruction Sheet on page 2.

This petition must be timely filed electronically using the USPTO electronic filing system, EFS-Web.

1. By filing this petition:

   Applicant is requesting early publication: Applicant hereby requests early publication under 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d) accompanies this request.

2. By filing this petition: applicant is agreeing to make an election without traverse in a telephonic interview and elect an invention that meets the eligibility requirements for the Green Technology Pilot Program, if the Office determines that the claims are not obviously directed to a single invention. See Instruction Sheet.

3. This request is accompanied by statements of special status for the eligibility requirement.

4. The application contains no more than three (3) independent claims and twenty (20) total claims.

5. The application does not contain any multiple dependent claims.

6. Other attachments: _____

Signature /RANDYW.TUNG/	Date 03/04/2011
Name (Print/Typed) RANDY W. TUNG	Registration Number 31,311

Note: *Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature see below*.*

☐ *Total of ..... forms are submitted.

The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

Instruction Sheet for Petition to Make Special Under the Green Technology Pilot Program

(Not to be Submitted to the USPTO)

The following is a summary of the requirements (for more information see the notices (i) "Pilot Program for Green Technologies Including Greenhouse Gas Reduction," (ii) "Elimination of Classification Requirement in the Green Technology Pilot Program," and (iii) "Expansion and Extension of the Green Technology Pilot Program," available on the USPTO web site at http://www.uspto.gov/patents/init_events/green_tech.jsp):

1) The application must be a non-reissue, non-provisional utility application filed under 35 U.S.C. 111 (a), or an international application that has entered the national stage in compliance with 35 U.S.C. 371, irrespective of the filing date of the application. Reexamination proceedings are excluded from this pilot program.

2) The application must contain three or fewer independent claims and twenty or fewer total claims. The application must not contain any multiple dependent claims. For an application that contains more than three independent claims or twenty total claims, or multiple dependent claims, applicant must file a preliminary amendment in compliance with 37 CFR 1.121 to cancel the excess claims and/or the multiple dependent claims at the time the petition to make special is filed.

3) The claims must be directed to a single invention that materially enhances the quality of the environment, or that materially contributes to: (1) the discovery or development of renewable energy resources; (2) the more efficient utilization and conservation of energy resources; or (3) green house gas emission reduction (see the eligibility requirements of sections II and III of the notice (i) cited above). The petition must include a statement that, if the USPTO determines that the claims are directed to multiple inventions (e.g., in a restriction requirement), applicant will agree to make an election without traverse in a telephonic interview, and elect an invention that meets the eligibility requirements in section II or III of the notice (i) cited above.

4) The petition to make special must be timely filed electronically using the USPTO electronic filing system, EFS-Web, and selecting the document description of "Petition for Green Tech Pilot" on the EFS-Web screen. Applicant should use form PTO/SB/420, which is available as a Portable Document Format (PDF) fillable form in EFS-Web and on the USPTO Web site.

5) The petition to make special must be filed at least one day prior to the date that a first Office action (which may be an Office action containing only a restriction requirement) appears in the Patent Application Information Retrieval (PAIR) system. Applicant may check the status of the application using PAIR.

6) The petition to make special must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d).

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/753,318	04/02/2010	STEVEN THOMAS	81194923 (67,600-126)	4355

32997 7590 03/16/2011
TUNG & ASSOCIATES
838 WEST LONG LAKE, SUITE 120
BLOOMFIELD HILLS, MI 48302

EXAMINER

ART UNIT	PAPER NUMBER
3742	

MAIL DATE	DELIVERY MODE
03/16/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

TUNG & ASSOCIATES
838 WEST LONG LAKE, SUITE 120
BLOOMFIELD HILLS MI 48302

In re Application of	:	
THOMAS, STEVEN et al	:	DECISION ON PETITION
Application No. 12/753,318	:	TO MAKE SPECIAL UNDER
Filed: April 2, 2010	:	THE GREEN TECHNOLOGY
Attorney Docket No. 81194923	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed March 7, 2011, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **dismissed**.

If reconsideration of this decision is desired, a petition for reconsideration must be filed within ONE (1) MONTH OR THIRTY (30) DAYS from the mail date of this decision, whichever is longer. No extension of this time limit can be granted under 37 CFR 1.136(a) or (b). The petition for reconsideration should include an exhaustive attempt to provide the lacking item(s) noted below, since, after a decision on the petition for reconsideration, no further reconsideration or review of the matter will be undertaken by the Director.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition

must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived. The petition lacks items #1 and # 4.

In regard to item 1, petitioner should note that a review of the application claims has been made for the purposes of determining the number of claims contained therein. This application contains more than 3 independent claims and/or more than 20 total claims. As set forth in the Notice, if the application contains more than 3 independent claims or more than 20 total claims, it will not be eligible to participate in the "Pilot Program for Green Technologies Including Greenhouse Gas Reduction." Currently, the application has 26 claims including 5 independent claims. There are too many claims.

In regard to item 4, petitioner should note that the instant petition includes a statement identifying the basis for the special status (i.e., whether the instant invention (1) materially enhances the quality of the environment or materially contributes to (2) development of renewable energy resources or energy conservation, or (3) greenhouse gas reduction) as required by sections II and III of the notice. However, as stated in the notice, applicant must also provide a statement pertaining to the materiality standard if the application disclosure is not clear on its face as to the materiality of the basis for the special status of the invention. This petition lacks such a statement and it is not agreed that the application on its face meets that materiality standard. Petitioner states that the claimed invention relates to green technologies. This is not convincing. For example, it is not clear how the claimed engine or battery heater will provide and enhance the quality of the environment or contribute to development of renewable energy resources or energy conservation or greenhouse gas reduction. In particular, claims are directed to a battery bag which has no direct relationship with efficient utilization of energy, energy conservation and greenhouse gas reduction. Claims read on a heating blanket to warm engines or batteries.

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 3782 for action in its regular turn.

/Henry C. Yuen/

Henry C. Yuen
Quality Assurance Specialist
Technology Center 3700

U.S.S.N. 12/753,318

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Steven Thomas Group Art Unit: 3742

Serial No.: 12/753,318 Examiner: Not Yet Assigned

Filed: 04/02/2010 In Response to Office Action Dated: 03/16/2011

For: Powertrain Driveline Warm-up System and Method

Attorney Docket No.: 67,600-126 (81194923)

CERTIFICATE OF MAILING OR FACSIMILE TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Patent and Trademark Office via Electronic Filing.

Randy W. Tung
Printed Name

Signature

4/12/11
Date

Please forward all correspondence to

TUNG & ASSOCIATES
838 W. Long Lake Road, Suite 120
Bloomfield Hills, MI 48302

PETITION FOR RECONSIDERATION OF DECISION ON PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Assistant Commissioner
for Patents
P.O. Box 1450
Alexandria, Va 22313-1450

Dear Sir:

In response to a Dismissal of the Petition filed 03/16/2011, under 37 CFR 1.102 for making the above-identified application special under the Pilot Program for applications pertaining to Green Technologies, the Applicants respectfully request of reconsideration of the petition.

The petition was dismissed for not fulfilling requirement number 4 to qualify for special status in that the materiality standard is not met, and further for containing more than 20 total claims.

The Applicants hereby respectfully request the cancelation of claims 19-26 so that only claims 1-18 are pending in the application.

The Applicants hereby respectfully submit that the present application fulfills the special status that the invention materially contributes to energy conservation in enabling the proper operation of a hybrid electric vehicle.

As stated in the Application, paragraph 001:

"The disclosure generally relates to vehicle powertrains. More particularly, the disclosure relates to a powertrain/driveline warm-up system and method in which powertrain/driveline oil is heated before and/or during vehicle startup to **reduce viscosity of the oil and enhance fuel economy of the vehicle.**"

The Applicants therefore respectfully submit that the present invention discloses a technology to heat powertrain/driveline oil before and/or during vehicle start-up to reduce viscosity of the oil and enhance fuel economy of the vehicle and therefore, materially contributes to energy conservation by such operation.

A reconsideration for making special of the present application under the Green Technology Pilot Program is respectfully requested of the Examiner.

In the event that the present invention as claimed is not in condition for allowance for any reason, the Examiner is respectfully invited to call the Applicants representative at his Bloomfield Hills, Michigan office at (248) 540-4040 such that necessary action may be taken to place the application in a condition for allowance.

Respectfully submitted,

Randy W. Tung,
Registration No. 31311

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.
12/753,318	04/02/2010	STEVEN THOMAS	81194923 (67,600-126)	4355

32997 7590 05/04/2011
TUNG & ASSOCIATES
838 WEST LONG LAKE, SUITE 120
BLOOMFIELD HILLS, MI 48302

EXAMINER

ART UNIT	PAPER NUMBER
3742	

MAIL DATE	DELIVERY MODE
05/04/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

TUNG & ASSOCIATES
838 WEST LONG LAKE, SUITE 120
BLOOMFIELD HILLS MI 48302

In re Application of	:	
THOMAS, STEVEN et al	:	DECISION ON PETITION
Application No. 12/753,318	:	TO MAKE SPECIAL UNDER
Filed: April 2, 2010	:	THE GREEN TECHNOLOGY
Attorney Docket No. 81194923	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed April 4, 2011, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **denied**.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived. The petition lacks items #1 and # 4.

In regard to item 1, petitioner should note that a review of the application claims has been made for the purposes of determining the number of claims contained therein. This application contains more than 3 independent claims and/or more than 20 total claims. As set forth in the Notice, if the application contains more than 3 independent claims or more than 20 total claims, it will not be eligible to participate in the "Pilot Program for Green Technologies Including Greenhouse Gas Reduction." Currently, the application has 26 claims including 5 independent claims. There are too many claims. There is no formal amendment presented to cancel claims 19-26.

In regard to item 4, petitioner should note that the instant petition includes a statement identifying the basis for the special status (i.e., whether the instant invention (1) materially enhances the quality of the environment or materially contributes to (2) development of renewable energy resources or energy conservation, or (3) greenhouse gas reduction) as required by sections II and III of the notice. However, as stated in the notice, applicant must also provide a statement pertaining to the materiality standard if the application disclosure is not clear on its face as to the materiality of the basis for the special status of the invention. This petition lacks such a statement and it is not agreed that the application on its face meets that materiality standard. Petitioner states that the claimed invention relates to enhancement of fuel economy. This is not convincing. For example, it is not clear how the claimed engine or battery heater will provide and enhance the quality of the environment or contribute to development of renewable energy resources or energy conservation or greenhouse gas reduction. In particular, claims are directed to a battery bag which has no direct relationship with efficient utilization of energy, energy conservation and greenhouse gas reduction. Claims read on a heating blanket to warm engines or batteries. This is well known in the art during the winter time to cover an engine with an electrically heated blanket to keep the engine and oil warm for quick ignitions.

Under the circumstances, the request to make the above-identified application special under the pilot program for applications pertaining to Green Technologies cannot be granted.

Telephone inquiries concerning this decision should be directed to Henry C. Yuen at 571-272-4856. The application is being forwarded to the Technology Center Art Unit 3742 for action in its regular turn.

Since this is a decision for reconsideration, no further reconsideration or review of the matter will be undertaken by the Director.

/Henry C. Yuen/

Henry C. Yuen
Quality Assurance Specialist
Technology Center 3700

I hereby certify that this correspondence is being filed via EFS-Web with the United States Patent and Trademark Office on 2/21/11.

KILPATRICK TOWNSEND & STOCKTON LLP

By: _____

PATENT
Attorney Docket No.: 92128-785462

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:	Confirmation No. 4421
Timothy V. RATTO, et al.	Examiner: Fortuna, Ana M.
Application No.: 12/753,353	Technology Center/Art Unit: 1777
Filed: April 2, 2010	
For: ASYMMETRIC NANOTUBE CONTAINING MEMBRANES	**PETITION TO MAKE SPECIAL UNDER GREEN TECHNOLOGY PILOT PROGRAM**
Customer No.: 20350	

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Commissioner:

Applicants hereby petition to make the present application special under the Green Technology Pilot Program. As explained in the "Statement of Material Contribution to the More Efficient Utilization and Conservation of Energy Resources" accompanying this petition, the invention is this application is eligible for the Green Technology Pilot Program for this reason.

The conditions set forth in the Federal Register, Vol. 742, No. 234, of December 8, 2009, pages 64666-64669, and Vol. 75., No. 217, of November 10, 2010, pages 69050- for this petition are met as follows:

(1) The application is a non-provisional utility application filed under 35 U.S.C. 111(a) on April 2, 2010.

(2) With the Preliminary Amendment submitted herewith, the application contains three or fewer independent claims and twenty or fewer total claims.

(3) The claims are directed to a single invention that materially contributes to the more efficient utilization and conservation of energy resources, as explained above and stated in attached "Statement of Material Contribution ..." If the USPTO determines that the claims are directed to multiple inventions, Applicants will agree to make an election without traverse in a telephonic interview, and to elect an invention that meets the eligibility requirements set forth in Sections II, III, and VI of the December 8, 2009 Federal Register notice.

(4) This petition is being filed electronically, using the USPTO electronic filing system.

(5) The application has not received a first Office action, and according to PAIR the USPTO projects that the first Office action will not occur before September 2012.

(6) A "Request for Early Publication" accompanies this Petition, together with a publication fee under 37 CFR § 1.18(d).

If any additional fees are required to support this petition, the Commissioner is hereby authorized to charge such fees to Deposit Account No. 20-1430.

Respectfully submitted,

M. Henry Heines
Reg. No. 28,219

KILPATRICK TOWNSEND & STOCKTON LLP
Two Embarcadero Center, Eighth Floor
San Francisco, California 94111-3834
Tel: 415-576-0200
Fax: 415-576-0300
email: mheines@kilpatricktownsend.com
MHH:mhh
63279160 v1

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/753,353	04/02/2010	Timothy V. Ratto	92128-785462	4421

20350 7590 05/26/2011
KILPATRICK TOWNSEND & STOCKTON LLP
TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO, CA 94111-3834

EXAMINER
FORTUNA, ANA M

ART UNIT	PAPER NUMBER
1777	

NOTIFICATION DATE	DELIVERY MODE
05/26/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

Docket@kilpatricktownsend.com
ipefiling@kilpatricktownsend.com
jlhice@kilpatrick.foundationip.com

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UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

KILPATRICK TOWNSEND & STOCKTON LLP
TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO CA 94111-3834

MAY 26 2011

In re Application of	:	
Ratto et al.	:	DECISION ON PETITION
Application No. 12/753,353	:	TO MAKE SPECIAL UNDER
Filed: 4/2/2010	:	THE GREEN TECHNOLOGY
Attorney Docket No. **92128-785462**	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed 4/21/2011, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **DISMISSED**.

If reconsideration of this decision is desired, a petition for reconsideration must be filed within ONE (1) MONTH OR THIRTY (30) DAYS from the mail date of this decision, whichever is longer. No extension of this time limit can be granted under 37 CFR 1.136(a) or (b). The petition for reconsideration should include an exhaustive attempt to provide the lacking item(s) noted below, since, after a decision on the petition for reconsideration, no further reconsideration or review of the matter will be undertaken by the Director.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by

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a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The petition lacks item(s) 4.

In regard to item 4, petitioner should note that the instant petition includes a statement identifying the basis for the special status (i.e., whether the instant invention (1) materially enhances the quality of the environment or materially contributes to (2) development of renewable energy resources or energy conservation, or (3) greenhouse gas reduction) as required by sections II and III of the notice. However, as stated in the notice, applicant must also provide a statement pertaining to the materiality standard if the application disclosure is not clear on its face as to the materiality of the basis for the special status of the invention. It is not agreed that the application on its face meets that materiality standard.

Applicants argue that the instant invention resides in water desalination membranes and processes for the manufacture of such membranes. The instant claims however are merely directed to a membranes of selective permeability and methods of manufacturing the same. There is no mention of water desalination in the instant claims. The specification discloses that the invention is related to manufacturing membranes for use in desalination, nanofiltration, and ultrafiltration, not solely desalination. The materiality standard does not permit an applicant to speculate how an end user might specifically apply the invention in a manner that could materially contribute to (1) materially enhancing the quality of the environment or materially contributing to (2) development of renewable energy resources or energy conservation, or (3) greenhouse gas reduction.

Any reconsideration of this decision should be submitted through the USPTO electronic filing system, EFS-Web, and selecting the document description of "Petition for Green Tech Pilot" on the EFS-Web screen.

Telephone inquiries concerning this decision should be directed to Tom Dunn at 571-272-1171.

The application is being forwarded to the Technology Center Art Unit 1777 for action in its regular turn.

/Tom Dunn/

Tom Dunn
Quality Assurance Specialist
Technology Center 1700

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/753,363	04/02/2010	Toshiyuki KASAI	145187	4446

7590 04/16/2012
OLIFF & BERRIDGE, PLC
P.O. BOX 320850
ALEXANDRIA, VA 22320-4850

EXAMINER
PHAM, LONG D

ART UNIT	PAPER NUMBER
2629	

NOTIFICATION DATE	DELIVERY MODE
04/16/2012	ELECTRONIC

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Patent Publication Branch
Office of Data Management

FORM PET651G (Rev. 08/07)

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/753,382	04/02/2010	Thomas L. Haschen	4845-0101PUS2	4482

2292 7590 03/16/2012
BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH, VA 22040-0747

EXAMINER
BEKKER, KELLY JO

ART UNIT	PAPER NUMBER
1781	

NOTIFICATION DATE	DELIVERY MODE
03/16/2012	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

UNITED STATES PATENT AND TRADEMARK OFFICE

Mailed: 3/16/12

In re application of Haschen et al. Serial No. 12/753,382 Filed: April 2, 2010 For: **FERMENTATION BYPRODUCT FEED FORMULATION AND PROCESSING**	: : : :	DECISION ON PETITION

This is a decision on the PETITION FILED UNDER 37 CFR 1.181 on December 16, 2011 to withdraw the Finality of the Office Action mailed on October 21, 2011 and restart the reply period.

Applicants assert that the Examiner in the Final Office Action makes a rejection under 35 USC 103(a) that is substantially different than the previous rejection. Applicants' amendment to the claims was solely directed to overcoming the previous rejection under 35 USC 112 second paragraph. In the previous rejection, claims 1-36 were rejected under 35 U.S.C. 103(a) over Heitritter in view of Schingoether as evidenced by Ribaric. The new rejection in the Final Office action rejects claims 1, 2, and 4-36 under 35 USC 103(a) over Heitritter in view of Schingoether as evidenced by Ribaric et al. and The Free Dictionary and Castro. According to the Examiner's action, The Free Dictionary and Castro were cited to further support the office's position.

Under present practice, second or any subsequent actions on the merits shall be final, except where the Examiner introduces a new ground of rejection that is neither necessitated by applicant's amendment of the claims, nor based on information submitted in an information disclosure statement filed during the period set forth in 37 CFR 1.97(c) with the fee set forth in 37 CFR 1.17(p).

The Examiner's new rejection under 35 USC 103(a) was not necessitated by Applicants' amendment or based on information submitted in an information disclosure statement filed by Applicants.

DECISION

The petition is **GRANTED**.

The Finality of the Office Action is withdrawn. The period for response will be reset to run from the mail date of the petition decision.

/Gladys JP Corcoran/
Director, Technology Center 1700

Gladys J. Corcoran, Director
Technology Center 1700
Chemical and Materials Engineering

wk

BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH VA 22040-0747

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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HUMAN GENOME SCIENCES INC.
INTELLECTUAL PROPERTY DEPT.
14200 SHADY GROVE ROAD
ROCKVILLE MD 20850

MAILED
NOV 17 2011
OFFICE OF PETITIONS

Applicant: Craig A. Rosen et al.
Appl. No.: 12/753,401
Filing Date: April 2, 2010
Title: HWBAO62 POLYPEPTIDES
Attorney Docket: PS960
Pub. No.: US 20100255574 A1
Pub. Date: October 7, 2010

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on November 19, 2010, for the above-identified application.

The request is DISMISSED.

Applicant requests that the application be republished because the patent application publication contains errors in the sequence of the specification and the priority data.

37 CFR 1.221 (b) is applicable "only when the Office makes a material mistake which is apparent from Office records.... Any request for a corrected publication or revised patent application publication other than provided as provided in paragraph (a) of this section must be filed within two months from the date of the patent application publication. This period is not extendable." A material mistake must affect the public's ability to appreciate the technical disclosure of the patent application publication, to determine the scope of the patent application publication, or to determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent. [1]

The request submitted on November 19, 2010, is unclear to the Office. Clarification is required. Applicant is encouraged to note MPEP 1130. A request for corrected publication should include a listing of the alleged material errors made by the Office, marked up copies of the relevant pages of the publication and an indication of where in the specification as filed the relevant text appears. In this instance, applicant must point out each error in the publication and where it was in the original submission to establish that there was an Office error, and what corrections the Office needs to make.

[1] Changes to Implement Eighteen-Month Publication of Patent Applications, 65 FR 57023, 57038 (Sept. 20, 2000), 1239, Off. Gaz. Pat. Office Notices 63, 75 (Oct. 10, 2000) (final rule).

Applicant may wish to consider filing a "request for republication of an application previously published" under 37 CFR 1.221 (a). Such a request for republication "must include a copy of the application compliance with the Office's electronic filing system requirements and be accompanied by the publication fee set forth in § 1.18 (d) and the processing fee set forth in § 1.17 (i)." If the request for republication does not comply with the electronic filing system requirements, the republication will not take place and the publication fee set forth in § 1.18 (d) will be refunded. The processing fee will be retained.

A guide for filing a request for a Pre-Grant Publication, such as a request for republication, may be found on the link below:

http://www.uspto.gov/patents/process/file/efs/guidance/index.jsp

http://www.uspto.gov/ebc/portal/efs/pgpub_quickstart.pdf

Any request for republication under 37 CFR 1.221(a), must be submitted via the EFS system, as a "Pre-Grant Publication".

Inquiries relating to this matter may be directed to Karen Creasy at (571) 272-3208.

/Christopher Bottorff/

Christopher Bottorff
Petitions Examiner
Office of Petitions

PTO/SB/20PCT-KR (06-10)
Approved for use through 01/31/2012. OMB 0651-0058
U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE KOREAN INTELLECTUAL PROPERTY OFFICE (KIPO) AND THE USPTO

Application No:	12/753,429	Filing date:	04/02/2010
First Named Inventor:	Mark Carlson		
Title of the Invention:	Multiple Aggregator Support		

THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT HTTP://WWW.USPTO.GOV/EBC/EFS_HELP.HTML

APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PROGRAM.

The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.

The corresponding PCT application number(s) is/are: PCT/US2010/032250

The international filing date of the corresponding PCT application(s) is/are: 04/23/2010

I. List of Required Documents:

a. **A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above–identified corresponding PCT application(s)**

☑ Is attached.

☐ Is not attached because the document is already in the U.S. application.

b. **A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s).**

☑ Is attached.

☐ Is not attached because the document is already in the U.S. application.

c. **English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.**

This collection of information is required by 35 U.S.C. 119, 37 CFR 1.55, and 37 CFR 1.102(d). The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.

Approved for use through 01/31/2012. OMB 0651-0058
U.S.Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM BETWEEN THE KIPO AND THE USPTO

(continued)

Application No.:	12/753,429
First Named Inventor:	Mark Carlson

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 03/08/2011

(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 03/08/2011

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1-20	1-20	exact correspondence

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature	Date 3/10/11
Name (Print/Typed) Marc Knittel	Registration Number 55,333

1. A communication gateway for delivering messages comprising: a server computer comprising (a) a processor; (b) a computer readable medium coupled to the processor, the computer readable medium comprising code for causing the processor to implement a method comprising receiving a message initiation request, generating a message based on the message initiation request and a routing table, generating a message ID, associating the message ID with the message, sending the message and the message ID to a first message aggregator based on the routing table, and monitoring a status code related to the message ID; and (c) a communication interface coupled to the processor.

2. The communication gateway of claim 1 wherein the method further comprises logging the message ID and the status code.

3. The communication gateway of claim 2 wherein the method further comprises sending a command to reroute the message to a second message aggregator based on the message ID, the status code and the routing table.

4. The communication gateway of claim 3 wherein the method further comprises updating the routing table.

5. The communication gateway of claim 2 wherein the method further comprises queuing the message based on the message ID, the status code and the routing table.

6. The communication gateway of claim 5 wherein queuing the alert message is further based on a queue flag.

7. The communication gateway of claim 1 wherein generating a message based on the message initiation request comprises parsing the message initiation request to obtain a delivery address, a command syntax and a content pay load.

8. The communication gateway of claim 7 wherein the message payload comprises a callback address.

9. The communication gateway of claim 8 wherein sending the message and the message ID to the first aggregator further comprises requesting the message aggregator to route the message to the delivery address.

10. A method comprising: receiving a message initialization request at a communication gateway; generating an alert message based on the message initialization request and a routing table using the communication gateway; generating a message ID using the communication gateway; associating the message ID with the message using the communication gateway; sending the message and the message ID from the communication gateway to a first message aggregator based on the routing table; and monitoring a status code related to the message ID using the communication gateway.

11. The method of claim 10 further comprising rerouting the message and the message ID to a second message aggregator based on the status code and the routing table using the communication gateway.

12. The method of claim 10 further comprising resending the message to the first message aggregator based on the status code, the message ID and the routing table using the communication gateway.

13. The method of claim 10 further comprising logging the status code and the message ID using the communication gateway.

14. The method of claim 10 further comprising queuing the message based on the status code, the message ID and the routing table and a queue flag using the monitoring server.

15. The method of claim 14 wherein the message is queued using a server in the communication gateway.

16. The method of claim 14 where the message is queued using the first message aggregator.

17. The method of claim 10 further comprising updating the routing table using the communication gateway.

18. The method of claim 10 wherein sending the alert message comprises sending a message aggregator command, an alert message payload and a callback address.

19. The method of claim 18 wherein sending the alert message further comprises sending a queue flag.

20. The method of claim 18 wherein sending the alert message further comprises sending a request to deliver a user password.

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UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/753,429	04/02/2010	Mark Carlson	016222-048013US	4576

66945 7590 04/05/2011
KILPATRICK TOWNSEND & STOCKTON LLP/VISA
TWO EMBARCADERO CENTER, 8TH FLOOR
SAN FRANCISCO, CA 94111

EXAMINER
HWANG, JOON H

ART UNIT	PAPER NUMBER
2447	

MAIL DATE	DELIVERY MODE
04/05/2011	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.

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KILPATRICK TOWNSEND &
STOCKTON LLP/VISA
TWO EMBARCADERO CENTER, 8TH
FLOOR
SAN FRANCISCO CA 94111

In re Application of: Carlson et al.
Application No. 12/753,429
Filed: April 2, 2010
For: **MULTIPLE AGGREGATOR SUPPORT**

DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(d)

MAILED

APR 05 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 15, 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 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 are found to comply with all the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Christopher Grant at 571-272-7294

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc/index.html.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

/Christopher Grant/
Christopher Grant
Quality Assurance Specialist
Technology Center 2400

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/753,447	04/02/2010	Sergii Pazenok	2400.2880000/JMC/AKN	4624

26111 7590 07/26/2011
STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.
1100 NEW YORK AVENUE, N.W.
WASHINGTON, DC 20005

EXAMINER
MORRIS, PATRICIA L

ART UNIT	PAPER NUMBER
1625	

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.

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STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.
1100 NEW YORK AVENUE, N.W.
WASHINGTON DC 20005

Applicant: Pazenok et al.
Appl. No.: 12/753,447
Filing Date: April 2, 2010
Title: PROCESS FOR PREPARING PYRIDYL-SUBSTITUTED PYRAZOLES
Attorney Docket No.: 2400.2880000/JMC/AKN
Pub. No.: US 2011/0087029 A1
Pub. Date: April 14, 2011

This is a decision on the request for republication of patent application publication under 37 CFR 1.221(a), filed on June 27, 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

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Adjustment date: 07/28/2011  KKING1
06/28/2011 INTEFSW  00003537 12753447
01 FC:1504                      -300.00 DP


Refund Ref:
07/28/2011            0030100477
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Credit Card Refund Total:      $300.00

Am Exp..: XXXXXXXXXXX1005
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Alexandria, VA 22313-1450
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CLISE, BILLION & CYR, P.A.
605 U.S. HIGHWAY 169
SUITE 300
PLYMOUTH MN 55441

MAILED
JAN 30 2012
OFFICE OF PETITIONS

In re Application of	:	
BOUTAGHOU	:	
Application No. 12/753,479	:	DECISION ON PETITION
Filed: April 2, 2010	:	TO WITHDRAW
Attorney Docket No. 1108-004	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed January 19, 2012.

The request is **DISMISSED**.

the request to withdraw from record cannot be approved because the request to change the correspondence address is not acceptable. The Office will either change the correspondence address of record to the most current address information provided for the assignee of the entire interest who properly became of record under 37 CFR 3.71 or, if no assignee of the entire interest has properly been made of record under 37 CFR 3.71, the most current address information provided for the first named inventor. 37 CFR 3.71 states:

> *An assignee becomes of record either in a national patent application or a reexamination proceeding by filing a statement incompliance with § 3.73(b) that is signed by a party who is authorized to act on behalf of the assignee.*

According to a review of USPTO records, there is currently no Statement under 37 CFR 3.73(b) for First Principals, LLC in the instant application. In this regard, the Office cannot change the correspondence address to the address indicated on the Request to Withdraw filed January 19, 2012.

All future communications from the Office will continue to be directed to the above-identified address until otherwise properly notified.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-6735.

/Diane Goodwyn/
Diane Goodwyn
Petitions Examiner
Office of Petitions

cc: FIRST PRINCIPALS, LLC
4 SHADOW LANE
NORTH OAKS MN 55127

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	12753505
Filing Date	02-Apr-2010
First Named Inventor	Michael RABIN
Art Unit	1782
Examiner Name	CHAIM SMITH
Attorney Docket Number	676372000100
Title	CONTAINER FOR SINGLE-SERVE LIQUID/SOLID FOOD PRODUCT

◉ Please withdraw me as attorney or agent for the above identified patent application and the practitioners of record associated with Customer Number: 25227

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	Michael David Rabin
Address	225 East 57th Street, #20F
City	New York
State	NY
Postal Code	10022
Country	US

I am authorized to sign on behalf of myself and all withdrawing practitioners.	
Signature	/Jonathan Bockman/
Name	Jonathan Bockman
Registration Number	45640

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Decision Date : October 10,2011

In re Application of :

Michael RABIN

Application No : 12753505

Filed : 02-Apr-2010

Attorney Docket No : 676372000100

DECISION ON REQUEST TO WITHDRAW AS ATTORNEY/AGENTOF RECORD

This is an electronic decision on the Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed October 10,2011

The request is **APPROVED.**

The request was signed by Jonathan Bockman (registration no. 45640) on behalf of all attorneys/agents associated with Customer Number 25227 . All attorneys/agents associated with Cusotmer Number 25227 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	Michael David Rabin
Name2	
Address 1	225 East 57th Street, #20F
Address 2	
City	New York
State	NY
Postal Code	10022
Country	US

As a reminder, requester is required to inform the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71 of the electronically processed petition.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

Office of Petitions

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BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH VA 22040-0747

MAILED

NOV 18 2010

OFFICE OF PETITIONS

In re Application of	:	
Chien et al.	:	DECISION REFUSING STATUS
Application No. 12/753,519	:	UNDER 37 CFR 1.47(a)
Filed: April 2, 2010	:	
Attorney Docket No. 0941-2117PUS3	:	

This is in response to the petition under 37 CFR 1.47(a), filed June 23, 2010.

The petition is **DISMISSED**.

Rule 47 applicant is given TWO (2) MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(a)," and should only address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventor. **FAILURE TO RESPOND WILL RESULT IN ABANDONMENT OF THE APPLICATION.** Any extensions of time will be governed by 37 CFR 1.136(a).

A grantable petition under 37 CFR 1.47(a) requires: (1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings); (2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116; (3) the petition fee; and (4) a statement of the last known address of the non-signing inventor.

The petition lacks item (2) set forth above. The Declaration submitted with the instant petition has both signature blocks of the non-signing inventors signed by co-inventor Joey Lai. A 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. Accordingly, a declaration with the signature block of left blank should be submitted.

Further correspondence with respect to this matter should be addressed as follows:

By Mail: Mail Stop PETITION
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By Hand: U. S. Patent and Trademark Office
Customer Window, Mail Stop PETITIONS
401 Dulany Street

Alexandria, VA 22314

The centralized facsimile number is **(571) 273-8300.**

Telephone inquiries should be directed to Petitions Examiner Liana Walsh at (571) 272-3206.

/dab/
David Bucci
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH VA 22040-0747

MAILED
APR 20 2011
OFFICE OF PETITIONS

In re Application of	:	
Chien et al.	:	
Application No. 12/753,519	:	DECISION GRANTING STATUS
Filed: April 2, 2010	:	STATUS UNDER 37 CFR 1.47(a)
Attorney Docket No. 0941-2117PUS3	:	

This is in response to the renewed petition under 37 CFR 1.47(a), filed January 18, 2011.

The petition is **GRANTED**.

Petitioner has shown that the nonsigning inventors, Wen-Cheng Chien and Wen Ken Huang, have refused to join in the filing of the above-identified application.

The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status. As provided in Rule 1.47(c), this Office will forward notice of this application's filing to the nonsigning inventors at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3206.

This matter is being referred to the Office of Patent Application Processing for further pre-examination processing. Thereafter, the application will be referred to Technology Center AU 2811 for examination on the merits.

Liana Walsh
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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WEN-CHENG CHIEN
NO. 97-11, SANMIN ROAD, EAST DIST.
HSINCHI CITY 300, TAIWAN (R.O.C.)

MAILED
APR 20 2011
OFFICE OF PETITIONS

In re Application of	:	
Chien et al.	:	
Application No. 12/753,519	:	ON PETITION
Filed: April 2, 2010	:	
Attorney Docket No. 0941-2117PUS3	:	

You are named as a joint inventor in the above identified United States patent application, filed under the provisions of 35 U.S.C. 116 (United States Code), and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join in the application, counsel of record would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Telephone inquiries regarding this communication should be directed to the undersigne at (571) 272-3206. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at (703) 308-9726 or 1 (800) 972-6382 (outside the Washington D.C. area).

Liana Walsh
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

WEN-KEN HUANG
8F.-2 NO. 532, SEC. 1, JINGGUO RD., NORTH DIST.
HSINCHI CITY 300, TAIWAN (R.O.C.)

MAILED

APR 20 2011

OFFICE OF PETITIONS

In re Application of	:	
Chien et al.	:	
Application No. 12/753,519	:	ON PETITION
Filed: April 2, 2010	:	
Attorney Docket No. 0941-2117PUS3	:	

You are named as a joint inventor in the above identified United States patent application, filed under the provisions of 35 U.S.C. 116 (United States Code), and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join in the application, counsel of record would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Telephone inquiries regarding this communication should be directed to the undersigne at (571) 272-3206. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at (703) 308-9726 or 1 (800) 972-6382 (outside the Washington D.C. area).

Liana Walsh
Petitions Examiner
Office of Petitions

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QUARLES & BRADY LLP
411 E. WISCONSIN AVENUE
SUITE 2040
MILWAUKEE WI 53202-4497

MAILED
JUN 09 2011
OFFICE OF PETITIONS

In re Application of	:	
Fa-Hsuan Lin	:	
Application No. 12/753,555	:	DECISION ON PETITION
Filed: April 2, 2010	:	
Attorney Docket No.	:	
125141.00234.MGH20263.01		

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed April 13, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a proper and timely manner to the Notice to File Missing Parts of Nonprovisional Application (Notice) mailed April 23, 2010, and the Notice of Incomplete Reply (Nonprovisional) mailed June 21, 2010. The original Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on June 24, 2010. A Notice of Abandonment was mailed April 11, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) a substitute Specification; (2) the petition fee of $1,620.00, and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to the undersigned at (571)272-7751.

This application is being referred to the Office of Patent Application Processing for further processing in accordance with this decision on petition.

/Joan Olszewski/
Joan Olszewski
Petition Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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In re Application of
John Stephenson

Application No. 12753601

Filed: April 2,2010

Attorney Docket No. STE783.0001

: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 27-SEP-2011 to make the above-identified application special based on applicant's age as set forth in MPEP § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1), MPEP § 708.02, Section IV: Applicant's Age must include a statement by applicant or a registered practitioner having evidence that applicant is at least 65 years of age. No fee is required.

Accordingly, the above-identified application has been accorded "special" status and will be taken up for action by the examiner upon the completion of all pre-examination processing.

Telephone inquiries concerning this electronic decision should be directed to the Electronic Business Center at 866-217-9197.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

Doc code : PET.OP.AGE
Description : Petition to make special based on Age/Health

PTO/SB/130 (07-09)
Approved for use through 07/31/2012. OMB 0651- 0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
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PETITION TO MAKE SPECIAL BASED ON AGE FOR ADVANCEMENT OF EXAMINATION UNDER 37 CFR 1.102(c)(1)

Application Information

Application Number	12753601	Confirmation Number	4978	Filing Date	2011-04-02
Attorney Docket Number (optional)	STE783.0001	Art Unit		Examiner	
First Named Inventor	John Stephenson				
Title of Invention	METHOD FOR PLAYERS TO PLAY GAMES AT OFF-SITE LOCATIONS WITH PRIZE BEING REDEEMABLE AT AN ON-SITE LOCATION				

Attention: Office of Petitions

An application may be made special for advancement of examination upon filing of a petition showing that the applicant is 65 years of age, or more. No fee is required with such a petition. See 37 CFR 1.102(c)(1) and MPEP 708.02 (IV).

APPLICANT HEREBY PETITIONS TO MAKE SPECIAL FOR ADVANCEMENT OF EXAMINATION IN THIS APPLICATION UNDER 37 CFR 1.102(c)(1) and MPEP 708.02 (IV) ON THE BASIS OF THE APPLICANT'S AGE.

A grantable petition requires one of the following items:
(1) Statement by one named inventor in the application that he/she is 65 years of age, or more; or
(2) Certification by a registered attorney/agent having evidence such as a birth certificate, passport, driver's license, etc. showing one named inventor in the application is 65 years of age, or more.

Name of Inventor who is 65 years of age, or older

Given Name	Middle Name	Family Name	Suffix
John		Stephenson	

A signature of the applicant or representative is required in accordance with 37 CFR 1.33 and 10.18.
Please see 37 CFR 1.4(d) for the format of the signature.

Select (1) or (2) :

○ (1) I am an inventor in this application and I am 65 years of age, or more.

● (2) I am an attorney or agent registered to practice before the Patent and Trademark Office, and I certify that I am in possession of evidence, and will retain such in the application file record, showing that the inventor listed above is 65 years of age, or more.

Signature	/Brent A. Capehart/	Date (YYYY-MM-DD)	2011-09-27
Name	Brent A. Capehart	Registration Number	39620

PTO/SB/130 (07-09)
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Privacy Act Statement

The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether the Fr eedom of Information Act requires disclosure of these records.

2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.

3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.

4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).

5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.

6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).

7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about indivi duals.

8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspections or an issued patent.

9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

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FOLEY & LARDNER LLP
111 HUNTINGTON AVENUE
26TH FLOOR
BOSTON, MA 02199-7610

MAILED

AUG 10 2011

OFFICE OF PETITIONS

Applicants: Nielsen, et al.
Appl. No.: 12/753,699
Filing Date: April 2, 2010
Title: METHODS, APPARATUS, AND SYSTEMS FOR ACQUIRING AND ANALYZING VEHICLE DATA AND GENERATING AN ELECTRONIC REPRESENTATION OF VEHICLE OPERATIONS
Attorney Docket: 098689-0146
Pub. No.: US 2010/0256863 A1
Pub. Date: October 7, 2010

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on November 23, 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.

It would greatly benefit the Office if **applicant did not provide copies of papers**, which were previously submitted and/or **a complete copy of the pre-grant publication**, as it unnecessarily increases the cost to the Office. See 37 CFR 1.4(b). A request for corrected publication need only point out what was printed incorrectly in the application, where the error occurs in the publication and where the correct text or drawing is found in the application papers. Marked up relevant copies of the applications papers and the pre-grant publication may facilitate processing of the request, where it is not readily apparent where the error occurs. If it is not clear why the error is a material error, further explanation may be warranted.

Inquiries relating to this matter may be directed to Mark Polutta at (571) 272-7709.

Mark Polutta
Senior Legal Advisor
Office of Patent Legal Administration
Office of the Deputy Commissioner
for Patent Examination Policy

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United States Patent and Trademark Office
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BOZICEVIC, FIELD & FRANCIS LLP
1900 UNIVERSITY AVENUE
SUITE 200
EAST PALO ALTO, CA 94303

MAILED

FEB 14 2011

OFFICE OF PETITIONS

In re Application of Andregg et al. Application No. 12/753,702 Filed: April 2, 2010 Attorney Docket No. 37599-0006	: : : : :	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 January 11, 2011.

The request is **NOT APPROVED** because it is moot.

A review of the file record indicates that on January 21, 2011 the power of attorney was revoked by the assignee of the patent application. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will be directed to the below-listed address until otherwise notified by applicant.

Telephone inquires 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
Petitions Examiner
Office of Petitions

cc: HOGAN LOVELLS US LLP
IP GROUP, COLUMBIA SQUARE
555 THIRTEENTH STREET, N.W.
WASHINGTON DC 20004

UNITED STATES PATENT AND TRADEMARK OFFICE

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Synthetic Genomics, Inc.
c/o DLA Piper LLP (US)
4365 Executive Drive
Suite 1100
San Diego CA 92121-2133

MAILED
JUL 20 2011
OFFICE OF PETITIONS

In re Application of	:	
GREEN, WAYNE A. et al.	:	
Application No. 12/753,714	:	DECISION ON PETITION
Filed: April 02, 2010	:	TO MAKE SPECIAL UNDER
Attorney Docket No. **SGI1180-5**	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed July 15, 2011, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a statement by Gary Strobel, attesting to his age. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Tredelle Jackson at 571-272-2783.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

The application is being forwarded to the Technology Center Art Unit 1655 for action on the merits commensurate with this decision.

/Tredelle D. Jackson/
Paralegal Specialist
Office of Petitions

Doc Code: PET.GREEN
Document Description: Petition for Green Tech Pilot

PTO/SB/420 (11-10)
Approved for use through 01/31/2011. OMB 0651-0062
U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE
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PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Attorney Docket Number: 81202755	Application Number (if known): 12/753,716	Filing date: April 2, 2010
First Named Inventor: Daniel Joseph Styles		
Title: INTERNAL AND EXTERNAL LP EGR FOR BOOSTED ENGINES		

APPLICANT HEREBY REQUESTS TO PARTICIPATE IN THE GREEN TECHNOLOGY PILOT PROGRAM FOR THE ABOVE-IDENTIFIED APPLICATION. See Instruction Sheet on page 2.

This petition must be timely filed electronically using the USPTO electronic filing system, EFS-Web.

1. By filing this petition:

   Applicant is requesting early publication: Applicant hereby requests early publication under 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d) accompanies this request.

2. By filing this petition: applicant is agreeing to make an election without traverse in a telephonic interview and elect an invention that meets the eligibility requirements for the Green Technology Pilot Program, if the Office determines that the claims are not obviously directed to a single invention. See Instruction Sheet.

3. This request is accompanied by statements of special status for the eligibility requirement.

4. The application contains no more than three (3) independent claims and twenty (20) total claims.

5. The application does not contain any multiple dependent claims.

6. Other attachments: Preliminary Amendment

Signature	Date January 19, 2011
Name (Print/Typed) John D. Russell	Registration Number 47,048

Note: *Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature see below*.*

X *Total of 1 forms are submitted.

The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants	:	Daniel Joseph Styles et al.
Application No.	:	12/753,716
Filed	:	April 2, 2010
Title	:	INTERNAL AND EXTERNAL LP EGR FOR BOOSTED ENGINES
Group Art Unit	:	3747
Confirmation No.	:	5219
Docket No.	:	81202755

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

CERTIFICATE OF TRANSMISSION

I hereby certify that this correspondence is being transmitted via the U.S. Patent and Trademark Office electronic filing system (EFS-Web) to the USPTO on:

January 19, 2011
Date

Caitlin Fackrell
Caitlin Fackrell

STATEMENTS OF SPECIAL STATUS

Applicants respectfully request consideration of the following statement concerning the basis for the special status as well as the following statement pertaining to the materiality standard.

I. Statement concerning the basis for special status.

Applicants submit that special status is sought on the following bases: (1) the claimed invention materially contributes to the more efficient utilization and conservation of energy resources; and/or (2) the claimed invention materially contributes to greenhouse gas emission reduction; and/or (3) the claimed invention materially enhances the quality of the environment.

II. Statement pertaining to the materiality standard.

As a preliminary matter, Applicants note that the following statement refers explicitly to the elements of independent claim 1, which is the broadest claim in many respects.

Regarding basis (1), Applicants submit that the claimed invention materially contributes to the more efficient utilization and conservation of energy resources by

improving fuel economy (*e.g.*, more efficiently utilizing and conserving fossil fuels). Specifically, the claimed invention optimizes the use of exhaust gas recirculation (EGR) across different regions of the engine load-speed map in boosted engines. As set out in the Background and Summary of the subject application, EGR can improve fuel economy in gasoline engines. At medium and high loads, fuel economy is improved due to knock mitigation, allowing for more efficient combustion phasing, reduced heat loss to the engine coolant, and lower exhaust temperatures—which in turn reduce the need for enrichment to cool the exhaust components. At low loads, EGR provides an additional benefit of reducing throttling losses.

In boosted engine systems equipped with a turbocharger compressor mechanically coupled to a turbine, exhaust gas may be recirculated through a high pressure (HP) EGR loop and/or through a low-pressure (LP) EGR loop. Further, some engine systems provide so-called 'internal EGR', where combustion in one or more cylinders of the engine may be initiated when exhaust from a previous combustion is still present in the cylinders. The amount of internal EGR may be controlled using variable intake- and/or exhaust-valve timing.

HP and LP EGR strategies achieve optimum efficacy in different regions of the engine load-speed map. Moreover, each strategy presents its own control-system challenges. For example, HP EGR is most effective at low loads, where intake vacuum provides ample flow potential. At higher loads, it may be difficult to maintain the desired EGR flow rate. On the other hand, LP EGR provides adequate flow from mid to high engine loads, but may respond sluggishly to changing engine load, engine speed, or intake air flow. In gasoline engines especially, such unsatisfactory transient response may include combustion instability during TIP-out conditions, when fresh air is needed to sustain combustion but EGR-diluted air is present upstream of the throttle valve. Moreover, a significant lag in EGR availability can occur during TIP-in conditions, as the amount of EGR accumulated in the intake manifold may not be sufficient to provide the desired combustion and/or emissions-control performance.

The claimed invention optimizes EGR use across multiple regions of the engine speed-load map by combining use of internal and LP EGR. For example, claim 1 recites:

> A method for controlling combustion in a combustion chamber of a turbocharged engine, the method comprising:
>
> admitting to the combustion chamber prior to ignition a first amount of exhaust from an intake manifold of the engine, the first amount changing at a first rate in response to a changing engine load; and
>
> retaining in the combustion chamber prior to the ignition a second amount of exhaust from the combustion chamber, the second amount changing at a second rate, greater than the first rate, in response to the changing engine load.

Therefore, a method for controlling combustion in a combustion chamber of a turbocharged engine is provided. The method comprises admitting to the combustion chamber prior to ignition a first amount of exhaust from an intake manifold of the engine, the first amount changing at a first rate in response to a changing engine load. The method further comprises retaining in the combustion chamber prior to the ignition a second amount of exhaust from the combustion chamber, the second amount changing at a second rate, greater than the first rate, in response to the changing engine load. In this manner, the first amount of exhaust, external LP EGR, can be used to supply a suitably dilute intake air charge under a range of steady-state conditions, while the second amount of exhaust, the faster-responding internal EGR, can be used to fill in during transient conditions. Thus, the improvement in EGR transient control makes it more practical to use the desired amount of EGR across engine loads, increasing EGR use and therefore improving fuel economy.

Regarding basis (2), Applicants submit that the claimed invention materially contributes to greenhouse gas emission reduction as follows. CO_2 is a greenhouse gas produced as a product of fuel combustion. As explained above, improved use of EGR can lead to increased fuel economy, reducing the amount of fuel combusted and thus reducing emissions of CO_2.

Regarding basis (3), Applicants submit that the claimed invention materially enhances the quality of the environment by reducing NO_X emissions, which may negatively impact the quality of the environment. As explained in page 1 of Applicants' specification, in boosted engines, higher combustion and exhaust temperatures can lead to higher formation of NO_X than naturally aspirated engines of similar output power. When EGR is used, the air-exhaust mixture used in place of ordinary air to support

combustion in the engine lowers combustion and exhaust temperatures. As explained above and set forth in claim 1, the claimed invention makes it more practical to use increased EGR in selected regions, thus lowering NO_X emissions and enhancing the quality of the environment.

Please charge any cost incurred in this filing, along with any other costs, to Deposit Account No. 06-1510.

Respectfully submitted,

ALLEMAN HALL MCCOY RUSSELL & TUTTLE LLP

John D. Russell
Registration No. 47,048
Customer No. 36865
Attorney/Agent for Applicants/Assignee
806 S.W. Broadway, Suite 600
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UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/753,716	04/02/2010	Daniel Joseph Styles	81202755	5219

36865 7590 01/26/2011
ALLEMAN HALL MCCOY RUSSELL & TUTTLE, LLP
806 S.W. BROADWAY, SUITE 600
PORTLAND, OR 97205

EXAMINER

ART UNIT	PAPER NUMBER
3747	

MAIL DATE	DELIVERY MODE
01/26/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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ALLEMAN HALL MCCOY RUSSELL & TUTTLE, LLP
806 S.W. BROADWAY, SUITE 600
PORTLAND OR 97205

In re Application of	:	
STYLES, DANIEL JOSEPH et al	:	DECISION ON PETITION
Application No. 12/753,716	:	TO MAKE SPECIAL UNDER
Filed: April 2, 2010	:	THE GREEN TECHNOLOGY
Attorney Docket No. 81202755	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed Jan. 19, 2011 to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **granted.**

If reconsideration of this decision is desired, a petition for reconsideration must be filed within ONE (1) MONTH OR THIRTY (30) DAYS from the mail date of this decision, whichever is longer. No extension of this time limit can be granted under 37 CFR 1.136(a) or (b). The petition for reconsideration should include an exhaustive attempt to provide the lacking item(s) noted below, since, after a decision on the petition for reconsideration, no further reconsideration or review of the matter will be undertaken by the Director.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed

invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The instant petition complies with items 1 – 8 above. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquires concerning this decision should be directed to Henry C. Yuen at 571-272-4856.

This application will be forwarded to the Technology Center Art Unit 3747 for action on the merits commensurate with this decision.

/Henry C. Yuen/

Henry C. Yuen
Quality Assurance Specialist
Technology Center TC 3700

UNITED STATES PATENT AND TRADEMARK OFFICE

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ANATOLY S. WEISER
3525 DEL MAR HEIGHTS ROAD, #295
SAN DIEGO CA 92130

MAILED
APR 25 2011
OFFICE OF PETITIONS

In re Application of	:	
Catherine Lin-Hendel	:	DECISION ON PETITION
Application No. 12/753,749	:	TO WITHDRAW
Filed: April 2, 2010	:	FROM RECORD
Attorney Docket No. 101156-5016-US	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed March 15, 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 Anatoly S. Weiser on behalf of all attorneys of record who are associated with Customer Number 35070.

All attorneys/agents associated with the Customer Number 35070 have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to the applicant at the address indicated below.

Currently, there is an outstanding Office action mailed April 13, 2011 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
Petitions Examiner
Office of Petitions

cc: Catherine Lin-Hendel
18850 Blythswood Drive
Los Gatos, CA 95030

PTO/SB/20PCT-AU (01-11)
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U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE
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REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE IP AUSTRALIA (IPAU) AND THE USPTO

Application No:	12/753,763	Filing date:	April 2, 2010
First Named Inventor:	Anderson, Keith		
Title of the Invention:	L-ORNITHINE PHENYL ACETATE AND METHODS OF MAKING THEREOF		

THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT HTTP://WWW.USPTO.GOV/EBC/EFS_HELP.HTML

APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PROGRAM.

The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.

The corresponding PCT application number(s) is/are: PCT/US2010/029708

The international filing date of the corresponding PCT application(s) is/are: April 1, 2010

I. List of Required Documents:

a. **A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above–identified corresponding PCT application(s)**

- [x] Is attached.
- [ ] Is not attached because the document is already in the U.S. application.

b. **A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s).**

- [x] Is attached.
- [ ] Is not attached because the document is already in the U.S. application.

c. **English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.**

This collection of information is required by 35 U.S.C. 119, 37 CFR 1.55, and 37 CFR 1.102(d). The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.

Approved for use through 01/31/2012. OMB 0651-0058
U.S.Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM BETWEEN THE IPAU AND THE USPTO

(continued)

Application No.:	12/753,763
First Named Inventor:	Anderson, Keith

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 12, 2010

(2) Copies of all documents (except) for U.S. patents or U.S. patent application publications)

☐ Are attached.

☑ Have already been filed in the above-identified U.S. application on August 12, 2010

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
27-31	1-5	Same claims without multiple dependency.
32-33	1	Claims depend from Claim 27; therefore the claims are narrower in scope than patentable Claim 1 in the PCT.
34-53	6-25	Same claims without multiple dependency.
54-63	28-37	Same claims without multiple dependency.
64-82	39-57	Same claims without multiple dependency.
83	1	Claim depends from Claim 27; therefore the claims are narrower in scope than patentable Claim 1 in the PCT.
84	6	Claim depends from Claim 34; therefore the claims are narrower in scope than patentable Claim 6 in the PCT.
85	14	Claim depends from Claim 42; therefore the claims are narrower in scope than patentable Claim 14 in the PCT.
86	68	Same claim.
87-93	74-80	Same claims without multiple dependency.
94-95	6	Claims depend from Claim 34; therefore the claims are narrower in scope than patentable Claim 6 in the PCT.
96-97	14	Claims depend from Claim 42; therefore the claims are narrower in scope than patentable Claim 14 in the PCT.

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature /William Noon/	Date 06/28/2011
Name (Print/Typed) William Noon	Registration Number 64731

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

KNOBBE MARTENS OLSON & BEAR LLP
2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE CA 93614

MAILED
FEB 22 2012
OFFICE OF PETITIONS

In re Application of
ANDERSON, et al
Application No.: 12/753,763
Filed: April 2, 2010
Attorney Docket No.: OCERA.029A
For: L-ORNITHINE PHENYL ACETATE AND METHODS OF MAKING THEREOF

: DECISION ON REQUEST TO
: PARTICIPATE IN THE PATENT
: PROSECUTION HIGHWAY
: PROGRAM AND PETITION
: TO MAKE SPECIAL UNDER
: 37 CFR 1.102(a)

This is a decision on the request to participate in the PCT Patent Prosecution Highway (PCT-PPH) pilot program and the petition under 37 CFR 1.102(a), filed on June 28, 2011, to make the above-identified application special.

The request and petition are **GRANTED**.

Discussion

A grantable request to participate in the PCT-PPH pilot program and petition to make special require:

(1) The U.S. application must have an eligible relationship to one or more PCT applications where the ISA or IPEA are the JPO, EPO, KIPO, NPI, 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 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 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 1621 for action on the merits commensurate with this decision.

/Diane Goodwyn/
Diane Goodwyn
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Luce, Forward, Hamilton & Scripps, LLP
2050 Main Street, Suite 600
Irvine, CA 92614

MAILED

NOV 05 2010

OFFICE OF PETITIONS

In re Application of
David A. Ferrera
Application No. 12/753,812
Filed: April 2, 2010
Attorney Docket No. 37953-13001

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 10, 2010.

The request is **moot because a revocation of power of attorney has been filed**.

A review of the file record indicates that the power of attorney to Peter J. Gluck and all attorneys/agents of record has been revoked by the assignee of the patent application on September 20, 2010. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to Kimberly Inabinet at 571-272-4618.

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: Knobbe Martens Olson & Bear, LLP
2040 Main Street
Fourteenth Floor
Irvine, CA 92614

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Decision Date : February 10, 2012

In re Application of :

Yi-Chuan Ding

Application No : 12753837

Filed : 02-Apr-2010

Attorney Docket No : ASEG-024/00US 307632-2044

DECISION ON REQUEST TO WITHDRAW AS ATTORNEY/AGENTOF RECORD

This is an electronic decision on the Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed February 10, 2012

The request is **APPROVED.**

The request was signed by William S. Galliani (registration no. 33885) on behalf of all attorneys/agents associated with Customer Number 58249 . All attorneys/agents associated with Cusotmer Number 58249 have been withdrawn.

Since there are no remaining attorneys of record, all future communications from the Office will be directed to the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71, with correspondence address:

Name	Advanced Semiconductor Engineering, Inc.
Name2	c/o Foley & Lardner
Address 1	975 Page Mill Road
Address 2	
City	Palo Alto
State	CA
Postal Code	94304
Country	US

As a reminder, requester is required to inform the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71 of the electronically processed petition.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

Office of Petitions

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	12753837
Filing Date	02-Apr-2010
First Named Inventor	Yi-Chuan Ding
Art Unit	2826
Examiner Name	ALEXANDER WILLIAMS
Attorney Docket Number	ASEG-024/00US 307632-2044
Title	Wafer-Level Semiconductor Device Packages with Stacking Functionality

◉ Please withdraw me as attorney or agent for the above identified patent application and the practitioners of record associated with Customer Number: 58249

The reason(s) for this request are those described in 37 CFR:

10.40(b)(4)

Certifications

☒ I/We have given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intend to withdraw from employment

☒ I/We have delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled

☒ I/We have notified the client of any responses that may be due and the time frame within which the client must respond

Change the correspondence address and direct all future correspondence to the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71:

Name	Advanced Semiconductor Engineering, Inc. c/o Foley & Lardner
Address	975 Page Mill Road
City	Palo Alto
State	CA
Postal Code	94304
Country	US

I am authorized to sign on behalf of myself and all withdrawing practitioners.	
Signature	/William S. Galliani/
Name	William S. Galliani
Registration Number	33885

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	12753840
Filing Date	02-Apr-2010
First Named Inventor	Yi-Chuan Ding
Art Unit	2829
Examiner Name	MICHELLE MANDALA
Attorney Docket Number	ASEG-023/00US 307632-2043
Title	Semiconductor Device Packages with Fan-Out and with Connecting Elements for Stacking and Manufacturing Methods Thereof

◉ Please withdraw me as attorney or agent for the above identified patent application and the practitioners of record associated with Customer Number: 58249

The reason(s) for this request are those described in 37 CFR:

10.40(b)(4)

Certifications

☒ I/We have given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intend to withdraw from employment

☒ I/We have delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled

☒ I/We have notified the client of any responses that may be due and the time frame within which the client must respond

Change the correspondence address and direct all future correspondence to the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71:

Name	Advanced Semiconductor Engineering, Inc. c/o Foley & Lardner
Address	975 Page Mill Road
City	Palo Alto
State	CA
Postal Code	94304
Country	US

I am authorized to sign on behalf of myself and all withdrawing practitioners.	
Signature	/William S. Galliani/
Name	William S. Galliani
Registration Number	33885

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Decision Date : February 10, 2012

In re Application of :

Yi-Chuan Ding

Application No : 12753840

Filed : 02-Apr-2010

Attorney Docket No : ASEG-023/00US 307632-2043

DECISION ON REQUEST TO WITHDRAW AS ATTORNEY/AGENTOF RECORD

This is an electronic decision on the Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed February 10, 2012

The request is **APPROVED.**

The request was signed by William S. Galliani (registration no. 33885) on behalf of all attorneys/agents associated with Customer Number 58249 . All attorneys/agents associated with Cusotmer Number 58249 have been withdrawn.

Since there are no remaining attorneys of record, all future communications from the Office will be directed to the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71, with correspondence address:

Name	Advanced Semiconductor Engineering, Inc.
Name2	c/o Foley & Lardner
Address 1	975 Page Mill Road
Address 2	
City	Palo Alto
State	CA
Postal Code	94304
Country	US

As a reminder, requester is required to inform the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71 of the electronically processed petition.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

Office of Petitions

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	12753843
Filing Date	02-Apr-2010
First Named Inventor	Chia-Ching Chen
Art Unit	2829
Examiner Name	SHANTANU PATHAK
Attorney Docket Number	ASEG-025/00US 307632-2045
Title	Stacked Semiconductor Device Package Assemblies with Reduced Wire Sweep and Manufacturing Methods Thereof

◉ Please withdraw me as attorney or agent for the above identified patent application and the practitioners of record associated with Customer Number: 58249

The reason(s) for this request are those described in 37 CFR:

10.40(b)(4)

Certifications

☒ I/We have given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intend to withdraw from employment

☒ I/We have delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled

☒ I/We have notified the client of any responses that may be due and the time frame within which the client must respond

Change the correspondence address and direct all future correspondence to the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71:

Name	Advanced Semiconductor Engineering, Inc. c/o Foley & Lardner
Address	975 Page Mill Road
City	Palo Alto
State	CA
Postal Code	94304
Country	US

I am authorized to sign on behalf of myself and all withdrawing practitioners.	
Signature	/William S. Galliani/
Name	William S. Galliani
Registration Number	33885

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Decision Date : February 13, 2012

In re Application of :

Chia-Ching Chen

Application No : 12753843

Filed : 02-Apr-2010

Attorney Docket No : ASEG-025/00US 307632-2045

DECISION ON REQUEST TO WITHDRAW AS ATTORNEY/AGENTOF RECORD

This is an electronic decision on the Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed February 13, 2012

The request is **APPROVED.**

The request was signed by William S. Galliani (registration no. 33885) on behalf of all attorneys/agents associated with Customer Number 58249 . All attorneys/agents associated with Cusotmer Number 58249 have been withdrawn.

Since there are no remaining attorneys of record, all future communications from the Office will be directed to the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71, with correspondence address:

Name	Advanced Semiconductor Engineering, Inc.
Name2	c/o Foley & Lardner
Address 1	975 Page Mill Road
Address 2	
City	Palo Alto
State	CA
Postal Code	94304
Country	US

As a reminder, requester is required to inform the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71 of the electronically processed petition.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. Box 1450
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JOHN DOUGHTY
42 CREEKSIDE COURT
ACWORTH, GA 30101

MAILED
MAY 16 2011
OFFICE OF PETITIONS

In re Application of :
Richard E. Wunderlich :
Application No. 12/753,852 :
Filed: April 2, 2010 :
Attorney Docket No. MYL-003 :

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed April 21, 2011, to revive the above-identified application.

The petition is **GRANTED.**

The above-identified application became abandoned for failure to reply in a timely manner to the Notice To File Missing Parts of Nonprovisional Application (Notice) mailed April 20, 2010. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extension of time under the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the above-identified application became abandoned on June 21, 2010.

Telephone inquiries concerning this decision should be directed to Irvin Dingle at (571) 272-3210.

This matter is being referred to the Office of Patent Application Processing.

Irvin Dingle
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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MAILED

OCT 28 2010

OFFICE OF PETITIONS

CARLSON, GASKEY & OLDS/PRATT & WHITNEY
400 WEST MAPLE ROAD
SUITE 350
BIRMINGHAM MI 48009

In re Application of	:	
Yehia M. EL-AINI, et al	:	
Application No. 12/753,934	:	DECISION ON PETITION
Filed: April 5, 2010	:	TO MAKE SPECIAL UNDER
Attorney Docket No. PA12045U;67397-148PUS1	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed October 4, 2010, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a statement signed by Applicant Yehia M. El-Aini. 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 3745 for action on the merits commensurate with this decision.

/DCG/
Diane C. Goodwyn
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

CARLSON, GASKEY & OLDS/PRATT & WHITNEY
c/o CPA Global
P.O. Box 52050
Minneapolis MN 55402

MAILED

OCT 26 2011

OFFICE OF PETITIONS

In re Application of
Yehiam M. El-Aini et al.
Application No. 12/753,934
Filed: October 22, 2009
Attorney Docket No. **MLSE 1089-2/P00336**

DECISION ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed October 17, 2011, to revive the above-identified application.

This application became abandoned for failure to timely pay the issue and publication fees on or before October 13, 2011, as required by the Notice of Allowance and Fee(s) Due, mailed July 13, 2011. Accordingly, the date of abandonment of this application is October 14, 2011.

The petition is hereby **GRANTED**.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of $1,740 and the publication fee of $300, (2) the petition fee of $1,860; and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to JoAnne Burke at 571-272-4584.

This application is being referred to the Office of Data Management for processing into a patent.

JoAnne Burke
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MALIN HALEY DIMAGGIO BOWEN & LHOTA, P.A.
1936 S ANDREWS AVENUE
FORT LAUDERDALE FL 33316

MAILED

SEP 29 2011

OFFICE OF PETITIONS

In re Application of	:	
LUEDERS	:	
Application No. 12/754,032	:	DECISION ON PETITION
Filed: April 5, 2010	:	TO WITHDRAW
Attorney Docket No. 15676.6806	:	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 16, 2011.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office requires the practitioner(s) requesting withdrawal to certify that he, she, or they have: (1) given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any responses that may be due and the time frame within which the client must respond, pursuant 37 CFR 10.40(c).

The request was signed by Mark D. Bowen on behalf of all the attorneys of record. All the attorneys of record have been withdrawn.

Applicant is reminded that there is no attorney of record at this time.

The correspondence address of record has been changed and the new correspondence address is the address indicated below until otherwise properly notified by the applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-6735.

/Diane Goodwyn/
Diane Goodwyn
Petitions Examiner
Office of Petitions

cc: ROBERT LUEDERS
21545 WEST 122ND TERRACE
OLATHE KS 66061

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
12/754,032	04/05/2010	Robert Lueders	15676.6806

CONFIRMATION NO. 5925

POWER OF ATTORNEY NOTICE

22235
MALIN HALEY DIMAGGIO BOWEN & LHOTA, P.A.
1936 S ANDREWS AVENUE
FORT LAUDERDALE, FL 33316

OC000000050077699

Date Mailed: 09/28/2011

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 09/16/2011.

- 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.

/dcgoodwyn/

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
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/754,104	04/05/2010	Kent Weisenberg	KW-02-CA03	6076

26328 7590 08/12/2010
LAW OFFICE OF DAVID MCEWING
P.O. BOX 70410
HOUSTON, TX 77270

EXAMINER

ART UNIT	PAPER NUMBER
1713	

MAIL DATE	DELIVERY MODE
08/12/2010	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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8/12/10

CST

In re application of
Kent Weisenberg
Serial No. 12/754,104
Filed: April 5, 2010
For: APPARATUS AND METHOD FOR LINING LARGE DIAMETER PIPES WITH AN ENVIRONMENTALLY COMPATIBLE IMPERVIOUS MEMBRANE

DECISION ON PETITION TO MAKE SPECIAL

This is a decision on the Requests for Reconsideration of Petition to Make Special under the Accelerated Examination Program filed on July 8, 2010 and August 5, 2010 to make the above-identified application special.

The petition to make the application special is **GRANTED.**

The application is eligible for accelerated examination and the petition complies with the conditions for granting the application special status pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published June 26, 2006, in the Federal Register. (71 Fed. Reg. 36323).

The prosecution of the instant application will be conducted expeditiously according to the following guidelines.

1. The application will be docketed to an examiner and taken up for action within two weeks of the date of this decision.

2. Restriction Practice:
   If the examiner determines that the claims are not directed to a single invention, a telephone request to elect one single invention will be made pursuant to MPEP 812.01. As a prerequisite to the grant of this petition, the applicant has agreed to make an oral election, by telephone, without traverse. If the applicant refuses to make an election without traverse, or the examiner cannot reach the applicant after a reasonable effort, the examiner will treat the first claimed invention (invention defined by claim 1) as having being constructively elected without traverse for examination.

3. Office action:
   If it is determined that, after appropriate consultation, there is a potential rejection or any other issue to be addressed, the examiner will telephone the applicant and arrange an interview to discuss and resolve the issue. An Office action, other than a Notice of Allowance and Fee(s) Due (Notice of Allowance), will not be issued unless either: 1) an interview was conducted but did not result in agreed to action that places the application in condition for allowance, or, 2) a determination is made that an interview would be unlikely to result in the application being placed in condition for allowance, and 3) an internal conference has been held to review any rejection of any claim.

4. Time for Reply:
   An Office action other than a Notice of Allowance or a final Office action will set a shortened statutory period of one month or thirty days, whichever is longer, for reply with no extension of time available under 37 CFR 1.136(a). Failure to timely file a reply within this non-extendible period for reply will result in the abandonment of the application.

5. Reply by Applicant:
   A timely reply to an Office action other than the Notice of Allowance must be submitted electronically via EFS or EFS-web and limited to addressing the rejections, objections and requirement made. Any amendment that attempts to: 1) add claims which would result in more than three pending independent claims or more than twenty pending total claims; 2) present claims not encompassed by the pre-examination search or an updated accelerated examination support document; or 3) present claims that are directed a non-elected invention or an invention other than that previously claimed and examined in the application, will be treated as not fully responsive and will not be entered.

   For any amendment to the claims (including any new claim) that is not encompassed by the accelerated examination support document, applicant must provide an updated accelerated examination support document that encompasses the amended or new claims at the time of filing of the amendment.

   To proceed expeditiously with the examination, it is recommended that a reply with amendments made to any claim or with any new claim being added be accompanied by an updated accelerated examination support document or a statement explaining how the amended or new claim is supported by the original accelerated examination support document.

6. Information Disclosure Statement (IDS):
   Any IDS filed during prosecution must be submitted electronically via EFS or EFS-web, accompanied by an updated accelerated examination support document, and be in compliance with 37 CFR 1.97 and 1.98.

7. Post-Allowance Processing:
   To expedite processing of the allowed application into a patent, the applicant must: 1) pay the required fees within one month of the date of the Notice of Allowance, and 2) not file any post allowance papers not required by the Office. In no event may the issue fee be paid and accepted later than three months from the date of the Notice of Allowance.

8. After-Final and Appeal Procedures:
   To expedite prosecution, after receiving the final Office action, applicant must: 1) promptly file a notice of appeal, an appeal brief and appeal fees; and 2) not request a pre-appeal brief conference.

   Any amendment, affidavit or other evidence filed after final Office action must comply with applicable rules and the requirements outlined in numbered paragraphs 5 and 6 above.

   On appeal, the application will proceed according to normal appeal procedures. After appeal, the application will again be treated special.

9. Proceedings Outside the Normal Examination Process:
   If the application becomes involved in a proceeding that is outside the normal examination process (e.g., a secrecy order, national security review, interference proceeding, petitions under 37 CFR 1.181, 182 or 183), the application will be treated special before and after such proceeding.

10. Final Disposition:
    The twelve month goal of this accelerated examination procedure ends with a final disposition. The mailing of a final Office action, a Notice of Allowance, the filing of a Notice of Appeal, or the filing of a Request for Continued Examination (RCE) is the final disposition.

If, during prosecution, a paper is not filed electronically using EFS-web, a reply is filed but is not fully responsive, the application is involved in an appeal, or a proceeding outside normal examination process, the application will still be examined expeditiously, however, the final disposition may occur more than twelve months from the filing of the application.

Any inquiry regarding this decision should be directed to Christine Tierney, Quality Assurance Specialist, at (571) 272-1055.

/Christine Tierney/

Christine Tierney
Quality Assurance Specialist
Technology Center 1700

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JONATHAN P. O'BRIEN, PH. D.
HONIGMAN MILLER SCHWARTZ & COHN LLP/IRON
350 EAST MICHIGAN AVENUE
SUITE 300
KALAMAZOO, MI 49007-3800

MAILED
NOV 03 2011
OFFICE OF PETITIONS

APPLICANT(S): CURRIE, et al.
Appl. No.: 12/754,138
Filing Date: April 5, 2010
Title: METHODS AND COMPOSITIONS FOR THE TREATMENT OF GASTROINTESTINAL DISORDERS
Attorney Docket No.: 223355/003USDCON/128892
Pub. No.: US 2011/0124583 A1
Pub. Date: May 26, 2011

This is a decision on the request for correction of patent application publication under 37 CFR 1.221(b), received on July 18, 2011, for the above-identified application.

The request is granted

The corrected patent application publication will be published in due course, unless the patent issues before the application is republished.

Inquiries relating to this matter may be directed to Sherry D. Brinkley at (571) 272-3204.

/Christopher Bottorff/

Christopher Bottorff
Petitions Examiner
Office of Petitions

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GREENBERG TRAURIG, LLP
MET LIFE BUILDING
200 PARK AVENUE
NEW YORK NY 10166

MAILED AUG 18 2010

In re Application of: Cheung, James
Application No.: 12/754153
Filed: April 5, 2010
Title: Footwear Incorporating a Light Source and Methods for Making the Same

DECISION ON PETITION TO MAKE SPECIAL FOR NEW APPLICATION UNDER 37 C.F.R. § 1.102 & M.P.E.P. § 708.02

This is a decision on the pétition filed on April 5, 2010 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

The petition to make the application special is **DISMISSED**.

REGULATION AND PRACTICE

A grantable petition to make special under 37 C.F.R. § 1.102(d) and pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published in the Federal Register on June 26, 2006 (71 Fed. Reg. 36323), must satisfy the following conditions:

I. Conditions Regarding the Application:

1. the application must be a non-reissue utility or design application filed under 37 CFR 1.111(a);
2. the application, the petition and the required fees must be filed electronically using the USPTO's electronic filing system (EFS), or EFS-web; if not filed electronically, a statement asserting that EFS and EFS-web were not available during the normal business hours.
3. at the time of filing, the application must be complete under 37 CFR 1.51 and in condition for examination;
4. the application must contain three or fewer independent claims and twenty or fewer total claims and the claims must be directed to a single invention.

II. Conditions Regarding the Petition:

The petition must:

1. be filed with the application;
2. include a statement that applicant agrees not to separately argue the patentability of any independent claim during any appeal in the application;
3. include a statement that applicant agrees to make an election without traverse in a telephone interview.

4. include a statement that applicant agrees to conduct such an interview when requested by the examiner.

5. include a statement, made based on a good faith belief, that a preexamination search in compliance with the following requirements, was conducted, including an identification of the field of search by United States class and subclass, where applicable, and for database searches, the search logic or chemical structure or sequence used as a query, the name of the file(s) searched and the database service, and the date of the search.

The preexamination search must:

5.1 involve U.S. patents and patent application publications, foreign patent documents, and non-patent literature, unless the applicant can justify with reasonable certainty that no references more pertinent than those already identified are likely to be found in the eliminated sources and includes such a justification with this statement;

5.2. be directed to the claimed invention and encompass all of the features of the claims, giving the claims the broadest reasonable interpretation;

5.3. encompass the disclosed features that may be claimed.

6. must provide in support of the petition an accelerated examination support document. An accelerated examination support document must include:

6.1. an information disclosure statement (IDS) in compliance with 37 CFR 1.98 citing each reference deemed most closely related to the subject matter of each of the claims;

6.2. an identification of all the limitations in the claims that are disclosed by the reference specifying where the limitation is disclosed in the cited reference;

6.3. a detailed explanation of how each of the claims are patentable over the references cited with particularity required by 37 CFR 1.111(b) and (c);

6.4. a concise statement of the utility of the invention as defined in each of the independent claims (unless the application is a design application);

6.5. a showing of where each limitation of the claims finds support under 35 U.S.C. 112, first paragraph, in the written description of the specification. If applicable, the showing must also identify: (1) each means- (or step) plus-function claim element that invokes consideration under 35 U.S.C. 112, sixth paragraph; and (2) the structure, material, or acts in the specification that corresponds to each means- (or step) plus-function claim element that invokes consideration under 35 U.S.C. 112, sixth paragraph; if the application claims the benefit of one or more applications under title 35, United States Code, the showing must also include where each limitation of the claims finds support under 35 U.S.C. 112, first paragraph, in each such application in which such supports exists;

6.6. an identification of any cited references that may be disqualified under 35 U.S.C. 103(c).

REVIEW OF FACTS

The conditions I: 1-4, II: 1-5, 5.3, 6, 6.1, 6.4, and 6.6 above are considered to have been met. However, the petition fails to comply with conditions II: 5.1, 5.2, 6.2, 6.3, and 6.5 above. Therefore, the petition fails to meet the required conditions to be accorded special status under the accelerated examination procedure.

Discussion

When referring to "the petition" hereinbelow, the received papers under consideration include the PTO/SB/28 form, the "pre-examination search document" including pages 1-17; the "accelerated examination support document" comprising pages 1-7, and an Information Disclosure Statement including form PTO/SB/08A.

Regarding the requirements of section II element 5.1 and 5.2 outlined above, it appears the search outlined in the petition omitted a critical search area by not searching in class 12, subclasses 146BR, 142E, 142RS, 142T, 142D, 142F; class 36, subclasses 4, 136, 139, 17R. It appears the text searching should not be limited down to only classes 36 and 362 and should include classes 12 and 156.

Regarding the requirements of section II element 6.2 outlined above, the petition fails to identify all of the limitations in the application claims that are disclosed in each of the reference(s) and where the limitation is disclosed in each of the cited reference. As stated in the policy published in the Federal Register on June 26, 2006 (71 Fed. Reg. 36323), for each reference cited, the examination support document must include an identification of all the limitations in the claims that are disclosed by the reference specifying where the limitation is disclosed in the cited reference. The policy statement does not caveat "the independent claims", nor does it allow for grouping and general discussions. A grantable petition must delineate every limitation of every claim and identify where the equivalent limitation is disclosed in each piece of prior art cited on the IDS. As is published on www.uspto.gov/web/patents/accelerated/ in "Guidelines for Applicants under the new accelerated examination procedures"):

> *For each reference cited, the accelerated examination support document must include an identification of all the limitations in the claims that are disclosed by the reference specifying where the limitation is disclosed in the cited reference. Applicants should specify where in each of the cited references the particular claim limitations are found. This process is intended to be analogous to the analysis an examiner uses when locating a relevant prior art reference and then determining whether the reference contains the claimed limitation. For each claimed limitation, the examiner would consider the disclosure of the reference and all reasonable portions in the reference where the limitation is shown. When preparing an Office Action, the examiner would correlate the limitation to the portion of reference which best characterizes the limitation. This part of the AESD is not intended to be an exhaustive listing of every conceivable subjective interpretation of how a claim limitation may read on the reference. Applicants should point out what are considered to be the relevant representations of the limitation in the reference. A limitation may be found in more than one portion of the reference and should be pointed out, yet the intention is not to have applicants point out every conceivable interpretation. The USPTO will adopt a rule of reason when evaluating this portion of the AESD. Unless the representation is so deficient that it would materially effect examination of the application (e.g., numerous instances where the limitations are not shown where applicant states they are), the representation will be deemed to be sufficient for this part of the AESD.*

In the instant petition, petitioner does not address each limitation and where it is (or state that it is not) found in each closest prior art. By not addressing all limitations, it is not clear whether a limitation was overlooked in the discussion of the reference or not found in the reference. Additionally, every reference found in the IDS filed on May 27, 2010 is not discussed. If applicant wishes to cite references that are not required in an AESD for the examiner to consider, applicant may submit such references in a separate IDS in compliance with 37 CFR §1.97 and §1.98. Applicant should clearly identify the IDS of the AESD that is in support of the petition to make special and, similarly, applicant should clearly identify the separate IDS that is not in support of the petition. Consistent with 37 CFR §10.18, any reference submitted in a separate IDS that is not part of an AESD will be treated as a representation by applicant to the USPTO that no reference submitted in the separate IDS is deemed closer to the subject matter of at least one claim than the references provided in the AESD. If all the references of the May 27, 2010 are not considered as close as the previous references cited, then the IDS should be labeled as a submission not part of the petition.

Similarly, with respect to the requirements of section II element 6.3 outlined above, the petition fails to provide a detailed explanation of how each of the claims are patentable over (each of) the reference(s) with particularity required by 37 CFR 1.111(b) and (c). Petitioners should be specific in their explanation and include the identification of specific claim limitations that support their position, where appropriate. Petitioners must distinguish each claim from each piece of prior art cited. General statements that the claims are neither anticipated nor rendered obvious by the cited references or that the references are not properly combinable will not be acceptable. The Office cannot infer or guess what petitioner believes the differences between the claims and the teachings of the prior art to be. Petitioner's statements must also be consistent and must be related to the claim language. In the instant petition, only a general statement of patentability over all references is provided and not with regard to each reference.

Regarding the requirements of section II element 6.5 outlined above, the requirements of this section are not met. A grantable petition requires petitioner to provide a showing of where <u>each limitation</u> of the claims finds support under 35 U.S.C. 112, first paragraph, in the written description of the specification. If applicable, the showing must also identify: (1) each means- (or step) plus-function claim element that invokes consideration under 35 U.S.C. 112, sixth paragraph; and (2) the structure, material, or acts in the specification that corresponds to each means- (or step) plus-function claim element that invokes consideration under 35 U.S.C. 112, sixth paragraph; if the application claims the benefit of one or more applications under title 35, United States Code, the showing must also include where each limitation of the claims finds support under 35 U.S.C. 112, first paragraph, in each such application in which such supports exists. In the instant petition, there is no statement regarding any means plus function elements. If there are none, a statement to such must be included. Additionally, there is no support shown from priority document 61/167272.

DECISION

For the above-stated reasons, the petition is **dismissed**. The application will therefore be taken up by the examiner for action in its regular turn.

Petitioner is given a single opportunity to perfect the petition. Any request for reconsideration of this decision must be submitted within 1 (one) month or 30 (thirty) days, whichever is longer, (no extension of time under 37 CFR 1.136(a)) from the date of this decision in order to be considered timely. Any request for reconsideration must address all of the deficiencies indicated above.

Petitioner is reminded that, upon granting of the special status of the application on request for reconsideration, the application will be processed expeditiously. However, due to the dismissal of the instant petition, examination may not be completed within twelve months of the filing date of the application.

Any inquiry regarding this decision should be directed to Linda J. Sholl, TC 3700 Special Programs Examiner, at (571) 272-4391.

Linda J. Sholl

Linda J. Sholl
Special Programs Examiner
Technology Center 3700

UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, VA 22313-1450
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MAILED SEP 27 2010

GREENBERG TRAURIG, LLP
MET LIFE BUILDING
200 PARK AVENUE
NEW YORK NY 10166

In re Application of: James Cheung Application No.: 12/754153 Filed: April 5, 2010 Title: FOOTWEAR INCORPORATING A LIGHT SOURCE AND METHODS FOR MANUFACTURING THE SAME	DECISION ON PETITION TO MAKE SPECIAL FOR NEW APPLICATION UNDER 37 C.F.R. § 1.102 & M.P.E.P. § 708.02

This is a decision on the renewed petition filed on September 20, 2010 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

The petition to make the application special is GRANTED.

The application is eligible for accelerated examination and the petition complies with the conditions for granting the application special status pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published June 26, 2006, in the Federal Register. (71 Fed. Reg. 36323).

The prosecution of the instant application will be conducted expeditiously according to the following guidelines.

1. The application will be docketed to an examiner and taken up for action within two weeks of the date of this decision.

2. Restriction Practice:
   If the examiner determines that the claims are not directed to a single invention, a telephone request to elect one single invention will be made pursuant to MPEP 812.01. As a prerequisite to the grant of this petition, the applicant has agreed to make an oral election, by telephone, without traverse. If the applicant refuses to make an election without traverse, or the examiner cannot reach the applicant after a reasonable effort, the examiner will treat the first claimed invention (invention defined by claim 1) as having being constructively elected without traverse for examination.

3. Office action:
   If it is determined that, after appropriate consultation, there is a potential rejection or any other issue to be addressed, the examiner will telephone the applicant and arrange an interview to discuss and resolve the issue. An Office action, other than a Notice of Allowance and Fee(s) Due (Notice of Allowance), will not be issued unless either: 1) an interview was conducted but did not result in agreed to action that places the application in condition for allowance, or, 2) a determination is made that an interview would be unlikely to result in the application being placed in condition for allowance, and 3) an internal conference has been held to review any rejection of any claim.

4. Time for Reply:
   An Office action other than a Notice of Allowance or a final Office action will set a shortened statutory period of one month or thirty days, whichever is longer, for reply with no extension of time available under 37 CFR 1.136(a). Failure to timely file a reply within this non-extendible period for reply will result in the abandonment of the application.

5. Reply by Applicant:
   A timely reply to an Office action other than the Notice of Allowance must be submitted electronically via EFS or EFS-web and limited to addressing the rejections, objections and requirement made. Any amendment that attempts to: 1) add claims which would result in more than three pending independent claims or more than twenty pending total claims; 2) present claims not encompassed by the pre-examination search or an updated accelerated examination support document; or 3) present claims that are directed a non-elected invention or an invention other than that previously claimed and examined in the application, will be treated as not fully responsive and will not be entered.

   For any amendment to the claims (including any new claim) that is not encompassed by the accelerated examination support document, applicant must provide an updated accelerated examination support document that encompasses the amended or new claims at the time of filing of the amendment.

   To proceed expeditiously with the examination, it is recommended that a reply with amendments made to any claim or with any new claim being added be accompanied by an updated accelerated examination support document or a statement explaining how the amended or new claim is supported by the original accelerated examination support document.

6. Information Disclosure Statement (IDS):
   Any IDS filed during prosecution must be submitted electronically via EFS or EFS-web, accompanied by an updated accelerated examination support document, and be in compliance with 37 CFR 1.97 and 1.98.

7. Post-Allowance Processing:
   To expedite processing of the allowed application into a patent, the applicant must: 1) pay the required fees within one month of the date of the Notice of Allowance, and 2) not file any post allowance papers not required by the Office. In no event may the issue fee be paid and accepted later than three months from the date of the Notice of Allowance.

8. After-Final and Appeal Procedures:
   To expedite prosecution, after receiving the final Office action, applicant must: 1) promptly file a notice of appeal, an appeal brief and appeal fees; and 2) not request a pre-appeal brief conference.

   Any amendment, affidavit or other evidence filed after final Office action must comply with applicable rules and the requirements outlined in numbered paragraphs 5 and 6 above.

   On appeal, the application will proceed according to normal appeal procedures. After appeal, the application will again be treated special.

9. Proceedings Outside the Normal Examination Process:
   If the application becomes involved in a proceeding that is outside the normal examination process (e.g., a secrecy order, national security review, interference proceeding, petitions under 37 CFR 1.181, 182 or 183), the application will be treated special before and after such proceeding.

10. Final Disposition:
    The twelve month goal of this accelerated examination procedure ends with a final disposition. The mailing of a final Office action, a Notice of Allowance, the filing of a Notice of Appeal, or the filing of a Request for Continued Examination (RCE) is the final disposition.

If, during prosecution, a paper is not filed electronically using EFS-web, a reply is filed but is not fully responsive, the application is involved in an appeal, or a proceeding outside normal examination process, the application will still be examined expeditiously, however, the final disposition may occur more than twelve months from the filing of the application.

Any inquiry regarding this decision should be directed to Linda Sholl, Special Programs Examiner, at (571) 272-4391

Linda Sholl

Linda Sholl, Special Programs Examiner
Technology Center 3700

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DORITY & MANNING, PA
POST OFFICE BOX 1449
GREENVILLE, SC 29602-1449

MAILED
MAR 09 2012
OFFICE OF PETITIONS

In re Application of	:	
Catherine Marguerite Hancock-Cooke, et al.	:	
Application No. 12/754,166	:	DECISION GRANTING PETITION
Filed: April 5, 2010	:	UNDER 37 CFR 1.313(c)(3)
Attorney Docket No. KCX-1089-DIV	:	

This is a decision on the petition, filed March 8, 2012, under 37 CFR 1.313(c)(3) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

Petitioner requests that the above-identified application be withdrawn from issue for express abandonment. *See* 37 CFR 1.313(c)(3).

The application is hereby withdrawn from issue, and the abandonment is hereby recognized.

Telephone inquiries regarding this decision should be directed to undersigned at (571) 272-1642.

/AMW/
April M. Wise
Petitions Examiner
Office of Petitions

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LOUIS VENTRE, JR
2483 OAKTON HILLS DRIVE
OAKTON, VA 22124-1530

MAILED
MAR 15 2011
OFFICE OF PETITIONS

In re Application of	:	
Wen et al.	:	
Application No. 12/754,236	:	ON PETITION
Filed: April 5, 2010	:	
Attorney Docket: wen236	:	

This is a decision on the petition under 37 CFR 1.182, filed, February 22, 2011, to change the name of inventors "Bin Wen" and "Peng Zhang" to – Ben Wen – and – Jessica P. Zhang –. This is also a decision under 37 CFR 1.182, filed March 8, 2011, to expedite the petition to change the name of the inventor.

The petition under 1.182 to change the name of the inventors is **GRANTED**.

The petition under 1.182 to expedite is **GRANTED**.

The petition under 37 CFR 1.182 to change an inventor's name must include (1) an appropriate petition fee, (2) a statement signed by the inventor setting forth both names and (3) the procedure whereby the change of name was effected, or a copy of the court order.

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 Alicia Kelley at (571) 272-6059. 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 1715 for further processing in the normal course of business.

/Carl Friedman/
Carl Friedman
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
12/754,236	04/05/2010	1715	462	wen236	13	1

CONFIRMATION NO. 6320

CORRECTED FILING RECEIPT

24221
LOUIS VENTRE, JR
2483 OAKTON HILLS DRIVE
OAKTON, VA 22124-1530

OC000000046559747

Date Mailed: 03/15/2011

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)

Ben Wen, Horseheads, NY;
Jessica P. Zhang, Horseheads, NY;

Power of Attorney: The patent practitioners associated with Customer Number 24221

Domestic Priority data as claimed by applicant

Foreign Applications (You may be eligible to benefit from the **Patent Prosecution Highway** program at the USPTO. Please see http://www.uspto.gov for more information.)

If Required, Foreign Filing License Granted: 04/20/2010

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 12/754,236**

Projected Publication Date: 10/06/2011

Non-Publication Request: No

Early Publication Request: No
**** SMALL ENTITY ****

Title

Bio-based adhesive material for roof shingles

Preliminary Class

427

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

In re Application of
Timothy R. Pryor

Application No. 12754285

Filed: April 5,2010

Attorney Docket No. 142356.142962-US

:DECISION ON PETITION TO MAKE SPECIAL
:UNDER 37 CFR 1.102(c)(1)

This is a decision on the electronic petition under 37 CFR 1.102 (c)(1), filed 19-APR-2011 to make the above-identified application special based on applicant's age as set forth in MPEP § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1), MPEP § 708.02, Section IV: Applicant's Age must include a statement by applicant or a registered practitioner having evidence that applicant is at least 65 years of age. No fee is required.

Accordingly, the above-identified application has been accorded "special" status and will be taken up for action by the examiner upon the completion of all pre-examination processing.

Telephone inquiries concerning this electronic decision should be directed to the Electronic Business Center at 866-217-9197.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

Doc code : PET.OP.AGE
Description : Petition to make special based on Age/Health

PTO/SB/130 (07-09)
Approved for use through 07/31/2012. OMB 0651- 0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
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PETITION TO MAKE SPECIAL BASED ON AGE FOR ADVANCEMENT OF EXAMINATION UNDER 37 CFR 1.102(c)(1)

Application Information

Application Number	12754285	Confirmation Number	6426	Filing Date	2010-04-05
Attorney Docket Number (optional)	142356.142962-US	Art Unit	2121	Examiner	
First Named Inventor	Timothy R. Pryor				
Title of Invention	CAMERA BASED INTERACTIVE EXERCISE				

Attention: Office of Petitions
An application may be made special for advancement of examination upon filing of a petition showing that the applicant is 65 years of age, or more. No fee is required with such a petition. See 37 CFR 1.102(c)(1) and MPEP 708.02 (IV).

APPLICANT HEREBY PETITIONS TO MAKE SPECIAL FOR ADVANCEMENT OF EXAMINATION IN THIS APPLICATION UNDER 37 CFR 1.102(c)(1) and MPEP 708.02 (IV) ON THE BASIS OF THE APPLICANT'S AGE.

A grantable petition requires one of the following items:
(1) Statement by one named inventor in the application that he/she is 65 years of age, or more; or
(2) Certification by a registered attorney/agent having evidence such as a birth certificate, passport, driver's license, etc. showing one named inventor in the application is 65 years of age, or more.

Name of Inventor who is 65 years of age, or older

Given Name	Middle Name	Family Name	Suffix
Timothy	R.	Pryor	

A signature of the applicant or representative is required in accordance with 37 CFR 1.33 and 10.18.
Please see 37 CFR 1.4(d) for the format of the signature.

Select (1) or (2) :

○ (1) I am an inventor in this application and I am 65 years of age, or more.

● (2) I am an attorney or agent registered to practice before the Patent and Trademark Office, and I certify that I am in possession of evidence, and will retain such in the application file record, showing that the inventor listed above is 65 years of age, or more.

Signature	/Vito A. Ciaravino/	Date (YYYY-MM-DD)	2011-04-19
Name	Vito A. Ciaravino	Registration Number	62749

PTO/SB/130 (07-09)
Approved for use through 07/31/2012. OMB 0651- 0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
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Privacy Act Statement

The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether the Fr eedom of Information Act requires disclosure of these records.

2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.

3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.

4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).

5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.

6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).

7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about indivi duals.

8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspections or an issued patent.

9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

Doc code : PET.OP.AGE
Description : Petition to make special based on Age/Health

PTO/SB/130 (07-09)
Approved for use through 07/31/2012. OMB 0651- 0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number

PETITION TO MAKE SPECIAL BASED ON AGE FOR ADVANCEMENT OF EXAMINATION UNDER 37 CFR 1.102(c)(1)

Application Information

Application Number	12754285	Confirmation Number	6426	Filing Date	2010-04-05
Attorney Docket Number (optional)	142356.142962-US	Art Unit	2121	Examiner	
First Named Inventor	Timothy R. Pryor				
Title of Invention	CAMERA BASED INTERACTIVE EXERCISE				

Attention: Office of Petitions
An application may be made special for advancement of examination upon filing of a petition showing that the applicant is 65 years of age, or more. No fee is required with such a petition. See 37 CFR 1.102(c)(1) and MPEP 708.02 (IV).

APPLICANT HEREBY PETITIONS TO MAKE SPECIAL FOR ADVANCEMENT OF EXAMINATION IN THIS APPLICATION UNDER 37 CFR 1.102(c)(1) and MPEP 708.02 (IV) ON THE BASIS OF THE APPLICANT'S AGE.

A grantable petition requires one of the following items:
(1) Statement by one named inventor in the application that he/she is 65 years of age, or more; or
(2) Certification by a registered attorney/agent having evidence such as a birth certificate, passport, driver's license, etc. showing one named inventor in the application is 65 years of age, or more.

Name of Inventor who is 65 years of age, or older

Given Name	Middle Name	Family Name	Suffix
Timothy	R.	Pryor	

A signature of the applicant or representative is required in accordance with 37 CFR 1.33 and 10.18.
Please see 37 CFR 1.4(d) for the format of the signature.

Select (1) or (2) :

○ (1) I am an inventor in this application and I am 65 years of age, or more.

● (2) I am an attorney or agent registered to practice before the Patent and Trademark Office, and I certify that I am in possession of evidence, and will retain such in the application file record, showing that the inventor listed above is 65 years of age, or more.

Signature	/Vito A. Ciaravino/	Date (YYYY-MM-DD)	2011-04-19
Name	Vito A. Ciaravino	Registration Number	62749

PTO/SB/130 (07-09)
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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
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2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.

3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.

4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).

5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.

6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).

7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about indivi duals.

8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspections or an issued patent.

9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : September 13, 2011

TO SPE OF : ART UNIT 2457

SUBJECT : Request for Certificate of Correction for Appl. No.: 12/754338 Patent No.: 7975040

CofC mailroom date: 8-31-11

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (CofC)
Randolph Square – 9D10-A
Palm Location 7580

Note: _____

Magdalene Talley
Certificates of Correction Branch
571-272-0423

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:
Note your decision on the appropriate box.

- ☑ **Approved** — **All** changes apply.
- ☐ **Approved in Part** — Specify below which changes **do not** apply.
- ☐ **Denied** — State the reasons for denial below.

Comments: _____

/Ario Etienne/ 2457

Formatted: Indent: Left: 1.22"

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BRIDGESTONE AMERICAS, INC.
1200 FIRESTONE PARKWAY
AKRON OH 44317

MAILED
MAY 10 2011
OFFICE OF PETITIONS

In re Application of :
Wang, et al. :
Application No. 12/754,367 : ON PETITION
Filed: April 5, 2010 :
Attorney Docket No. **P08049US2A; 295620-214289** :

This is a decision on the petition under 37 CFR 1.137(b), filed March 31, 2011, in the above-identified application.

The petition is **GRANTED**.

The application became abandoned on June 24, 2010, for failure to respond to the Notice to File Missing Parts of Non-Provisional Application mailed February 16, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a declaration and surcharge; (2) the petition fee of $1620.00, and (3) an adequate statement of unintentional delay.

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

There is no indication that the person signing the instant petition was ever given a power of attorney or authorization of agent to prosecute the above-identified application. If the person signing the instant

petition desires to receive future correspondence regarding this application, the appropriate power of attorney or authorization of agent must be submitted. While a courtesy copy of this decision is being mailed to the person signing the instant petition, all future correspondence will be directed to the address of currently of record until such time as appropriate instructions are received to the contrary.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3222.

The application file is being directed to the Office of Patent Application Processing further processing.

/Kenya A. McLaughlin/

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

cc:
Nathan T. Lewis
901 Lakeside Ave.
Cleveland, OH 44114

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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/754,372	04/05/2010	Kazuichi HAYASHI	357722US26CONT	6582

22850 7590 10/13/2011
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P.
1940 DUKE STREET
ALEXANDRIA, VA 22314

EXAMINER
KACKAR, RAM N

ART UNIT	PAPER NUMBER
1716	

NOTIFICATION DATE	DELIVERY MODE
10/13/2011	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):

patentdocket@oblon.com
oblonpat@oblon.com
jgardner@oblon.com

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OCT 12 2011

Mailed :	:	
In re Application of	:	DECISION ON
Hayashi, et al.	:	PETITION
Serial No. 12/754,372	:	
Filed: April 5, 2010		
For: **PROCESSING DEVICE, ELECTRODE, ELECTRODE PLATE, AND PROCESSING METHOD**		

This is a decision on the PETITION FILED UNDER 37 CFR 1.181 on August 2, 2011 to consider the Information Disclosure Statement (IDS) that was filed on July 21, 2010. The Examiner considered all the references on the IDS except for Documents associated with AO, AP and AQ. The documents were previously considered by the Examiner in the parent application. Applicants did note upon submission of the IDS that the documents were cited in the parent application.

DECISION

Accordingly, the petition has been **GRANTED**.

The Examiner considered the references cited and made them of record in the application as per the 1449 initialed on 9/15/2011.

Karen M. Young

Karen M. Young, Director
Technology Center 1700
Chemical and Materials Engineering

wk

Daniel C. Crane
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P.
1940 DUKE STREET
ALEXANDRIA VA 22314

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/754,429	04/05/2010	Robert H. Wham	2903PCTDIV (203-3497PCTUS	6704

90039 7590 05/02/2011
TYCO Healthcare Group LP
Attn: IP Legal
5920 Longbow Drive
Mail Stop A36
Boulder, CO 80301-3299

EXAMINER

ART UNIT	PAPER NUMBER
3739	

NOTIFICATION DATE	DELIVERY MODE
05/02/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ebd.iplegal@covidien.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

TYCO Healthcare Group LP
Attn: IP Legal
5920 Longbow Drive
Mail Stop A36
Boulder CO 80301-3299

In re Application of:
WHAM, ROBERT H. et al
Serial No. 12/754,429
Filed: June 20, 2008
Docket: 2903PCTDIV (203-3497PCTUS
Title: METHOD AND SYSTEM FOR PROGRAMMING AND CONTROLLING AN ELECTROSURGICAL GENERATOR SYSTEM

DECISION ON PETITION
UNDER 37 CFR 1.59

This is a decision on the petition and request under 37 CFR 1.59(b), filed Feb. 8, 2011 to expunge information from the above identified application. The petition fee of $200.00 set forth in 37 CFR 1.17(g) has been paid.

In the petition, the petitioner states that the Information Disclosure Statement filed on June 4, 2010 (received in USPTO on June 9, 2010) was filed inadvertently or unintentionally. The IDS papers (a total of 7 pages) bear a wrong serial number 12/715,212. Petitioner requests removal of the inadvertently filed IDS.

The petition is **granted**.

The USPTO does not remove any papers filed in an application. However, since the applicant has unintentionally filed the wrong documents on June 9, 2010, the documents (7 pages) have been blocked from public view in the Public Pair system.

Any inquiry regarding this decision should be directed to Henry C. Yuen, Special Programs Examiner, at (571) 272-4856.

Petition is **granted**.

Angie D. Sykes, Director
Technology Center 3700

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/754,447	04/05/2010	Donald Morris	LIUI134331	6741

26389 7590 12/10/2010
CHRISTENSEN, O'CONNOR, JOHNSON, KINDNESS, PLLC
1420 FIFTH AVENUE
SUITE 2800
SEATTLE, WA 98101-2347

EXAMINER
HARTMANN, GARY S

ART UNIT	PAPER NUMBER
3671	

NOTIFICATION DATE	DELIVERY MODE
12/10/2010	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):

efiling@cojk.com

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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DEC - 9 2010

CHRISTENSEN, O'CONNOR, JOHNSON
KINDNESS, PLLC
1420 FIFTH AVENUE, SUITE 2800
SEATTLE, WA 98101-2347

In re Application of Donald Morris et al.	:	
Appl. No.:12/754,447	:	**DECISION ON PETITIONS**
Attorney Docket No.: LIUI134331	:	**UNDER 37 CFR 1.59**
Filed: April 5, 2010	:	
For: COUNTERBALANCE MECHANISM FOR	:	
FOLD OUT RAMP	:	
	:	
	:	

This is a decision on the three petitions under 37 CFR 1.59(b), filed December 1, 2010 to expunge information from the above identified application.

The petitions are **DENIED**.

Petitioner requests that three documents entitled Proprietary Material Not Open to Public filed as Information Submitted Under MPEP 724.02,on December 1, 2010 as Attachments A,B and C be expunged from the record. Petitioner states that the contents of the material has not been publicly disclosed and are considered proprietary material. Further the petitioner submits that the material is not prior art. The material in question are 3 unpublished copending U.S. applications which the petitioner has identified for the examiner to consider with respect to potential double patenting rejections.

Petitioner submits that since each reference is not prior art, that if the cited copending application does not provide a basis for a double patenting rejection of the claims of the present application, then the cited reference is not material to the patentability of the present application. This argument is not persuasive and the petition is DENIED.

Specifically each of the cited copending references involves an invention similar to that claimed in this specific application. Since the examiner had to analyze each copending application for double patenting, the copending references are in fact "material to patentability" for this specific application.

Applicant petition further seeks to Redact Previously Filed Petitions under 37 C.F.R. 1.59(b) to Expunge filed on April 5, 2010 because petitioner had identified each copending application by serial number. However since these petitions to expunge have been denied, the citation of the serial numbers of each copending application is no longer an issue and these requests are DENIED.

Since the materials has been found to be material to patentability, the petition to expunge has been denied and the materials will become part of the application record and will be available to the public upon issuance of this application as a patent. MPEP 724.04.

Any questions regarding this letter should be directed to Thomas B. Will at (571) 272-6998.

David Talbott, Director
Patent Technology Center 3600
(571) 272-5150

Tbw/XX 12/7/2010

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/754,456	04/05/2010	Donald Morris	LIUI134332	6761

26389 7590 12/10/2010
CHRISTENSEN, O'CONNOR, JOHNSON, KINDNESS, PLLC
1420 FIFTH AVENUE
SUITE 2800
SEATTLE, WA 98101-2347

EXAMINER
HARTMANN, GARY S

ART UNIT	PAPER NUMBER
3671	

NOTIFICATION DATE	DELIVERY MODE
12/10/2010	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):

efiling@cojk.com

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DEC - 9 2010

CHRISTENSEN, O'CONNOR, JOHNSON
KINDNESS, PLLC
1420 FIFTH AVENUE, SUITE 2800
SEATTLE, WA 98101-2347

In re Application of Donald Morris et al. Appl. No.:12/754,456 Attorney Docket No.: LIUI134332 Filed: April 5, 2010 For: COUNTERBALANCE MECHANISM FOR FOLD OUT RAMP	: : : : : : : : :	**DECISION ON PETITIONS UNDER 37 CFR 1.59**

This is a decision on the three petitions under 37 CFR 1.59(b), filed December 1, 2010 to expunge information from the above identified application.

The petitions are **DENIED**.

Petitioner requests that three documents entitled Proprietary Material Not Open to Public filed as Information Submitted Under MPEP 724.02,on December 1, 2010 as Attachments A,B and C be expunged from the record. Petitioner states that the contents of the material has not been publicly disclosed and are considered proprietary material. Further the petitioner submits that the material is not prior art. The material in question are 3 unpublished copending U.S. applications which the petitioner has identified for the examiner to consider with respect to potential double patenting rejections.

Petitioner submits that since each reference is not prior art, that if the cited copending application does not provide a basis for a double patenting rejection of the claims of the present application, then the cited reference is not material to the patentability of the present application. This argument is not persuasive and the petition is DENIED.

Specifically each of the cited copending references involves an invention similar to that claimed in this specific application. Since the examiner had to analyze each copending application for double patenting, the copending references are in fact "material to patentability" for this specific application.

Applicant petition further seeks to Redact Previously Filed Petitions under 37 C.F.R. 1.59(b) to Expunge filed on April 5, 2010 because petitioner had identified each copending application by serial number. However since these petitions to expunge have been denied, the citation of the serial numbers of each copending application is no longer an issue and these requests are DENIED.

Since the materials has been found to be material to patentability, the petition to expunge has been denied and the materials will become part of the application record and will be available to the public upon issuance of this application as a patent. MPEP 724.04.

Any questions regarding this letter should be directed to Thomas B. Will at (571) 272-6998.

David Talbott, Director
Patent Technology Center 3600
(571) 272-5150

Tbw/XX 12/7/2010

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/754,462	04/05/2010	Alan Cohn	LIUI134333	6775

26389 7590 12/10/2010
CHRISTENSEN, O'CONNOR, JOHNSON, KINDNESS, PLLC
1420 FIFTH AVENUE
SUITE 2800
SEATTLE, WA 98101-2347

EXAMINER
HARTMANN, GARY S

ART UNIT	PAPER NUMBER
3671	

NOTIFICATION DATE	DELIVERY MODE
12/10/2010	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):

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DEC - 9 2010

CHRISTENSEN, O'CONNOR, JOHNSON
KINDNESS, PLLC
1420 FIFTH AVENUE, SUITE 2800
SEATTLE, WA 98101-2347

In re Application of Alan Cohn
Appl. No.:12/754,462
Attorney Docket No.: LIUI134333
Filed: April 5, 2010
For: COUNTERBALANCE MECHANISM FOR FOLD OUT RAMP

DECISION ON PETITIONS UNDER 37 CFR 1.59

This is a decision on the three petitions under 37 CFR 1.59(b), filed December 1, 2010 to expunge information from the above identified application.

The petitions are **DENIED**.

Petitioner requests that three documents entitled Proprietary Material Not Open to Public filed as Information Submitted Under MPEP 724.02,on December 1, 2010 as Attachments A,B and C be expunged from the record. Petitioner states that the contents of the material has not been publicly disclosed and are considered proprietary material. Further the petitioner submits that the material is not prior art. The material in question are 3 unpublished copending U.S. applications which the petitioner has identified for the examiner to consider with respect to potential double patenting rejections.

Petitioner submits that since each reference is not prior art, that if the cited copending application does not provide a basis for a double patenting rejection of the claims of the present application, then the cited reference is not material to the patentability of the present application. This argument is not persuasive and the petition is DENIED.

Specifically each of the cited copending references involves an invention similar to that claimed in this specific application. Since the examiner had to analyze each copending application for double patenting, the copending references are in fact "material to patentability" for this specific application.

Applicant petition further seeks to Redact Previously Filed Petitions under 37 C.F.R. 1.59(b) to Expunge filed on April 5, 2010 because petitioner had identified each copending application by serial number. However since these petitions to expunge have been denied, the citation of the serial numbers of each copending application is no longer an issue and these requests are DENIED.

Since the materials has been found to be material to patentability, the petition to expunge has been denied and the materials will become part of the application record and will be available to the public upon issuance of this application as a patent. MPEP 724.04.

Any questions regarding this letter should be directed to Thomas B. Will at (571) 272-6998.

David Talbott, Director
Patent Technology Center 3600
(571) 272-5150

Tbw/XX 12/7/2010

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/754,467	04/05/2010	David Johnson	LIUI134334	6784

26389 7590 11/24/2010
CHRISTENSEN, O'CONNOR, JOHNSON, KINDNESS, PLLC
1420 FIFTH AVENUE
SUITE 2800
SEATTLE, WA 98101-2347

EXAMINER
HARTMANN, GARY S

ART UNIT	PAPER NUMBER
3671	

NOTIFICATION DATE	DELIVERY MODE
11/24/2010	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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CHRISTENSEN, O'CONNOR, JOHNSON, KINDNESS, PLLC
1420 FIFTH AVENUE
SUITE 2800
SEATTLE, WA 98101-2347

In re Application of	:	
Johnson et al.	:	RESPONSE TO PETITION
Application No. 12/754,467	:	TO EXPUNGE FILED
Filed: April 5, 2010	:	UNDER 37 CFR § 1.59(b)
For: COUNTERBALANCE MECHANISM FOR	:	
FOLD OUT RAMP	:	

This is a response to the three (3) petitions under 37 CFR § 1.59(b), filed November 4, 2010 to expunge information from the above identified application.

The decision on the petition will be held in abeyance until allowance of the application or mailing of an *Ex parte Quayle* action or a Notice of Abandonment, at which time the petition will be decided.

Petitioner requests that Attachments A, B and C of the petitions be expunged if it is found not to be material to patentability.

A proper petition under 37 CFR 1.59(b) to expunge information submitted under MPEP § 724.02, or that should have been submitted under MPEP § 724.02 (as where proprietary information is submitted in an information disclosure statement but inadvertently not submitted in a sealed envelope as discussed in MPEP § 724.02) must contain:

(A) a clear identification of the information to be expunged without disclosure of the details thereof;
(B) a clear statement that the information to be expunged is trade secret material, proprietary material, and/or subject to a protective order, and that the information has not been otherwise made public;
(C) a commitment on the part of the petitioner to retain such information for the period of any patent with regard to which such information is submitted;
(D) a statement that the petition to expunge is being submitted by, or on behalf of, the party in interest who originally submitted the information;
(E) the fee as set forth in 37 CFR 1.17(g) for a petition under 37 CFR 1.59(b).

Petitioner has met requirements (A)-(E) above. The decision on the petition is held in abeyance because prosecution on the merits is not closed. Accordingly, it is not appropriate to make a final determination of whether or not the material requested to be expunged is "material," with "materiality" being defined as any information which the examiner considers as being important to a determination of patentability of the claims. Thus, the decision on the petition to expunge must be held in abeyance at this time.

During prosecution on the merits, the examiner will determine whether or not the identified document is considered to be "material." If the information is not considered by the examiner to be material, the information will be removed from the official file.

Any questions regarding this communication should be directed to Teri P. Luu, Quality Assurance Specialist, at (571) 272-7045.

Dave Talbott
Patent Technology Center 3600
(571) 272-5150

DT/tl: 11/17/10

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AUG - 8 2011

CHRISTENSEN, O'CONNOR, JOHNSON
KINDNESS, PLLC
1420 FIFTH AVENUE, SUITE 2800
SEATTLE, WA 98101-2347

In re Application of Donald Morris et al.
Appl. No.:12/754,467
Attorney Docket No.: LIUI134334
Filed: April 5, 2010
For: COUNTERBALANCE MECHANISM FOR FOLD OUT RAMP

DECISION ON PETITIONS UNDER 37 CFR 1.59

This is a decision on the three petitions under 37 CFR 1.59(b), filed November 4, 2010 to expunge information from the above identified application.

The petitions are **DENIED**.

Petitioner requests that three documents entitled Proprietary Material Not Open to Public filed as Information Submitted Under MPEP 724.02,on November 4, 2010 as Attachments A,B and C be expunged from the record. Petitioner states that the contents of the material has not been publicly disclosed and are considered proprietary material. Further the petitioner submits that the material is not prior art. The material in question are 3 unpublished copending U.S. applications which the petitioner has identified for the examiner to consider with respect to potential double patenting rejections.

Petitioner submits that since each reference is not prior art, that if the cited copending application does not provide a basis for a double patenting rejection of the claims of the present application, then the cited reference is not material to the patentability of the present application. This argument is not persuasive and the petition is DENIED.

Specifically each of the cited copending references involves an invention similar to that claimed in this specific application. Since the examiner had to analyze each copending application for double patenting, the copending references are in fact "material to patentability" for this specific application.

Applicant petition further seeks to Redact Previously Filed Petitions under 37 C.F.R. 1.59(b) to Expunge filed on April 5, 2010 because petitioner had identified each copending application by serial number. However since these petitions to expunge have been denied, the citation of the

serial numbers of each copending application is no longer an issue and these requests are DENIED.

Since the materials has been found to be material to patentability, the petition to expunge has been denied and the materials will become part of the application record and will be available to the public upon issuance of this application as a patent. MPEP 724.04.

Any questions regarding this letter should be directed to Thomas B. Will at (571) 272-6998.

Kathy Matecki

for David Talbott, Director
Patent Technology Center 3600
(571) 272-5150

TBW/TL 7/19/2011
TL

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DANE C. BUTZER
10 VIA RICASOL #a222
IRVINE, CA 92612

MAILED
MAR 05 2012
OFFICE OF PETITIONS

In re Application of

Daniel Joseph Blaies
Application No. 12/754,478
Filed: April 5, 2010
Attorney Docket No. BLS-002

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent under 37 C.F.R. § 1.36(b) filed February 2, 2012.

The request is **NOT APPROVED**.

The Office will no longer approve requests from practitioners to withdraw from application where the requesting practitioners is acting, or has acted, in a representative capacity pursuant to 37 CFR 1.34. In these situations, the practitioner is responsible for the correspondence the practitioner files in the application while acting in a representative capacity. As such, there is no need for the practitioner to obtain the Office's permission to withdraw from representation. However, practitioners acting in a representative capacity, like practitioners who have power of attorney in the application, remain responsible for noncompliance with 37 CFR 1.56, as well as 37 CFR 10.18, with respect to the documents they file.

A review of the file record indicates that Dane C. Butzer does not have power of attorney in this patent application. See 37 C.F.R. § 10.40. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is not applicable.

All future communications from the Office will continue to be directed to the above-listed address until otherwise properly notified by the applicant.

Telephone inquires concerning this decision should be directed to undersigned at 571-272-1642.
All other inquiries concerning the examination or status of this application should be directed to the Technology Center.

/AMW/
April M. Wise
Petitions Examiner
Office of Petitions

cc: DANIEL J. BLAIES
850 TAMARA DRIVE N.
GAHANNA, OH 43230

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: 19660-4019	Application Number (if known): 12/754,483	Filing date: 04/05/2010
First Named Inventor: Susan Petty		
Title: Method for Modeling Fracture Network and Fracture Network Growth During Stimulation in Subsurface Formations		

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: Attachment to Petition

Signature /s/ Sanjeet K. Dutta	Date 11/17/2010
Name (Print/Typed) Sanjeet K. Dutta	Registration Number 46,145

Note: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature see below.*

x *Total of 1 forms are submitted.

The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No.	:	12/754,483	Confirmation No.: 6821
Applicant	:	Susan Petty	
Filing Date	:	April 5, 2009	
Title	:	METHOD FOR MODELING FRACTURE NETWORK AND FRACTURE NETWORK GROWTH DURING STIMULATION IN SUBSURFACE FORMATIONS	
Group Art Unit	:	3676	
Examiner	:	Not Yet Assigned	
Docket No.	:	19660-4019	
Customer No.	:	34313	

Commissioner for Patents
EFS-Web
Petition for Green Tech Pilot

ATTACHMENT TO PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Sir:

Applicant requests expedited examination based on the Petition to Make Special under the Green Technology Pilot Program, introduced in the Federal Register on December 8, 2009, and extended in the Federal Register on November 10, 2010.

Eligibility Requirements

☐ *Applications Pertaining to Environmental Quality:* Special status is sought because the invention materially enhances the quality of the environment by contributing to the restoration or maintenance of the basic life-sustaining natural elements.

<If the application does not clearly disclose that the claimed invention materially enhances the quality of the environment by contributing to the restoration or maintenance of one of the basic life-sustaining natural elements, the petition must be accompanied by a statement signed by the applicant, assignee, or an attorney/agent registered to practice before the USPTO, in accordance with 37 CFR 1.33(b) explaining how the materiality standard is met. The materiality standard does not permit an applicant to speculate as to how a hypothetical end-user might specially apply the invention in a manner that could materially enhance the quality of the environment. Nor does such standard permit an applicant to enjoy the benefit of advanced examination merely because some minor aspect of the claimed invention may enhance the quality of the environment. See MPEP § 708.02 (item V). >

Applicant	:	Susan Petty
Appl. No.	:	12/754,483
Examiner	:	Not Yet Assigned
Docket No.	:	19660-4019

☒ *Applications Pertaining to Energy Conservation, Development of Renewable Energy Resources, or Greenhouse Gas Emission Reduction:* Special status is sought because the application is for an invention 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) the reduction of greenhouse gas emissions.

<If the application disclosure is not clear on its face that the claimed invention materially contributes to (1) development of renewable energy or energy conservation, or (2) greenhouse gas emission reduction, the petition must be accompanied by a statement signed by the appl
icant, assignee, or an attorney/agent registered to practice before the USPTO, in accordance with 37 CFR 1.33(b) explaining how the materiality standard is met. The materiality standard does not permit an applicant to speculate as to how a hypothetical end-user might specially apply the invention in a manner that could materially contribute to (1) development of renewable energy or energy conservation, or (2) greenhouse gas emission reduction, nor does the standard permit an applicant to enjoy the benefit of advanced examination merely because some minor aspect of the claimed invention may be directed to (1) development of renewable energy or energy conservation, or (2) greenhouse gas emission reduction. See MPEP § 708.02 (item VI). >

Applicant hereby certifies that:

1. The application contains three or fewer independent claims and twenty or fewer total claims. Additionally, application does not contain any multiple dependent claims. If application does contain more than three independent claims, twenty total claims and/or multiple dependent claims, a preliminary amendment is filed herewith.

2. The claims are directed to a single invention that materially enhances the quality of the environment, or that materially contributes to: (1) The discovery or development of renewable energy resources; (2) the more efficient utilization and conservation of energy resources; or (3) greenhouse gas emission reduction. 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 and is classified in one of the U.S. classifications listed in section 2 of this petition.

3. No Office Action, including an Office Action containing only a restriction requirement, has been issued.

4. 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. If applicable, 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).

5. Fees. This Petition to Make Special is being submitted under the Green Technology Pilot Program, therefore no fees are required. However, if the undersigned is in error in this regard, the Commissioner is authorized to charge any fees to Orrick, Herrington & Sutcliffe's Deposit Account No. 15-0665.

Respectfully submitted,
ORRICK, HERRINGTON & SUTCLIFFE LLP

Dated: November 17, 2010

By: /s/ Sanjeet K. Dutta
Sanjeet K. Dutta
Reg. No. 46,145

Orrick, Herrington & Sutcliffe LLP
4 Park Plaza, Suite 1600
Irvine, CA 92614-2558
Tel. 650-614-7647
Fax: 650-614-7401

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/754,483	04/05/2010	Susan Petty	19660-4019	6821

34313 7590 11/24/2010
ORRICK, HERRINGTON & SUTCLIFFE, LLP
IP PROSECUTION DEPARTMENT
4 PARK PLAZA
SUITE 1600
IRVINE, CA 92614-2558

EXAMINER	
ART UNIT	PAPER NUMBER
2123	

MAIL DATE	DELIVERY MODE
11/24/2010	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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Commissioner for Patents
United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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ORRICK, HERRINGTON & SUTCLIFFE, LLP
IP PROSECUTION DEPARTMENT
4 PARK PLAZA
SUITE 1600
IRVINE CA 92614-2558

In re Application of :
PETTY, Susan et al. :
Application No. 12/754,483
Filed: April 5, 2010 :
For: **METHOD FOR MODELING FRACTURE NETWORK, AND FRACTURE NETWORK GROWTH DURING STIMULATION IN SUBSURFACE FORMATIONS** :

DECISION ON PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed November 17, 2010, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **DISMISSED**.

If reconsideration of this decision is desired, a petition for reconsideration must be filed within ONE (1) MONTH OR THIRTY (30) DAYS from the mail date of this decision, whichever is longer. No extension of this time limit can be granted under 37 CFR 1.136(a) or (b). The petition for reconsideration should include an exhaustive attempt to provide the lacking item(s) noted below, since, after a decision on the petition for reconsideration, no further reconsideration or review of the matter will be undertaken by the Director.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis

for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The petition lacks item(s) 4 and 8 above for the reasons explained in more detail below.

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.

In regard to item 8, the publication fee as set forth in 37 CFR 1.18(d) has not been paid.

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.

Any inquiry regarding this decision should be directed to Eddie C. Lee at (571) 272-1732.

/Eddie C. Lee/

Eddie C. Lee
Quality Assurance Specialist, TC 2100

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No.	:	12/754,483	Confirmation No.: 6821
Applicant	:	Susan Petty	
Filing Date	:	April 5, 2010	
Title	:	METHOD FOR MODELING FRACTURE NETWORK AND FRACTURE NETWORK GROWTH DURING STIMULATION IN SUBSURFACE FORMATIONS	
Group Art Unit	:	2123	
Examiner	:	Not Yet Assigned	
Docket No.	:	19660-4019	
Customer No.	:	34313	

Commissioner for Patents
EFS-Web
Petition for Green Tech Pilot

PETITION FOR RECONSIDERATION OF PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Sir:

Applicant requests reconsideration of the Petition to Make Special Under the Green Technology Pilot Program. The Office mailed a Decision denying the Petition on November 24, 2010.

The Decision states:

> In order to qualify for special status, the following requirements must be met... 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... 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 Decision further states:

> 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. In regard to item 8, the publication fee as set forth in 37 CFR 1.18(d) has not been paid

Applicant hereby certifies that:

1. The application contains three or fewer independent claims and twenty or fewer total claims. Additionally, application does not contain any multiple dependent claims. If application does contain more than three independent claims, twenty total claims and/or multiple dependent claims, a preliminary amendment is filed herewith.

2. The claims are directed to a single invention that materially enhances the quality of the environment, or that materially contributes to: (1) The discovery or development of renewable energy resources; (2) the more efficient utilization and conservation of energy resources; or (3) greenhouse gas emission reduction. 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 and is classified in one of the U.S. classifications listed in section 2 of this petition.

3. The materiality standard is met because one or more claims are directed to a computer-implemented method comprising "simulating stimulation of simulated fractures". The claimed subject matter advances the development of renewable energy sources

4. No Office Action, including an Office Action containing only a restriction requirement, has been issued.

5. 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. If applicable, 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).

6. Fees. This Petition to Make Special is being submitted under the Green Technology Pilot Program, therefore no fees are required. However, if the undersigned is in error in this regard, the Commissioner is authorized to charge any fees to Orrick, Herrington & Sutcliffe's Deposit Account No. 15-0665.

Respectfully submitted,
ORRICK, HERRINGTON & SUTCLIFFE LLP

Dated: December 23, 2010

By: /s/ Sanjeet K. Dutta
Sanjeet K. Dutta
Reg. No. 46,145

Orrick, Herrington & Sutcliffe LLP
4 Park Plaza, Suite 1600
Irvine, CA 92614-2558
Tel. 650-614-7647
Fax: 650-614-7401

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.
12/754,483	04/05/2010	Susan Petty	19660-4019	6821

34313 7590 01/05/2011
ORRICK, HERRINGTON & SUTCLIFFE, LLP
IP PROSECUTION DEPARTMENT
4 PARK PLAZA
SUITE 1600
IRVINE, CA 92614-2558

EXAMINER

ART UNIT	PAPER NUMBER
2123	

MAIL DATE	DELIVERY MODE
01/05/2011	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
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ORRICK, HERRINGTON & SUTCLIFFE, LLP
IP PROSECUTION DEPARTMENT
4 PARK PLAZA
SUITE 1600
IRVINE CA 92614-2558

In re Application of :
PETTY, Susan et al. :
Application No. 12/754,483 :
Filed: April 5, 2010 :
For: **METHOD FOR MODELING FRACTURE NETWORK, AND FRACTURE NETWORK GROWTH DURING STIMULATION IN SUBSURFACE FORMATIONS** :

DECISION ON PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

This is a decision on the renewed petition under 37 CFR 1.102, filed December 23, 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 **DENIED**.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to

make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

In the petition decision mailed November 24, 2010, the original petition filed on November 17, 2010 was dismissed for the following reasons:

> "The petition lacks item(s) 4 and 8 above for the reasons explained in more detail below.
>
> 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.
>
> In regard to item 8, the publication fee as set forth in 37 CFR 1.18(d) has not been paid. "

In the renewed petition, the publication fee set forth in 37 CFR 1.18(d) has been paid, thus, the condition of item 8 has been met.

However, the only statements provided in the renewed petition regarding item 4 is "[t]he materiality standard is met because one or more claims are directed to a computer-implemented method comprising 'simulating stimulation of simulated fractures.' The claimed subject matter advances the development of renewable energy sources." These statements fail to meet the conditions set forth in item 4 since it clearly fails to provide an explanation of how the materiality standard is met. As stated in the original decision, and reiterated herein, the "application disclosure is not clear on its face as to the materiality of the basis for the special status of the invention." Hence, failure to meet the conditions of item 4 is a proper basis for denying petitioner's request for special status under the Green Technology Pilot Program.

The application is being forwarded to the Technology Center Art Unit 2123 for action in its regular turn.

Any inquiry regarding this decision should be directed to Eddie C. Lee at (571) 272-1732.

/Eddie C. Lee/

Eddie C. Lee
Quality Assurance Specialist, TC 2100

UNITED STATES PATENT AND TRADEMARK OFFICE

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K&L GATES, LLP
P.O. BOX 1135
CHICAGO, IL 60690

MAILED
MAR 22 2011
OFFICE OF PETITIONS

In re Application of :
Grant L. Schoenhard :
Application No. 12/754,486 : DECISION ON PETITION
Filed: April 5, 2010 :
Attorney Docket No. 3716366.00099 :

This is a decision on the petition under 37 CFR 1.181, filed January 21, 2011, requesting withdrawal of the Notice of Abandonment mailed December 20, 2010.

The petition is **GRANTED**.

Petitioner requests withdrawal of the Notice of Abandonment mailed December 20, 2010 for failure to respond to the Notice to File Missing Parts of a Non-provisional Application (Notice) mailed April 23, 2010 be withdrawn as petitioner timely filed a response. Petitioner states that a timely reply was filed via EFS Web on November 23, 2010, which included the following papers: a preliminary amendment, 3 sheets of replacement drawings, an oath/declaration and a request for a five (5) month extension of time. As evidenced by the EFS Acknowledgement Receipt and the Fee Worksheet date stamped November 23, 2010 was received by the USPTO. The original reply is in the file.

As the reply included the proper request of a five (5) month extension of time, the Notice of Abandonment was premature. Accordingly, the holding of abandonment for failure to timely file a reply to the Notice mailed April 23, 2010, is hereby **withdrawn** and the application is hereby **restored to pending 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 this application should be directed to the Office of Patent Application Processing at their hotline 571-272-4000.

This application is being referred to the Office of Patent Application Processing for pre-examination processing of the reply received November 23, 2010.

/Carl Friedman/
Carl Friedman
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

KNOBBE MARTENS OLSON & BEAR, LLP
2040 MAIN STREET, FOURTEENTH FLOOR
IRVINE, CA 92614

MAILED

JAN 06 2011

OFFICE OF PETITIONS

In re Application of
Darrel D. DRINAN, et *al.*
Application No. 12/754,490
Filed: April 5, 2010
Attorney Docket No. **PHILO.013C1**

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 17, 2010.

The request is **NOT APPROVED**.

The request to withdraw as attorney/agent of record and change of correspondence address is hereby not accepted. Petitioner has not complied with current USPTO requirements, set forth in 37 CFR 10.40 concerning Request for Withdrawal as Attorney and Change of Correspondence Address.

Petitioner has not properly submitted forwarding correspondence address information for the application.

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.***

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).

It is noted that the address given on the request differs from the address of record. A courtesy copy of this decision is being mailed to the address noted on the petition. However, all future communications from the Office will be directed to the above-listed address of record until otherwise properly notified by the applicant or a change of correspondence address containing a proper 3.73(b) statement has been submitted.

Inquires concerning either the examination or status of the application should be directed to the Technology Center at (571) 272-3700. Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-7253.

/Monica A. Graves/
Petitions Examiner, Office of Petitions

cc: **THOMAS R. ARNO**
12790 EL CAMINO REAL
SAN DIEGO, CA 92130

UNITED STATES PATENT AND TRADEMARK OFFICE

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MORRISON & FOERSTER LLP
425 MARKET STREET
SAN FRANCISCO CA 94105-2482

MAILED
MAY 16 2011
OFFICE OF PETITIONS

In re Application of	:	
SASSOVER	:	
Application No. 12/754,497	:	DECISION ON PETITION
Filed: April 5, 2010	:	TO WITHDRAW
Attorney Docket No. 674442000201	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed March 24, 2011.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office requires the practitioner(s) requesting withdrawal to certify that he, she, or they have: (1) given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any responses that may be due and the time frame within which the client must respond, pursuant 37 CFR 10.40(c).

The request was signed by Michael R. Ward on behalf of the attorneys of record associated with Customer No. 20872.

The attorneys associated with Customer No. 20872 have been withdrawn.

Applicant is reminded that there is no attorney of record at this time.

The correspondence address of record has been changed and the new correspondence address is the address indicated below until otherwise properly notified.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-6735.

/Diane C. Goodwyn/
Diane C. Goodwyn
Petitions Examiner
Office of Petitions

cc: INTRATHERAPIES INSTITUTE
9301 WILSHIRE BLVD., SUITE 300
BEVERLY HILLS CA 90210

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/754,497	04/05/2010	Nathan SASSOVER	674442000201

CONFIRMATION NO. 6855

POWER OF ATTORNEY NOTICE

20872
MORRISON & FOERSTER LLP
425 MARKET STREET
SAN FRANCISCO, CA 94105-2482

OC000000047652162

Date Mailed: 05/13/2011

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 03/24/2011.

- 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.

/dcgoodwyn/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
P.O. Box 1450
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Samsung R&D Center
c/o Myers Andras Sherman LLP
19900 MacArthur Blvd., Suite 1150
Irvine CA 92612

MAIL

NOV 16 2010

DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

In re application of
SHAO, HUAI-RONG, et al.
Application Serial No. 12/754,522
Filed: April 5, 2010
For: **METHOD AND SYSTEM FOR PROGRESSIVE RATE ADAPTATION FOR UNCOMPRESSED VIDEO COMMUNICATION IN WIRELESS SYSTEMS**

DECISION
ON PETITION

This is a response to the petition under 37 CFR 1.59(b), filed July 19, 2010, to expunge information from the above identified application.

The decision on the petition will be held in abeyance until prosecution on the merits is closed, at which time the petition will be decided.

Petitioner requests that the information submitted in a Confidential Information Disclosure Statement filed July 19, 2010 be expunged from the record. Petitioner states that either (A) that the information contains trade secret material, proprietary material and/or material that is subject to a protective order which has not been made public, and the information has not otherwise been made public. The petition fee set forth in 37 CFR 1.17(h) has been paid.

The decision on the petition is held in abeyance because prosecution on the merits is not closed. Accordingly, it is not appropriate to make a final determination of whether or not the material requested to be expunged is "material", with "materiality" being defined as any information which the examiner considers as being important to a determination of patentability of the claims. Thus, the decision on the petition to expunge must be held in abeyance at this time.

During prosecution on the merits, the examiner will determine whether or not the identified document is considered to be "material". If the information is not considered by the examiner to be material, the information will be returned to applicant.

The document(s) in question will not be available to the public during prosecution.

Kenneth A. Wieder
Quality Assurance Specialist
Technology Center 2600
Communications

Doc Code: PET.AUTO Document Description: Petition automatically granted by EFS-Web	PTO/SB/64 U.S. Patent and Trademark Office Department of Commerce

Electronic Petition Request	PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)
Application Number	12754535
Filing Date	05-Apr-2010
First Named Inventor	Abraham Varon-Weinryb
Art Unit	2825
Examiner Name	MAGID DIMYAN
Attorney Docket Number	10656-CON1/RAD
Title	RELIABILITY SIMULATION METHOD AND SYSTEM

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus any extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:
(1) Petition fee;
(2) Reply and/or issue fee;
(3) Terminal disclaimer with disclaimer fee – required for all utility and plant applications filed before June 8, 1995; and for all design applications;
(4) Statement that the entire delay was unintentional.

Petition fee
The petition fee under 37CFR 1.17(m) is attached.

☐ Applicant claims SMALL ENTITY status. See 37 CFR 1.27.

☐ Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

☐ Applicant(s) status remains as SMALL ENTITY.

☒ Applicant(s) status remains as other than SMALL ENTITY.

Issue Fee and Publication Fee :

Issue Fee and Publication Fee must accompany ePetition.

☒ Issue Fee Transmittal is attached

Drawing corrections and/ or other deficiencies.

○ Drawing corrections and/ or other deficiencies are not required

◉ I certify, in accordance with 37 CFR 1.4.(D)(4), that drawing corrections and/ or other deficiencies have previously been filed on 07-23-2010

○ Drawing corrections and/ or other deficiencies are attached.

☒ STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional.

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

I certify, in accordance with 37 CFR 1.4(d)(4) that I am:

◉ An attorney or agent registered to practice before the Patent and Trademark Office who has been given power of attorney in this application.

○ An attorney or agent registered to practice before the Patent and Trademark Office, acting in a representative capacity.

○ A sole inventor

○ A joint inventor; I certify that I am authorized to sign this submission on behalf of all of the inventors.

○ A joint inventor; all of whom are signing this e-petition.

○ The assignee of record of the entire interest that has properly made itself of record pursuant to 37 CFR 3.71.

Signature	/Richard A Dyer/
Name	Richard A Dyer
Registration Number	60328

UNITED STATES 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 4,2011

In re Application of :

Abraham Varon-Weinryb

Application No : 12754535

Filed : 05-Apr-2010

Attorney Docket No : 10656-CON1/RAD

DECISION ON PETITION

UNDER CFR 1.137(b)

This is an electronic decision on the petition under 37 CFR 1.137(b), filed May 4,2011 , to revive the above-identified application.

The petition is **GRANTED.**

The above-identified application became abandoned for failure to reply in a timely manner to the Notice of Allowance and Issue Fee(s) Due. The date of abandonment is the day after the expiration date of the period set for reply in the Notice.

The electronic petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of payment of the Issue Fee and the Publication Fee (if necessary); (2) the petition fee as set forth in 37 CFR 1.17 (m); (3) the drawing correction and/or other deficiencies (if necessary); and (4) the required statement of unintentional delay have been received. Accordingly, the Issue Fee payment is accepted as having been unintentionally delayed.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

This application file is being directed to the Office of Patent Publication.

Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Decision Date : April 12, 2012

In re Application of :

Haifeng Chen

Application No : 12754572

Filed : 05-Apr-2010

Attorney Docket No : 09006

DECISION ON PETITION

UNDER CFR 1.137(b)

This is an electronic decision on the petition under 37 CFR 1.137(b), filed April 12, 2012 , to revive the above-identified application.

The petition is **GRANTED.**

The above-identified application became abandoned for failure to reply in a timely manner to the Notice of Allowance and Issue Fee(s) Due. The date of abandonment is the day after the expiration date of the period set for reply in the Notice.

The electronic petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of payment of the Issue Fee and the Publication Fee (if necessary); (2) the petition fee as set forth in 37 CFR 1.17 (m); (3) the drawing correction and/or other deficiencies (if necessary); and (4) the required statement of unintentional delay have been received. Accordingly, the Issue Fee payment is accepted as having been unintentionally delayed.

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

This application file is being directed to the Office of Data Management.

Office of Petitions

Doc Code: PET.AUTO Document Description: Petition automatically granted by EFS-Web	PTO/SB/64 U.S. Patent and Trademark Office Department of Commerce

Electronic Petition Request	PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)
Application Number	12754572
Filing Date	05-Apr-2010
First Named Inventor	Haifeng Chen
Art Unit	2114
Examiner Name	KAMINI PATEL
Attorney Docket Number	09006
Title	INVARIANTS-BASED LEARNING METHOD AND SYSTEM FOR FAILURE DIAGNOSIS IN LARGE SCALE COMPUTING SYSTEMS

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus any extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:
(1) Petition fee;
(2) Reply and/or issue fee;
(3) Terminal disclaimer with disclaimer fee – required for all utility and plant applications filed before June 8, 1995; and for all design applications;
(4) Statement that the entire delay was unintentional.

Petition fee
The petition fee under 37CFR 1.17(m) is attached.

☐ Applicant claims SMALL ENTITY status. See 37 CFR 1.27.

☐ Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

☐ Applicant(s) status remains as SMALL ENTITY.

☒ Applicant(s) status remains as other than SMALL ENTITY.

Issue Fee and Publication Fee :

Issue Fee and Publication Fee are not due.

☒ Issue Fee Transmittal is attached

Drawing corrections and/ or other deficiencies.

- (●) Drawing corrections and/ or other deficiencies are not required
- ( ) I certify, in accordance with 37 CFR 1.4.(D)(4), that drawing corrections and/ or other deficiencies have previously been filed on
- ( ) Drawing corrections and/ or other deficiencies are attached.
- [x] STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional.

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

I certify, in accordance with 37 CFR 1.4(d)(4) that I am:

- ( ) An attorney or agent registered to practice before the Patent and Trademark Office who has been given power of attorney in this application.
- (●) An attorney or agent registered to practice before the Patent and Trademark Office, acting in a representative capacity.
- ( ) A sole inventor
- ( ) A joint inventor; I certify that I am authorized to sign this submission on behalf of all of the inventors.
- ( ) A joint inventor; all of whom are signing this e-petition.
- ( ) The assignee of record of the entire interest that has properly made itself of record pursuant to 37 CFR 3.71.

Signature	/Joseph Kolodka/
Name	Joseph Kolodka
Registration Number	39731

DA

Doc Code: PET.AUTO Document Description: Petition automatically granted by EFS-Web	PTO/SB/64 U.S. Patent and Trademark Office Department of Commerce

Electronic Petition Request	PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)
Application Number	12754572
Filing Date	05-Apr-2010
First Named Inventor	Haifeng Chen
Art Unit	2114
Examiner Name	KAMINI PATEL
Attorney Docket Number	09006
Title	INVARIANTS-BASED LEARNING METHOD AND SYSTEM FOR FAILURE DIAGNOSIS IN LARGE SCALE COMPUTING SYSTEMS

OIPE IAP18 APR 1 2 2012 PATENT & TRADEMARK OFFICE

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus any extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:
(1) Petition fee;
(2) Reply and/or issue fee;
(3) Terminal disclaimer with disclaimer fee – required for all utility and plant applications filed before June 8, 1995; and for all design applications;
(4) Statement that the entire delay was unintentional.

Petition fee
The petition fee under 37CFR 1.17(m) is attached.

☐ Applicant claims SMALL ENTITY status. See 37 CFR 1.27.

☐ Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

☐ Applicant(s) status remains as SMALL ENTITY.

☒ Applicant(s) status remains as other than SMALL ENTITY.

Issue Fee and Publication Fee :

Issue Fee and Publication Fee are not due.

04/13/2012 INTEFSW 00002609 12754572
01 FC:1453 1860.00 DA

☒ Issue Fee Transmittal is attached

Drawing corrections and/ or other deficiencies.

◉ Drawing corrections and/ or other deficiencies are not required

○ I certify, in accordance with 37 CFR 1.4.(D)(4), that drawing corrections and/ or other deficiencies have previously been filed on

○ Drawing corrections and/ or other deficiencies are attached.

☒ STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional.

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

I certify, in accordance with 37 CFR 1.4(d)(4) that I am:

○ An attorney or agent registered to practice before the Patent and Trademark Office who has been given power of attorney in this application.

◉ An attorney or agent registered to practice before the Patent and Trademark Office, acting in a representative capacity.

○ A sole inventor

○ A joint inventor; I certify that I am authorized to sign this submission on behalf of all of the inventors.

○ A joint inventor; all of whom are signing this e-petition.

○ The assignee of record of the entire interest that has properly made itself of record pursuant to 37 CFR 3.71.

Signature	/Joseph Kolodka/
Name	Joseph Kolodka
Registration Number	39731

UNITED STATES 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
P.O. Box 1208
Seattle, WA 9811-1208

MAILED

JAN 03 2011

OFFICE OF PETITIONS

In re Application of	:	
Andrea Goldsmith, et al.	:	
Application No. 12/754,578	:	DECISION ON PETITION
Filed: April 5, 2010	:	TO WITHDRAW
Attorney Docket No. 638328030US2	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed November 2, 2010.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. 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 Jordan M. Becker on behalf of all attorneys of record. All attorneys/agents have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

All future communications from the Office will be directed to the assignee of the entire interest at the first copied address below until otherwise properly notified by the applicant.

Telephone inquiries concerning this decision should be directed to Terri Johnson at 571-272-2991.

/Terri Johnson/
Terri Johnson
Petitions Examiner
Office of Petitions

cc: **Quantenna Communications, Inc.**
3450 W. Warren Avenue
Freemont, CA 94538

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
12/754,578	04/05/2010	Andrea Goldsmith	638328030US2

CONFIRMATION NO. 6988

POWER OF ATTORNEY NOTICE

22918
PERKINS COIE LLP
P.O. BOX 1208
SEATTLE, WA 98111-1208

OC000000045177635

Date Mailed: 12/28/2010

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 11/02/2010.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/tsjohnson/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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SHEPPARD, MULLIN, RICHTER & HAMPTON LLP
379 Lytton Avenue
Palo Alto, CA 94301

MAILED

JAN 03 2012

OFFICE OF PETITIONS

In re Application of	:	
Andrea Goldsmith, et al.	:	
Application No. 12/754,578	:	DECISION ON PETITION
Filed: April 5, 2010	:	TO WITHDRAW
Attorney Docket No. **25DX-159244**	:	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 21, 2011.

The request is **NOT APPROVED** because it is moot.

A review of the file record indicates that the power of attorney to Sheppard, Mullin, Richter & Hampton LLP has been revoked by the assignee of the patent application on October 23, 2011. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to Terri Johnson at 571-272-2991.

/Terri Johnson/
Terri Johnson
Petitions Examiner
Office of Petitions

cc: **IP CREATORS**
P.O. 2789
Cupertino, CA 95015

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MICHAEL A. NELSON
TEKTRONIX, INC.
14150 S.W. KARL BRAUN DRIVE
P.O. BOX 500 (50-LAW)
BEAVERTON OR 97077-0001

MAILED
MAY 11 2011
OFFICE OF PETITIONS

In re Application of	:	
Zhu et al.	:	
Application No. 12/754,583	:	ON PETITION
Filed: April 5, 2010	:	
Attorney Docket No. 8332US0	:	

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed March 22, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of Replacement Drawings and a signed Oath/Declaration, (2) the petition fee of $1620.00, and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3206.

This matter is being referred to the Office of Patent Application Processing for further pre-examination processing. Thereafter, the application will be referred to Technology Center AU 2622 for examination on the merits.

Liana Walsh
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

RICHARD A. RYAN
ATTORNEY AT LAW
440 W. FALLBROOK AVENUE
SUITE 104
FRESNO, CA 93711

MAILED
AUG 22 2011
OFFICE OF PETITIONS

In re Application of	:	
Donald Wesley Burgess, Jr.	:	
Application No. 12/754,601	:	ON PETITION
Filed: April 5, 2010	:	
Attorney Docket No. RAR754.05	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed July 28, 2011, to revive the above-identified application.

The petition is **DISMISSED**.

The application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Non-provisional Application (Notice), mailed April 26, 2010. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on June 27, 2010.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Director may require additional information. See MPEP 711.03(c)(II)(C) and (D). The instant petition lacks item(s) (1).

A petition to revive cannot be granted where there is an outstanding requirement. In the instant case, petitioner has failed to submit the new or corrected drawings in compliance with 37 CFR 1.84 required by the outstanding Notice mailed April 26, 2010. A courtesy copy of the Notice to Filed Missing Parts of Non-provisional Application is being mailed with this decision. Accordingly, the petition to revive cannot be granted until a complete response to the Office action is received.

37 CFR 1.84(d) states:

Drawings: One or more application drawings shall be amended in the following manner: Any changes to an application drawing must be in compliance with § 1.84 and must be submitted on a replacement sheet of drawings which shall be an attachment to the amendment document and, in the top margin, labeled "**Replacement Sheet**". Any replacement sheet of drawings shall include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is amended. Any new sheet of drawings containing an additional figure must be labeled in the top margin as "New Sheet". All changes to the drawings shall be explained, in detail, in either the drawing amendment or remarks section of the amendment paper.

(1) A marked-up copy of any amended drawing figure, including annotations indicating the changes made, may be included. The marked-up copy must be clearly labeled as "Annotated Sheet" and must be presented in the amendment or remarks section that explains the change to the drawings.

(2) A marked-up copy of any amended drawing figure, including annotations indicating the changes made, must be provided when required by the examiner.

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

Further correspondence with respect to this matter should be addressed as follows:

By Mail: Mail Stop PETITION
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

By hand: U. S. Patent and Trademark Office
Customer Service Window, Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

The centralized facsimile number is **(571) 273-8300.**

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-1642. All other inquiries concerning this application should be directed to the Office of Patent Application Processing at their hotline 571-272-4000.

April M. Wise
Petitions Examiner
Office of Petitions

Attachment: a copy of the Office action mailed March 28, 2007.

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
12/754,601	04/05/2010	Donald Wesley Burgess JR.	RAR754.05

CONFIRMATION NO. 7051

FORMALITIES LETTER

29762
RICHARD A. RYAN
ATTORNEY AT LAW
8497 N. MILLBROOK AVENUE
SUITE 101
FRESNO, CA 93720

OC000000041241663

Date Mailed: 04/26/2010

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.
  *Applicant must submit $**82** to complete the basic filing fee for a small entity.*

The application is informal since it does not comply with the regulations for the reason(s) indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Replacement drawings in compliance with 37 CFR 1.84 and 37 CFR 1.121(d) are required. The drawings submitted are not acceptable because:
  - The drawings must be reasonably free from erasures and must be free from alterations, overwriting, interlineations, folds, and copy marks. See Figure(s) ALL .

Applicant is cautioned that correction of the above items may cause the specification and drawings page count to exceed 100 pages. If the specification and drawings exceed 100 pages, applicant will need to submit the required application size fee.

The applicant needs to satisfy supplemental fees problems indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.16(f) of $**65** for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this notice.

SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is $**527** for a small entity
- $**82** Statutory basic filing fee.
- $**65** Surcharge.

- The application search fee has not been paid. Applicant must submit $**270** to complete the search fee.
- The application examination fee has not been paid. Applicant must submit $**110** to complete the examination fee for a small entity in compliance with 37 CFR 1.27.

Replies should be mailed to:

Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

Registered users of EFS-Web may alternatively submit their reply to this notice via EFS-Web.
https://sportal.uspto.gov/authenticate/AuthenticateUserLocalEPF.html

For more information about EFS-Web please call the USPTO Electronic Business Center at **1-866-217-9197** or visit our website at http://www.uspto.gov/ebc.

If you are not using EFS-Web to submit your reply, you must include a copy of this notice.

/tlulu/

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

RICHARD A. RYAN
ATTORNEY AT LAW
440 W. FALLBROOK AVENUE
SUITE 104
FRESNO, CA 93711

MAILED

SEP 08 2011

OFFICE OF PETITIONS

In re Application of
Donald Wesley Burgess, Jr.
Application No. 12/754,601
Filed: April 5, 2010
Attorney Docket No. RAR754.05

DECISION ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed September 1, 2011 and resubmitted September 2, 2011, to revive the above-identified application.

The application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Non-provisional application (Notice), mailed April 26, 2010. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on June 27, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a corrected drawings, (2) the petition fee of $810, and (3) a proper statement of unintentional delay.

In view of the above, the petition is **GRANTED**.

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 Office of Patent Application Processing at their hotline 571-272-4000.

This application is being referred to back to the Office of Patent Application Processing for pre-examination processing of the reply received September 1, 2011.

April M. Wise
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

FENWICK & WEST LLP
SILICON VALLEY CENTER
801 CALIFORNIA STREET
MOUNTAIN VIEW, CA 94041

MAILED

JAN 12 2011

OFFICE OF PETITIONS

In re Application of :
Shimon EDELHAUS :
Application No. 12/754,734 : DECISION GRANTING PETITION
Filed: April 6, 2010 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. **21676-16737** :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed January 6, 2011, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED.**

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). *See* 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on December 6, 2010 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries should be directed to the undersigned at (571) 272-7253.

This application is being referred to Technology Center AU 2442 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

/Monica A. Graves/
Petitions Examiner, Office of Petitions

[1] *The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form* ***must*** *be completed and timely submitted to avoid abandonment of the application.*

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

FENWICK & WEST LLP
SILICON VALLEY CENTER
801 CALIFORNIA STREET
MOUNTAIN VIEW, CA 94041

MAILED

APR 28 2011

OFFICE OF PETITIONS

In re Application of :
Shimon Edelhaus :
Application No. 12/754,734 :
Filed: April 6, 2010 :
Attorney Docket No. COMMUNICATION DEVICE FOR OBTAINING AN APPLICATION IMAGE OR CONFIGURATION FROM A SERVICE PROVIDER

ON PETITION

This is a decision on the petition, filed April 26, 2011 under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on April 1, 2011 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries should be directed to Irvin Dingle at (571) 272-3210.

This matter is being referred to Technology Center AU 2442 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed Information Disclosure Statement.

/Irvin Dingle/
Irvin Dingle
Petitions Examiner
Office of Petitions

---

[1] The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Issue Fee Transmittal Form PTOL-85(b), which includes the following language thereon: Commissioner for Patents is requested to apply the Issue Fee and Publication Fee (if any) or re-apply any previously paid issue fee to the application identified above. Petitioner is advised that, whether a fee is indicated as being due or not, the Issue Fee Transmittal Form **must** be completed and timely submitted to avoid abandonment. Note the language in bold text on the first page of the Notice of Allowance and Fee(s) Due (PTOL-85).

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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.
12/754,746	04/06/2010	Takayuki Hiraoka	SAKAP265US	7304

7590 02/02/2012
TUROCY & WATSON, LLP
127 Public Square
57th Floor, Key Tower
CLEVELAND, OH 44114

EXAMINER
IEVA, NICHOLAS

ART UNIT	PAPER NUMBER
2836	

NOTIFICATION DATE	DELIVERY MODE
02/02/2012	ELECTRONIC

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Mimi Farmer

Patent Publication Branch
Office of Data Management

FORM PET651G (Rev. 08/07)

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/754,746	04/06/2010	Takayuki Hiraoka	SAKAP265US	7304

7590 02/02/2012
TUROCY & WATSON, LLP
127 Public Square
57th Floor, Key Tower
CLEVELAND, OH 44114

EXAMINER
IEVA, NICHOLAS

ART UNIT	PAPER NUMBER
2836	

NOTIFICATION DATE	DELIVERY MODE
02/02/2012	ELECTRONIC

DECISION DISMISSING PETITION UNDER 37 CFR 1.138(c)

The declaration of express abandonment will not be recognized

This is in response to the petition under 37 CFR 1.138(c), for express abandonment to avoid publication of the above-identified application.

The petition is dismissed.

The express abandonment will **not** be recognized for the reason(s) indicated below:

1. ☐ The petition under 37 CFR 1.138(c) was not filed in sufficient time to permit the appropriate officials to recognize the abandonment and remove the application from the publication process.
2. ☐ The petition was not signed by a party authorized by 37 CFR 1.33(b)(1), (3) or (4).
3. ☑ The Application was published in compliance with 35 U.S.C. 122(b), and it is available on the USPTO web site at http://www.uspto.gov/patft/index.html.
4. ☐ Petition fee was not paid.

The application **has/will be published** as scheduled.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Mimi Farmer

Patent Publication Branch
Office of Data Management

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/754,806	04/06/2010	Ryo Sano	MNL-2018-2488	7407

23117 7590 10/13/2011
NIXON & VANDERHYE, PC
901 NORTH GLEBE ROAD, 11TH FLOOR
ARLINGTON, VA 22203

EXAMINER
VO, HIEU T

ART UNIT	PAPER NUMBER
3747	

MAIL DATE	DELIVERY MODE
10/13/2011	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 SANO, RYO Application No. 12/754,806 Filed: April 06, 2010 Attorney Docket No. MNL-2018-2488 For: AIR INTAKE DEVICE FOR INTERNAL COMBUSTION ENGINE	DECISION ON REQUEST TO PARTICIPATE IN PATENT PCT/PROSECUTION HIGHWAY PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed October 12, 2011 to make the above-identified application special.

The request and petition are granted.

A grantable request to participate in the PPH pilot program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO/PCT application(s) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of all the office actions from each of the JPO/PCT application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate; and
(6) Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO office action along with copies of documents except U.S. patents or U.S. patent application publications.
In light of the petition being properly submitted, the request to participate in the PPH program and the petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

The applicant is encouraged to cite and submit all relevant prior art references, if any, to facilitate examination in this application. Upon completion of pre-examination processing, this application will be forwarded to an examiner for examination.

Telephone inquiries concerning this decision should be directed to Henry C. Yuen at 571-272-4485. All other inquiries concerning the examination or status of the application should be directed to Thomas Denion, SPE of Art Unit 3748, and 571-272-4859 for Class 060 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
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DIW May-11

MUELLER AND SMITH, LPA
MUELLER-SMITH BUILDING
7700 RIVERS EDGE DRIVE
COLUMBUS OH 43235

MAILED
MAY 05 2011
OFFICE OF PETITIONS

In re Application of :
Eggers et al. :
Application Number: 12/754,888 : ON PETITION
Filing Date: 04/06/2010 :
Attorney Docket Number: CDX 2-052-3 :

This is a decision in response to the petition under 37 CFR 1.137(b) filed on March 21, 2011, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned on June 24, 2010, for failure to timely reply to the Notice to File Missing Parts mailed on April 23, 2010, which set a two (2) month shortened period for reply. No extensions of the time for reply in accordance with 37 CFR 1.136(a) were obtained. Notice of Abandonment was mailed on January 6, 2011.

Receipt of the reply filed on March 21, 2011 is acknowledged. Receipt of the power of attorney filed on March 21, 2011, is also acknowledged.

The application is referred to the Office of Patent Application Processing for further processing.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3231.

D Wood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

PTO/SB/20PCT-KR (06-10)
Approved for use through 01/31/2012. OMB 0651-0058
U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE KOREAN INTELLECTUAL PROPERTY OFFICE (KIPO) AND THE USPTO

Application No:	12/754,920	Filing date:	Apr. 06, 2010
First Named Inventor:	Masao Akei		
Title of the Invention:	Compressor Having Capacity Modulation Assembly		

THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT HTTP://WWW.USPTO.GOV/EBC/EFS_HELP.HTML

APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PROGRAM.

The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.

The corresponding PCT application number(s) is/are: PCT/US2010/030248

The international filing date of the corresponding PCT application(s) is/are: Apr. 07, 2010

I. List of Required Documents:

a. **A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above–identified corresponding PCT application(s)**

☐ Is attached.

☑ Is not attached because the document is already in the U.S. application.

b. **A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s).**

☐ Is attached.

☑ Is not attached because the document is already in the U.S. application.

c. **English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.**

This collection of information is required by 35 U.S.C. 119, 37 CFR 1.55, and 37 CFR 1.102(d). The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.

Approved for use through 01/31/2012. OMB 0651-0058
U.S.Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
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REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM BETWEEN THE KIPO AND THE USPTO

(continued)

Application No.:	12/754,920
First Named Inventor:	Masao Akei

d. **(1) An information disclosure statement listing the documents cited in the international work products (ISR, WO/ISA, WO/IPEA, IPER) of the corresponding PCT application.**

☐ Is attached

☑ Has already been filed in the above-identified U.S. application on Dec. 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 Dec. 15, 2010

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1-31	1-31	The claims are identical.

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature /MichaelMalinzak/	Date February 9, 2011
Name (Print/Typed) Michael Malinzak	Registration Number 43,770

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/754,920	04/06/2010	Masao Akei	0315-000714/US	7606

27572 7590 02/11/2011
HARNESS, DICKEY & PIERCE, P.L.C.
P.O. BOX 828
BLOOMFIELD HILLS, MI 48303

EXAMINER

ART UNIT	PAPER NUMBER
3748	

MAIL DATE	DELIVERY MODE
02/11/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

HARNESS, DICKEY & PIERCE, P.L.C.
P.O. BOX 828
BLOOMFIELD HILLS MI 48303

In re Application of	:	
AKEI, MASAO et al	:	DECISION ON REQUEST TO
Application No. 12/754,920	:	PARTICIPATE IN PATENT
Filed: April 6, 2010	:	PCT/PROSECUTION HIGHWAY
Attorney Docket No. 0315-000714-US	:	PROGRAM AND PETITION
Title: COMPRESSOR HAVING CAPACITY MODULATION ASSEMBLY	:	37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed Feb. 9, 2011, to make the above-identified application special.

The request and petition are granted.

A grantable request to participate in the PPH program and petition to make special require:
(1) The U.S. application must disclose an eligible relationship to one or more PCT applications filed in the KIPO, JPO, EPO or USPTO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the PCT application(s) latest international work product (the written opinion or the IPER) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the PCT application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of the latest international work product from the PCT application containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate; and
(6) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

In light of the petition being properly submitted, the request to participate in the PPH program and the petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

The applicant is encouraged to cite and submit all relevant prior art references, if any, to facilitate examination in this application.

Other inquiries concerning the examination or status of the application should be directed to Thomas Denion, the SPE of Art Unit 3748 at 571-272-4859 for Class 418/24 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

Doc Code: PET.GREEN
Document Description: Petition for Green Tech Pilot

PTO/SB/420 (11-10)
Approved for use through 01/31/2011. OMB 0651-0062
U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Attorney Docket Number: FMC 3087 PUS (83142613)	Application Number (if known): 12755030	Filing date: April 6, 2010
First Named Inventor: David William Forthoffer		
Title: MOBILE TELEMETRY SYSTEM		

APPLICANT HEREBY REQUESTS TO PARTICIPATE IN THE GREEN TECHNOLOGY PILOT PROGRAM FOR THE ABOVE-IDENTIFIED APPLICATION. See Instruction Sheet on page 2.

This petition must be timely filed electronically using the USPTO electronic filing system, EFS-Web.

1. By filing this petition:

   Applicant is requesting early publication: Applicant hereby requests early publication under 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d) accompanies this request.

2. By filing this petition: applicant is agreeing to make an election without traverse in a telephonic interview and elect an invention that meets the eligibility requirements for the Green Technology Pilot Program, if the Office determines that the claims are not obviously directed to a single invention. See Instruction Sheet.

3. This request is accompanied by statements of special status for the eligibility requirement.

4. The application contains no more than three (3) independent claims and twenty (20) total claims.

5. The application does not contain any multiple dependent claims.

6. Other attachments: _____

Signature /Benjamin Stasa/	Date 2011-03-15
Name (Print/Typed) Benjamin Stasa	Registration Number 55644

Note: *Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature see below*.*

☐ *Total of ..... forms are submitted.

The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

Instruction Sheet for Petition to Make Special Under the Green Technology Pilot Program

(Not to be Submitted to the USPTO)

The following is a summary of the requirements (for more information see the notices (i) "Pilot Program for Green Technologies Including Greenhouse Gas Reduction," (ii) "Elimination of Classification Requirement in the Green Technology Pilot Program," and (iii) "Expansion and Extension of the Green Technology Pilot Program," available on the USPTO web site at http://www.uspto.gov/patents/init_events/green_tech.jsp):

1) The application must be a non-reissue, non-provisional utility application filed under 35 U.S.C. 111 (a), or an international application that has entered the national stage in compliance with 35 U.S.C. 371, irrespective of the filing date of the application. Reexamination proceedings are excluded from this pilot program.

2) The application must contain three or fewer independent claims and twenty or fewer total claims. The application must not contain any multiple dependent claims. For an application that contains more than three independent claims or twenty total claims, or multiple dependent claims, applicant must file a preliminary amendment in compliance with 37 CFR 1.121 to cancel the excess claims and/or the multiple dependent claims at the time the petition to make special is filed.

3) The claims must be directed to a single invention that materially enhances the quality of the environment, or that materially contributes to: (1) the discovery or development of renewable energy resources; (2) the more efficient utilization and conservation of energy resources; or (3) green house gas emission reduction (see the eligibility requirements of sections II and III of the notice (i) cited above). The petition must include a statement that, if the USPTO determines that the claims are directed to multiple inventions (e.g., in a restriction requirement), applicant will agree to make an election without traverse in a telephonic interview, and elect an invention that meets the eligibility requirements in section II or III of the notice (i) cited above.

4) The petition to make special must be timely filed electronically using the USPTO electronic filing system, EFS-Web, and selecting the document description of "Petition for Green Tech Pilot" on the EFS-Web screen. Applicant should use form PTO/SB/420, which is available as a Portable Document Format (PDF) fillable form in EFS-Web and on the USPTO Web site.

5) The petition to make special must be filed at least one day prior to the date that a first Office action (which may be an Office action containing only a restriction requirement) appears in the Patent Application Information Retrieval (PAIR) system. Applicant may check the status of the application using PAIR.

6) The petition to make special must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d).

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

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www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/755,030	04/06/2010	Daniel William Forthoffer	83142613	7826

28395 7590 03/30/2011
BROOKS KUSHMAN P.C./FGTL
1000 TOWN CENTER
22ND FLOOR
SOUTHFIELD, MI 48075-1238

EXAMINER
NGUYEN, CUONG H

ART UNIT	PAPER NUMBER
3661	

MAIL DATE	DELIVERY MODE
03/30/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

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MAR 30 2011

BROOKS KUSHMAN P.C./FGTL
1000 TOWN CENTER
22ND FLOOR
SOUTHFIELD MI 48075-1238

In re Application of	:	
Daniel FORTHOFFER et al.	:	DECISION ON PETITION
Application No. 12/755,030	:	TO MAKE SPECIAL UNDER
Filed: April 6, 2010	:	THE GREEN TECHNOLOGY
Attorney Docket No. 83142613	:	PILOT PROGRAM

This is a decision on the petitions under 37 CFR 1.102, filed March 17, 2011 and March 11, 2011 to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **DISMISSED**.

If reconsideration of this decision is desired, a petition for reconsideration must be filed within ONE (1) MONTH OR THIRTY (30) DAYS from the mail date of this decision, whichever is longer. No extension of this time limit can be granted under 37 CFR 1.136(a) or (b). The petition for reconsideration should include an exhaustive attempt to provide the lacking item(s) noted below, since, after a decision on the petition for reconsideration, no further reconsideration or review of the matter will be undertaken by the Director.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the

Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The petition lacks item 4.

In regard to item 4, the claimed processing system to collect/transmit vehicle information does not affect the operation of a vehicle. While the transmitted vehicle information may yield a better understanding of the operation of battery electric and hybrid electric automotive vehicles, said information changes nothing in the operation of the vehicle the claimed system was installed in. As such, petitioner's assertion of the claimed apparatus's efficient utilization and conservation of energy resources, or reduction of greenhouse gas emissions appears to be speculative. As stated in the notice, the materiality standard does not permit an applicant to speculate as to how a hypothetical end-user might specially apply the invention in a manner than could materially contribute to category (A) or (B). *Also see MPEP § 708.02 (VI).* Accordingly, it is unclear as to how the claimed invention would materially contribute to category (B), and it is not agreed that the application on its face meets that materiality standard.

Any reconsideration of this decision should be submitted through the USPTO electronic filing system, EFS-Web, and selecting the document description of "Petition for Green Tech Pilot" on the EFS-Web screen.

Telephone inquiries concerning this decision should be directed to Lanna Mai at 571-272-6867.

The application is being forwarded to the Technology Center Art Unit 3618 for action in its regular turn.

/Lanna Mai/

Lanna Mai
Quality Assurance Specialist
Technology Center 3600

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JAN 04 2011
OFFICE OF PETITIONS

TOWNSEND AND TOWNSEND AND CREW, LLP
TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO CA 94111-3834

In re Application of :
Holmes et al. : ON PETITION
Application No.: 12/755,049 :
Filed: April 6, 2010 :
Attorney Docket No.: 026970-018000US :
For: DOMAIN POPULARITY SCORING

This is a decision on the petition under 37 CFR 1.47(a), filed October 22, 2010 and supplemented on November 8, 2010.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. Any response should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(a)" and may include an oath or declaration executed by the non-signing inventor. **Failure to respond will result in abandonment of the application.**

A grantable petition under 37 CFR 1.47(a) requires

(1) a petition including proof of the pertinent facts establishing that the joint inventor(s) refuses to join, or cannot be found or reached after diligent effort,
(2) a proper oath or Declaration executed by the available joint inventor(s),
(3) the petition fee of $200, and
(4) the last known address of the omitted inventor(s).

This petition lacks items (1), (2) and (4) above.

As to item (1), applicants have failed to establish that Shevek Mankin has refused to sign the declaration.

The Office requires that the non-signing inventor be provided with a complete copy of the application as filed. This includes the specification with claims, drawings, if any, and a declaration. See MPEP 409.03(d). It appears that Mr. Shevek was not mailed a copy of the application.

When petitioners can show that Mr. Shevek was mailed or received the complete application and that he either refused to sign the declaration or would not respond to the request that he sign the declaration, petitioner will have satisfied this requirement.

Petitioners are informed that e-mailing is generally not accepted as a means to communicate with non-signing inventors. This is because the Office cannot know definitely if the message was received; people are not as careful in deleting e-mails as they are in throwing out mail as shown by bulk folder deletions and the fact that some people might not check e-mails frequently; the Office does not know if the recipient has the program to open the specific attachment; and PTO guidelines regarding accepting e-mail reflects the fact that the Office does not have the same confidence in e-mail as it does in USPS service.

The Office typically requires documentary evidence of successful e-mailing in the form of a response e-mail from the non-signing inventor in which the inventor acknowledges receipt of the e-mail and his ability to read the attachments. Sending an e-mail is not sufficient.

Petitioners should send another copy of the application and the declaration to Mr. Shevek by mail.

Any written refusal to sign the declaration should be included as documentary evidence in any reconsideration petition. If there is an oral refusal, the facts surrounding the refusal should be included in a declaration by a party with first hand knowledge of the refusal. If it is concluded by the 37 CFR 1.47 applicant that a non-signing inventor's conduct constitutes a refusal, all facts upon which that conclusion is based should be stated in an affidavit or declaration.

As to item (2), an oath or declaration for the patent application in compliance with 37 CFR 1.63 and 1.64 still has not been presented. The ADS does not contain required information for Mr. Mankin. There is no mailing address, including zip code, listed for Mr. Mankin.

MPEP 605.03 states that, "Applicant's mailing address means that address at which he or she customarily receives his or her mail. Either an applicant's home or business address is acceptable as the mailing address.... 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...."

As to item (4), the non-signing inventor's most recent home address should be given. *See* discussion in item (2) above. The Office does not email non-signing inventors.

Regarding fees, applicants paid $130.00. The required Rule 47 petition fee is $200.00. Deposit account no. 20-1430 will be charged the balance due, $70.00.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop PETITION
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By hand:	U.S. Patent and Trademark Office Customer Service Window, Mail Stop Petition Randolph Building 401 Dulany Street Alexandria, VA 22314
By FAX:	(571) 273-8300 - ATTN: Office of Petitions
By internet:	EFS-Web www.uspto.gov/ebc/efs_help.html (for help using EFS-Web call the Patent Electronic Business Center at (866) 217-9197)

Telephone inquiries should be directed to the undersigned at (571) 272-3230.

Shirene Willis Brantley

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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
JUL 07 2011
OFFICE OF PETITIONS

In re Application of	:	
Holmes et al.	:	ON PETITION
Application No.: 12/755,049	:	
Filed: April 6, 2010	:	
Attorney Docket No.: 026970-018000US	:	
For: DOMAIN POPULARITY SCORING		

This is a decision on the renewed petition under 37 CFR 1.47(a), filed June 3, 2011.

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. Any response should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(a)" and may include an oath or declaration executed by the non-signing inventor. **Failure to respond will result in abandonment of the application.**

Papers filed on June 3, 2011 in reply to a decision refusing status under 37 CFR 1.47(a), mailed on January 4, 2011, included a declaration signed by Yona Mankin. It is noted that the previously non-signing inventor is Shevek Mankin. The joint inventors who previously executed a declaration for this application signed on behalf of themselves and Shevek Mankin. The first declaration sets the inventive entity.

Shevek Mankin should execute a copy of the declaration that all the other joint inventors signed. Shevek Mankin should correct his residence information because the declaration contains a non-dated alteration to his information. 37 CFR 1.52(c) states that "[a]ny interlineation, erasure, cancellation or other alteration of the application papers filed should be made on or before the signing of the accompanying oath or declaration pursuant to 1.63...." This includes the oath or 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. MPEP 605.04(a)

If Yona Mankin is Shevek Mankin, then a petition under 37 CFR 1.182 should be filed, explaining how the name change was effectuated. MPEP 605.04(c) provides: In cases where an inventor's name has been changed after the application has been filed and the inventor desires to

change his or her name on the application, he or she must submit a petition under 37 CFR 1.182. Applicants are also strongly encouraged to submit an application data sheet (37 CFR 1.76) showing the new name. The petition should be directed to the attention of the Office of Petitions. The petition must include an appropriate petition fee ($400.00) 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.

If Yona Mankin is Shevek Mankin, then once a proper declaration executed by Shevek Mankin is filed and a Rule 182 name change petition is granted, then joinder of the previously non-signing joint inventor will be accomplished and the Rule 47 petition will be dismissed as moot. Yona Mankin will be the tenth named inventor.

However, it is not clear from the petition who Yona Mankin is in relation to this application. If Yona Mankin is person other than Shevek Mankin, then another approach would be required, depending on whether Yona Mankin is a newly identified joint inventor who needs to be added (in this case Shevek Mankin must removed as inventor, as well) or if Yona Mankin is a legal representative of a deceased inventor.

Regarding fees, applicants have paid two $130.00 late declaration surcharges. Only one is required. Applicants' credit card will be credited $130.00. A $1,110.00 three month extension of time is required to make the June 3, 2011 renewed petition timely filed, give the dismissal was mailed on January 4, 2011. Pursuant to applicants' authorization, deposit account no. 06-0916 will be charged $1,110.00.

The person signing the petition does not possess a power of attorney to prosecute the application. If the person signing the petition desires to receive future correspondence regarding this application, the appropriate power of attorney documents must be submitted. While a courtesy copy of this decision is being mailed to the person signing the petition, all future correspondence will be directed to the address currently of record until appropriate instructions are received.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop PETITION
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By hand: U.S. Patent and Trademark Office
Customer Service Window, Mail Stop Petition
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By FAX: (571) 273-8300 - ATTN: Office of Petitions

By internet: EFS-Web
www.uspto.gov/ebc/efs_help.html
(for help using EFS-Web call the
Patent Electronic Business Center
at (866) 217-9197)

Telephone inquiries should be directed to the undersigned at (571) 272-3230.

Shirene Willis Brantley

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

CC: ERIKA H. ARNER
FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.
901 NEW YORK AVE., N.W.
WASHINGTON, D.C. 20001-4413

UNITED STATES 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
OCT 21 2011
OFFICE OF PETITIONS

In re Application of :
Holmes et al. : ON PETITION
Application No.: 12/755,049 :
Filed: April 6, 2010 :
Attorney Docket No.: 026970-018000US :
For: DOMAIN POPULARITY SCORING

This is a decision on the renewed petition under 37 CFR 1.47(a), filed October 7, 2011 and the petition under 37 CFR 1.182, filed October 7, 2011.

The petition under 37 CFR 1.47 is **DISMISSED AS MOOT**.

The petition under 37 CFR 1.182 is **GRANTED**.

Papers filed on October 7, 2011 in reply to a decision refusing status under 37 CFR 1.47(a), mailed on July 7, 2011, included a declaration signed by Shevek Mankin. In view of the joinder of the inventor, further consideration under § 1.47(a) is not necessary. This application does not have any Rule 1.47 status and no such status should appear on the record for this file. This application need not be returned to this Office for any further consideration under 37 CFR 1.47(a).

Petitioners request to change the name of inventor "Shevek Mankin " to – Yona Mankin -- under 37 CFR 1.182. 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.

The person signing the petition does not possess a power of attorney to prosecute the application. If the person signing the petition desires to receive future correspondence regarding this application, the appropriate power of attorney documents must be submitted. While a courtesy copy of this decision is being mailed to the person signing the petition, all future correspondence will be directed to the address currently of record until appropriate instructions are received. The October 7, 2011 Change of Customer Number and Correspondence Address was not entered because the practitioner filing it is not of record in the application.

Any questions concerning this matter may be directed to the undersigned at (571) 272-3230. 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 2453 for examination in due course.

Shirene Willis Brantley

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

Enclosure: corrected filing receipt for Application No. 12/755,049

CC: ERIKA H. ARNER
FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.
901 NEW YORK AVE., N.W.
WASHINGTON, D.C. 20001-4413

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
12/755,049	04/06/2010	2453	1428	026970-018000US	24	3

CONFIRMATION NO. 7867

CORRECTED FILING RECEIPT

20350
KILPATRICK TOWNSEND & STOCKTON LLP
TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO, CA 94111-3834

OC000000050354723

Date Mailed: 10/14/2011

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please submit a written request for a Filing Receipt Correction. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections**

Applicant(s)

Alexander D. Holmes, Sterling, VA;
Andrew W. Simpson, Sterling, VA;
Karthik Shyamsunder, Winchester, VA;
Srinivas Sunkara, Ashburn, VA;
Eyal Lanxner, Modiin, ISRAEL;
Nir Zohar, Netanya, ISRAEL;
Leonard Orentas, South Riding, VA;
Matt Larson, Bethesda, VA;
Mark Kosters, Clifton, VA;
Yona Mankin, Cupertino, CA;
Tamir Kamara, Yamin, ISRAEL;

Assignment For Published Patent Application

VeriSign, Inc., Mountain View, CA

Power of Attorney: None

Domestic Priority data as claimed by applicant

This appln claims benefit of 61/167,521 04/07/2009
and claims benefit of 61/167,523 04/07/2009
and claims benefit of 61/167,528 04/07/2009

Foreign Applications (You may be eligible to benefit from the **Patent Prosecution Highway** program at the USPTO. Please see http://www.uspto.gov for more information.)

If Required, Foreign Filing License Granted: 04/21/2010

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 12/755,049**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No
Title

Domain Popularity Scoring

Preliminary Class

709

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).

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20111121

DATE : November 20, 2011

TO SPE OF : ART UNIT 1652

SUBJECT : Request for Certificate of Correction on Patent No.: 8039241

A response is requested with respect to the accompanying request for a certificate of correction.

Please complete this form and return with file, within **7** days to:
Certificates of Correction Branch - ST (South Tower) 9A22
Palm location **7590** - Tel. No. (703) 305-8309

With respect to the change(s) requested, correcting Office and/or Applicant's errors, should the patent read as shown in the certificate of correction? No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Thank You For Your Assistance **Certificates of Correction Branch**

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriated box.

☒ **Approved** All changes apply.

☐ **Approved in Part** Specify below which changes **do not** apply.

☐ **Denied** State the reasons for denial below.

Comments:

/ROBERT MONDESI/
Supervisory Patent Examiner.Art Unit 1652

UNITED STATES 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
OCT 22 2010
OFFICE OF PETITIONS

In re Application of	:	
Hakon KOFOED, et al	:	
Application No. 12/755,086	:	DECISION ON PETITION
Filed: April 6, 2010	:	TO WITHDRAW
Attorney Docket No. 246472009201	:	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 30, 2010.

The request is **NOT APPROVED.**

The Office will no longer accept address changes to a new practitioner or law firm filed with a Request, absent the filing of a power of attorney to the new representative. The Office will either change the correspondence address of record to the most current address information provided for the assignee of the entire interest who properly became of record under 37 CFR 3.71 or, if no assignee of the entire interest has properly been made of record under 37 CFR 3.71, the most current address information provided for the first named inventor.

Accordingly, the request to withdraw from record cannot be approved because the change of correspondence address is not that of an assignee who has been properly made of record under 37 CFR 3.71 or the first named inventor.

All future communications from the Office will continue to be directed to the above-identified address until otherwise properly notified.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-6735.

/Diane Goodwyn/
Diane Goodwyn
Petitions Examiner
Office of Petitions

Cc: LINK AMERICA, INC.
300 ROUNDHILL DRIVE
ROCKAWAY, NJ 07866

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

KENYON & KENYON LLP
ONE BROADWAY
NEW YORK NY 10004

MAILED
FEB 13 2012
OFFICE OF PETITIONS

In re Application of	:
Stephen R. Forrest et al	:
Application No. 12/755,159	: DECISION GRANTING PETITION
Filed: April 6, 2010	: UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 10020/10108	:

This is a decision on the petition under 37 CFR 1.313(c)(2), filed, February 13, 2012 to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). *See* 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on January 18, 2012 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries should be directed to Irvin Dingle at (571) 272-3210.

This matter is being referred to Technology Center AU 2889 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed Information Disclosure Statement.

/Irvin Dingle/
Irvin Dingle
Petitions Examiner
Office of Petitions

[1] The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Issue Fee Transmittal Form PTOL-85(b), which includes the following language thereon: Commissioner for Patents is requested to apply the Issue Fee and Publication Fee (if any) or re-apply any previously paid issue fee to the application identified above. Petitioner is advised that, whether a fee is indicated as being due or not, the Issue Fee Transmittal Form **must** be completed and timely submitted to avoid abandonment. Note the language in bold text on the first page of the Notice of Allowance and Fee(s) Due (PTOL-85).

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

HAYES SOLOWAY P.C.
3450 E. SUNRISE DRIVE, SUITE 140
TUCSON AZ 85718

MAILED
OCT 18 2010
OFFICE OF PETITIONS

In re Application of	:	
Mark Davis, et al.	:	
Application No. 12/755,245	:	DECISION ON PETITION
Filed: April 6, 2010	:	
Attorney Docket No. HARVARD 09.01	:	

This is a decision on the petition under 37 CFR 1.182, filed September 16, 2010, to change the order of the names of the inventors.

The petition is **GRANTED**.

Office records have been corrected to reflect the change in the order of the named inventors. A corrected Filing Receipt, which sets forth the desired order of the named inventors, accompanies this decision on petition.

As authorized, the $400 fee for the petition under 37 CFR 1.182 has been assessed to petitioner's deposit account.

This application is being referred to Technology Center AU 3763 for examination in due course.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-2991.

/Terri Johnson/
Terri Johnson
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
12/755,245	04/06/2010	3763	1200	HARVARD 09.01	23	9

CONFIRMATION NO. 8246

CORRECTED FILING RECEIPT

27667
HAYES SOLOWAY P.C.
3450 E. SUNRISE DRIVE, SUITE 140
TUCSON, AZ 85718

OC000000043866897

Date Mailed: 10/06/2010

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)

Mark Davis, Millville, MA;
Richard K. Bennett, Winchester, NH;
Bruce H. Edwards, Marlborough, MA;
Andrew J. McKenna, Warwick, RI;
Justin M. Piccirillo, Uxbridge, MA;
Ron Y. Sostek, Newton, MA;

Power of Attorney:

Norman Soloway--24315
William Cray--27627
Huw Jones--33916
Todd Sullivan--47117
Clark Proffitt--61599
Robert Matson--61814

Domestic Priority data as claimed by applicant

This appln claims benefit of 61/167,071 04/06/2009

Foreign Applications

If Required, Foreign Filing License Granted: 04/21/2010

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 12/755,245**

Projected Publication Date: To Be Determined - pending completion of Corrected Papers

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****
Title

LABORATORY SYRINGE PUMPS

Preliminary Class

604

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at http://www.uspto.gov/web/offices/pac/doc/general/index.html.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, http://www.stopfakes.gov. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where

the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign AssetsControl, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

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SCHWEGMAN, LUNDBERG & WOESSNER, P.A.
P.O. BOX 2938
MINNEAPOLIS MN 55402

MAILED
NOV 02 2011
OFFICE OF PETITIONS

In Re application of
Francesco Marcigliano et al.
Application No. 12/755,258
Filed: April 6, 2010
Attorney Docket No. 3081.018US1

ON PETITION

This is a decision on the Petition to Remove Communication Regarding Filing of Priority Document and Certified Copy of Japanese 2010-019610 From File Wrapper, filed September 9, 2011.

The petition is **granted**.

Petitioner requests that the filing of a Japanese priority document and associated papers, filed on April 8, 2011, be expunged from the record. Petitioner states that the papers submitted were erroneously filed in the instant application.

The information in question has been determined by the undersigned to not be material to the examination of the instant application. The information was clearly intended to be filed in a different application.

The expunged material has been removed from the official file.

In accordance with MPEP 724.05(III), no petition is needed since the papers in question were clearly identified for a different application.

Telephone inquiries relative to this decision should be directed to Carl Friedman at (571) 272-6842.

Carl Friedman
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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GUY KEVIN TOWNSEND
11750 CARMEL DRIVE
LAKEWOOD CO 80215

MAILED
JAN 18 2012
OFFICE OF PETITIONS

In re Application of	:	
Ronald John Rosenberger	:	
Application No. 12/755,307	:	DECISION ON PETITION
Filed: April 6, 2010		TO WITHDRAW FROM RECORD
Attorney Docket No. ScentedTiresCon1	:	
	:	

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 8, 2011, which is being treated as a request to withdraw from employment in a proceeding before the Office under 37 C.F.R. § 10.40.

The request is **DISMISSED**.

A review of the file record indicates that Guy Kevin Townsend does not have power of attorney in this patent application. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is not applicable.

The request to change the correspondence address of record is not accepted in view of Guy Kevin Townsend not having power of attorney. See MPEP §§ 601.03 and 405.

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Currently, there is no outstanding Office action that requires a reply.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-7751.

/Joan Olszewski/
Joan Olszewski
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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PERKINS COIE LLP
PATENT-SEA
P.O. BOX 1247
SEATTLE WA 98111-1247

MAILED
JUN 16 2011
OFFICE OF PETITIONS

In re Application:	:	
Li et al.	:	
Application No. 12/755,313	:	ON PETITION
Filed: April 6, 2010	:	
Attorney Docket No. 61240-8002.US02	:	

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28 filed April 28, 2011.

On September 1, 1998, the Court of Appeals for the Federal Circuit held that 37 CFR 1.28(c) is the sole provision governing the time for correction of the erroneous payment of the issue fee as a small entity. **See DH Technology v. Synergystex International, Inc. 154 F.3d 1333, 47 USPQ2d 1865 (Fed. Cir. Sept. 1, 1998).**

The Office no longer investigates or rejects original or reissue applications under 37 CFR 1.56. **1098 Off. Gaz. Pat. Office 502 (January 3, 1989)**. Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby **ACCEPTED**.

This application is no longer entitled to small entity status. Accordingly, all future fees paid in this application must be paid at the large entity rate.

Telephone inquires concerning this decision should be directed to the undersigned at (571) 272-7751.

/Joan Olszewski/
Joan Olszewski
Petitions Examiner
Office of Petitions

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MAILED

MAY 03 2011

OFFICE OF PETITIONS

INSKEEP INTELLECTUAL PROPERTY GROUP, INC
2281 W. 190TH STREET
SUITE 200
TORRANCE, CA 90504

In re Application of	:	
Benny Greenburg et al	:	
Application No. 12/755,332	:	ON PETITION
Filed: April 6, 2010	:	
Attorney Docket No. 231660-529	:	

This is a decision on the petition under 37 CFR 1.137(b), filed March 11, 2011, to revive the above-identified application.

The petition is **GRANTED.**

The above-identified application became abandoned for failure to reply in a timely manner to the Notice To File Missing Parts of Nonprovisional Application (Notice) mailed April 27, 2010. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extension of time under the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the above-identified application became abandoned on June 28, 2010.

Telephone inquiries concerning this decision should be directed to Irvin Dingle at (571) 272-3210.

This matter is being referred to the Office of Patent Application Processing.

Irvin Dingle
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

JAMES SONNTAG
JAMES SONNTAG, PATENT ATTORNEY
P.O. BOX 9194
SALT LAKE CITY UT 84109

MAILED
APR 20 2011
OFFICE OF PETITIONS

In re Application of	:	
Gu et al.	:	
Application No. 12/755,346	:	DECISION ON PETITION
Filed: April 6, 2010	:	
Attorney Docket No. BYU07US01	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed March 3, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Nonprovisional Application (Notice) mailed April 29, 2010. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on June 30, 2010. A Notice of Abandonment was mailed on January 18, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the $65.00 Surcharge fee, the $82.00 Basic filing fee, the $270.00 Search fee, and the $110.00 Examination fee; (2) the petition fee of $810.00, and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-7751.

This application is being referred to the Office of Patent Application Processing for further processing in accordance with this decision on petition.

/Joan Olszewski/
Joan Olszewski
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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MAYBACK & HOFFMAN, P.A.
5722 S. FLAMINGO ROAD #232
FORT LAUDERDALE FL 33330

MAILED

SEP 02 2011

OFFICE OF PETITIONS

In re Application of	:	
BURST, et al	:	
Application No. 12/755,353	:	DECISION ON PETITION
Filed: April 6, 2010	:	TO WITHDRAW
Attorney Docket No. DUKKY/CIP	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed August 17, 2011.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office requires the practitioner(s) requesting withdrawal to certify that he, she, or they have: (1) given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any responses that may be due and the time frame within which the client must respond, pursuant 37 CFR 10.40(c).

The request was signed by Gregory I. Mayback on behalf of the attorneys of record associated with Customer No. 27316.

The attorneys of record associated with Customer No. 27316 have been withdrawn.

Applicant is reminded that there is no attorney of record at this time.

The correspondence address of record has been changed and the new correspondence address is the address indicated below until otherwise properly notified.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-6735.

/Diane Goodwyn/
Diane Goodwyn
Petitions Examiner
Office of Petitions

cc: SHAWN BURST
1200 WEST CAUSEWAY APPROACH,
SUITE 24
MANDEVILLE LA 70471

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/755,353	04/06/2010	Shawn Michael Burst	Dukky/CIP

CONFIRMATION NO. 8448

POWER OF ATTORNEY NOTICE

27316
MAYBACK & HOFFMAN, P.A.
5722 S. FLAMINGO ROAD #232
FORT LAUDERDALE, FL 33330

OC000000049543283

Date Mailed: 08/29/2011

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 08/17/2011.

- 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.

/dcgoodwyn/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

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VICTORIA DONNELLY
PO BOX 24001
HAZELDEAN RPO
KANATA ON K2M 2C3 CA CANADA

MAILED
JUL 05 2011
OFFICE OF PETITIONS

Applicant: Charbonneau, et al.
Appl. No.: 12/755,362
Filing Date: April 6, 2010
Title: Method and System For Generating Trusted Security Labels For Electronic Documents
Attorney Docket No.: TIT-002-US
Pub. No.: 2010/0263060 A1
Pub. Date: October 14, 2010

This is a decision on the request for correction of patent application publication under 37 CFR 1.221(b), received on October 25, 2010, for the above-identified application.

The request is DISMISSED.

Applicant requests that the application be republished because the patent application publication contains a material error on the front page of the publication wherein the benefit claim data as listed on the Corrected Filing Receipt mailed by the Office on September 28, 2010 was not included on the front page of 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 Corrected Filing Receipt mailed by the Office on September 28, 2010 was done in error. The benefit claim submitted to the Office on September 20, 2010 is late and not in accordance with 37 CFR 1.78. A Corrected Filing Receipt correcting the benefit claim will be mailed by the Office.

Pursuant to 37 CFR 1.78(a)(2), the specific reference must identify the parent application by application number and indicate the relationship to the parent application (i.e., "continuation" or "continuation-in-part"). Accordingly, any benefit claim that does not both identify a prior

[1] Changes to Implement Eighteen-Month Publication of Patent Applications, 65 FR 57023, 57038 (Sept. 20, 2000), 1239, Off. Gaz. Pat. Office Notices 63, 75 (Oct. 10, 2000) (final rule).

application by its application number and specify a relationship between the applications will not be considered to contain a specific reference to a prior application as required by 35 U.S.C. 120. As stated in MPEP 201.11, applicant must specify whether the application is a continuation, divisional, or continuation-in-part of the prior application. The terms are exclusive. An application cannot be both a continuation and a divisional or a continuation and a continuation-in-part of the same application. Moreover, if the benefit of more than one nonprovisional application is claimed, then the relationship between each application (i.e., continuation, divisional, or continuation-in-part) must be specified in order to establish copendency throughout the entire chain of prior-filed applications. This reference must also be submitted within the later of four months from the actual filing date of the later-filed application or sixteen months from the filing date of the prior-filed application.

In order to make a late benefit claim to the earlier filed applications, applicant may be able to submit a petition to accept an unintentionally delayed claim under 35 U.S.C. 119 and 120 for the benefit of the earlier filed applications. A petition pursuant to 37 CFR 1.55 or 37 CFR 1.78 must include 1) the surcharge ($1410) set forth in 37 CFR 1.14(t) and 2) a statement that the entire delay between the date the claim was due under paragraph (a)(5) of this section and the date the claim was filed was unintentional. The petition must also include a proper reference to the prior applications in order for the petition to be granted.

The applicant is advised that a "request for republication of an application previously published" may be filed under 37 CFR 1.221(a). Such a request for republication "must include a copy of the application compliance with the Office's electronic filing system requirements and be accompanied by the publication fee set forth in § 1.18(d) and the processing fee set forth in § 1.17(i)." If the request for republication does not comply with the electronic filing system requirements, the republication will not take place and the publication fee set forth in § 1.18(d) will be refunded. The processing fee will be retained.

A guide for filing a request for a Pre-Grant Publication, such as a request for republication, may be found on the link below:

http://www.uspto.gov/patents/process/file/efs/guidance/index.jsp
OR
http://www.uspto.gov/ebc/portal/efs/pgpub_quickstart.pdf

Any request for republication under 37 CFR 1.221(a), must be submitted via the EFS system, as a "Pre-Grant Publication."

Inquiries relating to this matter may be directed to Mark Polutta at (571) 272-7709.

Mark Polutta
Senior Legal Advisor
Office of Patent Legal Administration
Office of the Deputy Commissioner
for Patent Examination Policy

Doc code : PET.OP.AGE
Description : Petition to make special based on Age/Health

PTO/SB/130 (07-09)
Approved for use through 07/31/2012. OMB 0651- 0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number

PETITION TO MAKE SPECIAL BASED ON AGE FOR ADVANCEMENT OF EXAMINATION UNDER 37 CFR 1.102(c)(1)

Application Information

Application Number	12755377	Confirmation Number	8490	Filing Date	2010-04-06
Attorney Docket Number (optional)	300046-00003	Art Unit	2618	Examiner	Vuong, Quochien B
First Named Inventor	Michael S. Riemer				
Title of Invention	Safety Features for Portable Electronic Device				

Attention: Office of Petitions
An application may be made special for advancement of examination upon filing of a petition showing that the applicant is 65 years of age, or more. No fee is required with such a petition. See 37 CFR 1.102(c)(1) and MPEP 708.02 (IV).

APPLICANT HEREBY PETITIONS TO MAKE SPECIAL FOR ADVANCEMENT OF EXAMINATION IN THIS APPLICATION UNDER 37 CFR 1.102(c)(1) and MPEP 708.02 (IV) ON THE BASIS OF THE APPLICANT'S AGE.

A grantable petition requires one of the following items:
(1) Statement by one named inventor in the application that he/she is 65 years of age, or more; or
(2) Certification by a registered attorney/agent having evidence such as a birth certificate, passport, driver's license, etc. showing one named inventor in the application is 65 years of age, or more.

Name of Inventor who is 65 years of age, or older

Given Name	Middle Name	Family Name	Suffix
Melvin	A.	Barbera	

A signature of the applicant or representative is required in accordance with 37 CFR 1.33 and 10.18.
Please see 37 CFR 1.4(d) for the format of the signature.

Select (1) or (2) :

○ (1) I am an inventor in this application and I am 65 years of age, or more.

● (2) I am an attorney or agent registered to practice before the Patent and Trademark Office, and I certify that I am in possession of evidence, and will retain such in the application file record, showing that the inventor listed above is 65 years of age, or more.

Signature	/Timothy D. Casey/	Date (YYYY-MM-DD)	2011-10-25
Name	Timothy D. Casey	Registration Number	33124

PTO/SB/130 (07-09)
Approved for use through 07/31/2012. OMB 0651- 0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
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Privacy Act Statement

The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether the Fr eedom of Information Act requires disclosure of these records.

2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.

3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.

4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).

5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.

6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).

7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about indivi duals.

8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspections or an issued patent.

9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

UNITED STATES 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
Michael S. Riemer

Application No. 12755377

Filed: April 6,2010

Attorney Docket No. 300046-00003

: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 25-OCT-2011 to make the above-identified application special based on applicant's age as set forth in MPEP § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1), MPEP § 708.02, Section IV: Applicant's Age must include a statement by applicant or a registered practitioner having evidence that applicant is at least 65 years of age. No fee is required.

Accordingly, the above-identified application has been accorded "special" status and will be taken up for action by the examiner upon the completion of all pre-examination processing.

Telephone inquiries concerning this electronic decision should be directed to the Electronic Business Center at 866-217-9197.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

UNITED STATES PATENT AND TRADEMARK OFFICE

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GARDNER GROFF GREENWALD & VILLANUEVA. PC
2018 POWERS FERRY ROAD
SUITE 800
ATLANTA, GA 30339

MAILED

JUN 15 2011

OFFICE OF PETITIONS

In re Application of	:	
John Lee Simms, II	:	
Application No. 12/755,387	:	DECISION ON PETITION
Filed: April 6, 2010	:	TO WITHDRAW FROM
Attorney Docket No. 8C26.1-041	:	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 25, 2011.

The request is **NOT APPROVED**.

The Office will no longer approve requests from practitioners to withdraw from application where the requesting practitioners is acting, or has acted, in a representative capacity pursuant to 37 CFR 1.34. In these situations, the practitioner is responsible for the correspondence the practitioner files in the application while acting in a representative capacity. As such, there is no need for the practitioner to obtain the Office's permission to withdraw from representation. However, practitioners acting in a representative capacity, like practitioners who have power of attorney in the application, remain responsible for noncompliance with 37 CFR 1.56, as well as 37 CFR 10.18, with respect to the documents they file.

In this case, a review of the file record indicates that Arthur A. Gardner and the attorneys/agents associated with Customer Number 23506: (1) do not have power of attorney in this patent application; but (2) have been employed or otherwise engaged in the proceedings in this patent application. Accordingly, the request to withdraw under 37 CFR § 1.36(b) is not applicable.

All future communications from the Office will continue to be directed to the above listed address until otherwise properly notified by the applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3226.

Andrea Smith
Petitions Examiner
Office of Petitions

cc: John Lee Simms, II
10 Brookhaven Drive
Atlanta, GA 30319

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Commissioner for Patents
United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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GARDNER GROFF GREENWALD & VILLANUEVA. PC
2018 POWERS FERRY ROAD
SUITE 800
ATLANTA GA 30339

MAILED
JUN 24 2011
OFFICE OF PETITIONS

In re Application of	:	
John Lee Simms II	:	DECISION ON PETITION
Application No. 12/755,389	:	TO WITHDRAW
Filed: April 6, 2010	:	FROM RECORD
Attorney Docket No. 8C26.1-042	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b) filed May 25, 2011, which is being treated as a request to withdraw from employment in a proceeding before the Office under 37 C.F.R. § 10.40.

The request is **DISMISSED**.

A review of the file record indicates that Gardner Groff Greenwald & Villanueva. PC does not have power of attorney in this patent application. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is not applicable.

The request to change the correspondence address of record is not accepted in view of Gardner Groff Greenwald & Villanueva. PC not having power of attorney. See MPEP §§ 601.03 and 405.

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Currently, there is no outstanding Office action that requires a reply.

Telephone inquires concerning this decision should be directed to the undersigned at (571) 272-7751.

/Joan Olszewski/
Joan Olszewski
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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HESLIN ROTHENBERG FARLEY &
MESITI PC
5 COLUMBIA CIRCLE
ALBANY NY 12203

MAILED
JAN 3 1 2012
OFFICE OF PETITIONS

In re Application of :
Capo et al. :
Application No. 12/755,510 : ON PETITION
Filed: 04/07/2010 :
Attorney Docket Number: 0094.144A :

This is in response to the Petition to Accept Color Drawings Under 37 CFR 1.84(a)(2), filed in the United States Patent and Trademark Office (USPTO) on April 7, 2010.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. 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.

37 CFR 1.84(a)(2) states that the Office will accept color drawings only after granting a petition explaining why color drawings are necessary. The petition must include:

(i) The fee set forth in 1.17(h);

(ii) Three (3) sets of color drawings;[1]

(iii) An amendment to the specification to insert (unless the specification contains or has been previously amended to contain) the following language as the first paragraph of the brief description of the drawings:

The patent or application file contains at least one drawing executed in color. Copies of this patent or patent application publication with color drawing(s) will be provided by the Office upon request and payment of the necessary fee.

[1] The requirement for three (3) sets of color drawings is not applicable to color drawings submitted via EFS-Web. Therefore, only one set of color drawings is necessary when filing via EFS-Web. See MPEP 502.05(VIII)(C).

Petitioner asserts that color photographs should be accepted because it is they are the only practical medium by which to disclose the subject matter sought to be patented.

In addition, MPEP 608.02 states that a petition to accept color drawings will only be granted where the Office "has determined that a color drawings or photograph is the only practical medium by which to disclose in a printed utility patent the subject matter to be patented."

The Office has determined, however, that color drawings or photographs are not the only practical medium by which to disclose in a printed utility patent the subject matter to be patented. As color photgraphs are not necessary for an understanding of the invention, the petition is dismissed.

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

A reply may also be filed via EFS-Web.

The application is being forwarded to Group Art Unit 2875.

Telephone inquiries regarding this decision should be directed to the undersigned at (571)272-3231.

D Wood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MURPHY DESMOND S.C.
P.O. BOX 2038
MADISON WI 53701-2038

MAILED

DEC 05 2011

OFFICE OF PETITIONS

In re Application of	:	
FABUNAN, Ruben G.	:	
Application No. 12/755,558	:	DECISION ON PETITION
Filed: April 07, 2010	:	TO WITHDRAW
Attorney Docket No. 109009	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent under 37 C.F.R. § 1.36(b) or 37 C.F.R. § 10.40 filed November 16, 2011.

The request is **NOT APPROVED**.

A review of the file record indicates that Murphy Desmond S.C. does not have power of attorney in this patent application nor is there any statement or evidence of record of employment in or otherwise being engaged in the proceedings in this patent application. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is not applicable.

All future communications from the Office will continue to be directed to the below-listed address until otherwise properly notified by the applicant.

Telephone inquires concerning this decision should be directed to the undersigned at 571-272-4231.

Michelle R. Eason
Paralegal Specialist
Office of Petitions

cc: **RUBEN FABUNEN c/o RICHARD OLITT**
707 W. SANTA ANA ST. #172
ANAHEIM, CA 92805

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.
12/755,645	04/07/2010	Shogo MATSUBARA	TOSH/0114US	9038

26290 7590 06/17/2011
PATTERSON & SHERIDAN, L.L.P.
3040 POST OAK BOULEVARD
SUITE 1500
HOUSTON, TX 77056

EXAMINER

ART UNIT	PAPER NUMBER
2482	

MAIL DATE	DELIVERY MODE
06/17/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES 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 & SHERIDAN, L.L.P.
3040 POST OAK BOULEVARD
SUITE 1500
HOUSTON TX 77056

In re Application of: Shogo Matsubara
Application No. 12/755,645
Filed: April 07, 2010
For: **IMAGE PROCESSOR AND METHOD FOR ADJUSTING IMAGE QUALITY**

DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(d)

MAILED

JUN 17 2011

DIRECTOR OFFICE
TECHNOLOGY CENTER 2400

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed 3/15/2011, to make the above-identified application special.

The petition is **GRANTED.**

A grantable request to participate in the PPH program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;

(2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation is accurate;

(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);

(4) Examination of the U.S. application has not begun;

(5) Applicant must submit a copy of all the office actions from each of the JPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;

(6) Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO office action along with copies of documents except U.S. patents or U.S. patent application publications; and

(7) For petitions to make special filed with a PPH request *on or after* May 25, 2010, the USPTO has eliminated the fee. Petitions to make special filed with a PPH request **prior** *to* May 25, 2010 will be treated under 37 CFR 1.102(d) and the petition fee set forth in 37 CFR 1.17(h) **will** be required. (see Fed. Reg. vol. 75, No. 100, dated 05/25/10).

The request to participate in the PPH program and petition are found to comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Christopher Grant 571-272-7294.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc/index.html.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

/Christopher Grant/
Christopher Grant
Quality Assurance Specialist
Technology Center 2400

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

CHOATE, HALL & STEWART LLP/WYETH LLC
PATENT GROUP
TWO INTERNATIONAL PLACE
BOSTON MA 02110

MAILED

DEC 06 2010

OFFICE OF PETITIONS

In re Application of	:	
DEHNHARDT, Christoph et al.	:	
Application No. 12/755,721	:	DECISION ON PETITION
Filed: April 07, 2010	:	TO WITHDRAW
Attorney Docket No. **2004658-2431 (AM101467 CO**	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed November 18, 2010.

The request is **NOT APPROVED.**

The Office will no longer accept address changes to a new practitioner or law firm filed with a Request, absent the filing of a power of attorney to the new representative. The Office will either change the correspondence address of record to the most current address information provided for the assignee of the entire interest who properly became of record under 37 C.F.R 3.71 or, if no assignee of the entire interest has properly been made of record under 37 CFR 3.71, the most current address information provided for the first named inventor.

Accordingly, the request to withdraw from record cannot be approved because the change of address is not that of: (1) the first named inventor; or (2) an assignee of the entire interest under C.F.R 3.71, who has properly intervened.

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-4231.

Michelle R. Eason
Paralegal Specialist
Office of Petitions

cc: **WYETH LLC**
PATENT LAW GROUP
5 GIRALDA FARMS
MADISON, NJ 07940

UNITED STATES 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
LOUIS T. KING

Application No. 12755726

Filed: April 7,2010

Attorney Docket No. 4940-A1

: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 27-JUL-2011 to make the above-identified application special based on applicant's age as set forth in MPEP § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1), MPEP § 708.02, Section IV: Applicant's Age must include a statement by applicant or a registered practitioner having evidence that applicant is at least 65 years of age. No fee is required.

Accordingly, the above-identified application has been accorded "special" status and will be taken up for action by the examiner upon the completion of all pre-examination processing.

Telephone inquiries concerning this electronic decision should be directed to the Electronic Business Center at 866-217-9197.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

Doc code : PET.OP.AGE
Description : Petition to make special based on Age/Health

PTO/SB/130 (07-09)
Approved for use through 07/31/2012. OMB 0651- 0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number

PETITION TO MAKE SPECIAL BASED ON AGE FOR ADVANCEMENT OF EXAMINATION UNDER 37 CFR 1.102(c)(1)

Application Information

Application Number	12755726	Confirmation Number	9186	Filing Date	2010-04-07
Attorney Docket Number (optional)	4940-A1	Art Unit		Examiner	
First Named Inventor	LOUIS T. KING				
Title of Invention	SOLAR COLLECTOR/HEAT EXCHANGER				

Attention: Office of Petitions
An application may be made special for advancement of examination upon filing of a petition showing that the applicant is 65 years of age, or more. No fee is required with such a petition. See 37 CFR 1.102(c)(1) and MPEP 708.02 (IV).

APPLICANT HEREBY PETITIONS TO MAKE SPECIAL FOR ADVANCEMENT OF EXAMINATION IN THIS APPLICATION UNDER 37 CFR 1.102(c)(1) and MPEP 708.02 (IV) ON THE BASIS OF THE APPLICANT'S AGE.

A grantable petition requires one of the following items:
(1) Statement by one named inventor in the application that he/she is 65 years of age, or more; or
(2) Certification by a registered attorney/agent having evidence such as a birth certificate, passport, driver's license, etc. showing one named inventor in the application is 65 years of age, or more.

Name of Inventor who is 65 years of age, or older

Given Name	Middle Name	Family Name	Suffix
LOUIS	T.	KING	

A signature of the applicant or representative is required in accordance with 37 CFR 1.33 and 10.18.
Please see 37 CFR 1.4(d) for the format of the signature.

Select (1) or (2) :

○ (1) I am an inventor in this application and I am 65 years of age, or more.

● (2) I am an attorney or agent registered to practice before the Patent and Trademark Office, and I certify that I am in possession of evidence, and will retain such in the application file record, showing that the inventor listed above is 65 years of age, or more.

Signature	/Robert A. Parsons/	Date (YYYY-MM-DD)	2011-07-27
Name	Robert A. Parsons	Registration Number	32713

PTO/SB/130 (07-09)
Approved for use through 07/31/2012. OMB 0651- 0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number

Privacy Act Statement

The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether the Fr eedom of Information Act requires disclosure of these records.

2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.

3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.

4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).

5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.

6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).

7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about indivi duals.

8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspections or an issued patent.

9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MAILED
AUG 08 2011
OFFICE OF PETITIONS

COOK GROUP PATENT OFFICE
PO BOX 2269
BLOOMINGTON IN 47402

In re Application of	:	
Hansen	:	
Application No. 12/755,808	:	ON PETITION
Filed: April 7, 2010	:	
Attorney Docket No. PA-6605-RUP	:	

This is in response to the petition to revive an unintentionally abandoned application under 37 CFR 1.137(b), filed July 20, 2011.

The petition under 37 CFR 1.137(b) is **GRANTED**.

The above-identified application became abandoned for failure to timely file a proper response to the final Office action mailed November 24, 2010, which set a shortened statutory period for reply of three (3) months. Applicant filed an Amendments on January 24, 2011. However, the Amendment failed to place the application in condition for allowance, which the Examiner indicated in an Advisory Action mailed on February 22, 2011. As such, the application became abandoned by operation of law on February 25, 2011. The Office mailed a Notice of Abandonment on July 12, 2011.

With the instant petition, petitioner paid the petition fee, made the proper statement of unintentional delay, and submitted the required reply in the form of a Notice of Appeal.

Pursuant to 37 CFR 1.136, an extension of time must be filed prior to the expiration of the maximum period obtainable for reply to avoid abandonment. Accordingly, since the $1110.00 extension of time fee submitted with the petition on July 20, 2011 was subsequent to the maximum period obtainable for reply (May 24, 2011), this fee has been refunded to petitioner's Deposit Account 23-1925.

Please be advised that the two month period for filing an appeal brief (accompanied by the fee required by 37 CFR 1.17(c)) runs from the date of this decision.

The application is being forwarded to Group Art Unit 3738 for consideration of the Pre-Appeal Brief Request for Review, filed July 20, 2011.

Telephone inquiries concerning this decision may be directed to the undersigned at 571-272-3207.

Cliff Congo
Petitions Attorney
Office of Petitions

UNITED STATES 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
JUL 18 2011
OFFICE OF PETITIONS

In re Application of	:	
Robb Fujioka	:	DECISION ON PETITION
Application No. 12/755,818	:	TO WITHDRAW
Filed: April 7, 2010	:	FROM RECORD
Attorney Docket No. 203103-0015-00-US	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed February 22, 2011.

The request is **NOT APPROVED**.

The Office will only accept correspondence address changes to the most current address information provided for the assignee of the entire interest *who properly became of record under 37 CFR 3.71,* or, if no assignee of the entire interest has properly been made of record, the most current address information provided for the first named inventor. 37 CFR 3.71(c) states:

> *An assignee becomes of record either in a national patent application or a reexamination proceeding by filing a statement in compliance with § 3.73(b) that is signed by a party who is authorized to act on behalf of the assignee.*

A review of the file record does not indicate that a Statement Under 37 CFR 3.73(b) has been filed by the assignee in the instant application, therefore the request cannot be approved at this time.

There are no outstanding Office actions that require a reply from the applicant.

All future communications from the Office will be directed to above-listed address until otherwise properly notified by the applicant or a proper change of correspondence address have been submitted

Telephone inquires concerning this decision should be directed to the undersigned at (571) 272-6059.

A. Kelley-Collier

Alicia Kelley-Collier
Petitions Examiner
Office of Petitions

Doc Code: PET.GREEN
Document Description: Petition for Green Tech Pilot

PTO/SB/420 (03-11)

PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Attorney Docket Number: PAT 5954-2	Application Number (if known): 12/755,874	Filing date: April 7, 2010

First Named Inventor: Frank A. DOTTORI

Title: PRETREATMENT OF LIGNOCELLULOSIC BIOMASS THROUGH REMOVAL OF INHIBITORY COMPOUNDS

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

Signature /Louis B. Allard/	Date May 20, 2011
Name (Print/Typed) Louis B. Allard	Registration Number 64014

Note: *Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature, see below*.*

☒ *Total of 1 forms are submitted.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Instruction Sheet for
Petition to Make Special Under the Green Technology Pilot Program

(Not to be Submitted to the USPTO)

The following is a summary of the requirements (for more information see the notices (i) "Pilot Program for Green Technologies Including Greenhouse Gas Reduction," (ii) "Elimination of Classification Requirement in the Green Technology Pilot Program," and (iii) "Expansion and Extension of the Green Technology Pilot Program," available on the USPTO web site at http://www.uspto.gov/patents/init_events/green_tech.jsp):

(1) The application must be a non-reissue, non-provisional utility application filed under 35 U.S.C. 111(a), or an international application that has entered the national stage in compliance with 35 U.S.C. 371, irrespective of the filing date of the application. Reexamination proceedings are excluded from this pilot program.

(2) The application must contain three or fewer independent claims and twenty or fewer total claims. The application must not contain any multiple dependent claims. For an application that contains more than three independent claims or twenty total claims, or multiple dependent claims, applicant must file a preliminary amendment in compliance with 37 CFR 1.121 to cancel the excess claims and/or the multiple dependent claims at the time the petition to make special is filed.

(3) The claims must be directed to a single invention that materially enhances the quality of the environment, or that materially contributes to: (1) the discovery or development of renewable energy resources; (2) the more efficient utilization and conservation of energy resources; or (3) green house gas emission reduction (see the eligibility requirements of sections II and III of the notice (i) cited above). The petition must include a statement that, if the USPTO determines that the claims are directed to multiple inventions (e.g., in a restriction requirement), applicant will agree to make an election without traverse in a telephonic interview, and elect an invention that meets the eligibility requirements in section II or III of the notice (i) cited above.

(4) The petition to make special must be timely filed electronically using the USPTO electronic filing system, EFS-Web, and selecting the document description of "Petition for Green Tech Pilot" on the EFS-Web screen. Applicant should use form PTO/SB/420, which is available as a Portable Document Format (PDF) fillable form in EFS-Web and on the USPTO Web site.

(5) The petition to make special must be filed at least one day prior to the date that a first Office action (which may be an Office action containing only a restriction requirement) appears in the Patent Application Information Retrieval (PAIR) system. Applicant may check the status of the application using PAIR.

(6) The petition to make special must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d).

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	DOTTORI, Frank, A.; BENSON, Robert, Ashley Cooper; BENECH, Régis-Olivier
Serial No.:	12/755,874
Filed:	April 7, 2010
Title:	PRETREATMENT OF LIGNOCELLULOSIC BIOMASS THROUGH REMOVAL OF INHIBITORY COMPOUNDS
Group:	1632
Examiner:	
Attorney Ref.:	PAT 5954-2 US

May 20, 2011

Mail Stop PETITION
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

STATEMENT

GREEN TECHNOLOGY PILOT PROGRAM

Applicant states that the basis for making the above-noted patent application special under the Green Technology Pilot Program is that the patent application materially contributes to the development of renewable energy resources, namely ethanol.

The Commissioner is hereby authorized to charge any additional fees, and credit any over payments to Deposit Account No. 501593, in the name of Borden Ladner Gervais LLP.

Respectfully submitted,

Frank A. DOTTORI, et al.

By: /Louis B. Allard/

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UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/755,874	04/07/2010	Frank A. DOTTORI	PAT 5954-2	9487

26123 7590 05/26/2011
BORDEN LADNER GERVAIS LLP
Anne Kinsman
WORLD EXCHANGE PLAZA
100 QUEEN STREET SUITE 1100
OTTAWA, ON K1P 1J9
CANADA

EXAMINER
CALANDRA, ANTHONY J

ART UNIT	PAPER NUMBER
1741	

NOTIFICATION DATE	DELIVERY MODE
05/26/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ipinfo@blg.com

Best Available Copy

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BORDEN LADNER GERVAIS LLP
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100 QUEEN STREET SUITE 1100
OTTAWA ON K1P 1J9 CA CANADA

MAY 26 2011

In re Application of	:	
Dottori et al.	:	DECISION ON PETITION
Application No. 12/755,874	:	TO MAKE SPECIAL UNDER
Filed: 4/7/2010	:	THE GREEN TECHNOLOGY
Attorney Docket No. **PAT 5954-2**	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed 5/20/2011, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a

request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The instant petition complies with items 1 – 8 above. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquires concerning this decision should be directed to Tom Dunn at 571-272-1171.

The application is being forwarded to the Technology Center Art Unit 1741 for action on the merits commensurate with this decision.

/Tom Dunn/

Tom Dunn
Quality Assurance Specialist
Technology Center 1700

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LEWIS KOHN & FITZWILLIAM LLP
10935 VISTA SORRENTO PARKWAY
SUITE 370
SAN DIEGO CA 92130

MAILED

JAN 25 2011

OFFICE OF PETITIONS

In re Application of	:	
James McFarland	:	
Application No. 12/755,882	:	DECISION ON PETITION
Filed: April 7, 2010	:	
Attorney Docket No. 549.201US	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed January 10, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Nonprovisional Application (Notice) mailed April 23, 2010. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were timely obtained. Accordingly, the above-identified application became abandoned on June 24, 2010. A Notice of Abandonment was mailed on January 6, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) an Oath or Declaration and the $65.00 Surcharge fee, the $82.00 Basic filing fee, the $270.00 Search fee, and the $110.00 Examination fee; (2) the petition fee of $810.00, and (3) a proper statement of unintentional delay.

It is not apparent whether the person signing the instant petition was ever given a power of attorney or authorization of agent to prosecute this patent application. In accordance with 37 CFR 1.34(a), the signature appearing on the petition shall constitute a representation to the United States Patent and Trademark Office that he/she is authorized to represent the particular party in whose behalf he/she acts.

Additionally, an extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. *See* In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Since the $1,175.00, five-month extension of time fee submitted with the petition on January 10, 2011 was subsequent to the maximum

extendable period for reply, this fee is unnecessary and will be refunded to petitioner's deposit account in due course.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-7751.

This application is being referred to the Office of Patent Application Processing for further processing in accordance with this decision on petition.

Joan Olszewski
Petitions Examiner
Office of Petitions

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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/755,910	04/07/2010	James J. Modliszewski	60543-USA-CON1	9578

7590 08/05/2010
PATENT ADMINISTRATOR
FMC CORPORATION
1735 MARKET STREET
PHILADELPHIA, PA 19103

EXAMINER

ART UNIT	PAPER NUMBER
1781	

NOTIFICATION DATE	DELIVERY MODE
08/05/2010	ELECTRONIC

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Nimi Farmer

Patent Publication Branch
Office of Data Management

[illegible]

Adjustment date: 08/04/2010 [illegible]
[illegible] 02020822 051440 12755910
01 FC:1202 [illegible] CR
02 FC:1203 390.00 CR

FORM PET651G (Rev. 08/07)

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JUL 01 2011

OFFICE OF PETITIONS

Paper No.

Atlas Copco/Groover
Box 293748
Lewisville TX 75029

In re Application of	:	
Skoog	:	
Application No. 12/755,928	:	DECISION ON PETITION
Filed: April 7, 2010	:	PURSUANT TO
Attorney Docket No. ATLS-1793.80	:	37 C.F.R. § 1.137(B)
Title: REGENERATIVE DRIVE MECHANISM FOR HYDRAULIC FEED CYLINDERS IN HYDROSTATIC OR HYDRAULIC CIRCUITS	:	

This is a decision on the petition pursuant to 37 C.F.R. § 1.137(b), filed March 7, 2011, to revive the above-identified application.

This petition pursuant to 37 C.F.R. § 1.137(b) is **DISMISSED.**

The above-identified application became abandoned for failure to fully reply in a timely manner to the Notice of Missing Parts (notice), mailed April 27, 2010, which set a shortened statutory period for reply of two months and required the filing fee, the fees associated with the submission of nine independent claims over three and 62 total claims over 20, an oath or declaration along with the surcharge that is associated with the late submission of the same, the search fee, and the examination fee. On September 27, 2010, the Office received the filing fee, a declaration (of the type that is associated with an Application Data Sheet) along with the surcharge that is associated with the late submission of the same, the search fee, and the examination fee. Petitioner included a three-month extension of time so as to make timely the submission. *Neither an Application Data Sheet (ADS), the fee that is associated with the submission of nine independent claims over three, nor the fee that is associated with the submission of 62 total claims over 20 was received.* On

December 1, 2010, a declaration and a supplemental ADS were received. No additional response was received, and no further extensions of time under the provisions of 37 C.F.R. § 1.136(a) were requested. Accordingly, the above-identified application became abandoned on September 28, 2010. A notice of abandonment was mailed on January 11, 2011.

A grantable petition pursuant to 37 C.F.R. § 1.137(b) must be accompanied by:

(1) The reply required to the outstanding Office action or notice, unless previously filed;
(2) The petition fee as set forth in 37 C.F.R. § 1.17(m);
(3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional, and;
(4) Any terminal disclaimer (and fee as set forth in 37 C.F.R. § 1.20(d)) required pursuant to paragraph (d) of this section.

Both the $1980 fee that is associated with the submission of nine independent claims over three and the $3224 fee that is associated with the submission of 62 total claims over 20 will be charged to Deposit Account No. 07-2320, as authorized on the Electronic Acknowledgement Receipt that was submitted on September 25, 2010.

With this petition, Applicant has submitted the petition fee and a statement that is being construed as the proper statement of unintentional delay. As such, requirements two and three of Rule 1.137(b) have been met. The fourth requirement of Rule 1.137(b) is not applicable, as a terminal disclaimer is not required.[1]

Regarding the first requirement, the requirement has not been satisfied because Petitioner did not submit the required reply to the Office action. The required reply is a reply which would have been sufficient to have avoided abandonment, had such reply been timely filed.[2] In order for the application to be revived, Petitioner must submit a reply which satisfies 37 C.F.R.

1 See Rule 1.137(d).
2 See M.P.E.P. § 711.03(c).

§ 1.137(b)(1). More specifically, the supplemental ADS that was received on December 1, 2010 cannot be accepted as it not been titled as a "Supplemental Application Data Sheet."[3]

On renewed petition, Petitioner should submit a properly titled and executed Supplemental ADS.

Any reply must be submitted within **TWO MONTHS** from the mail date of this decision. Extensions of time under 37 C.F.R. § 1.136(a) are permitted. The reply should include a cover letter entitled "Renewed Petition Under 37 C.F.R. § 1.137(b)." This is not a final agency action within the meaning of 5 U.S.C § 704.

The renewed petition should indicate in a prominent manner that the attorney handling this matter is Paul Shanoski, and may be submitted by mail,[4] hand-delivery,[5] or facsimile.[6] Registered users of EFS-Web may alternatively submit a response to this decision via EFS-Web.[7]

If responding by mail, Petitioner is advised not to place the undersigned's name on the envelope. Only the information that appears in the footnote should be included - adding anything else to the address will delay the delivery of the response to the undersigned.

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225.[8]

/Paul Shanoski/
Paul Shanoski
Senior Attorney
Office of Petitions

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3 MPEP § 601.05 indicates that any ADS that is submitted to "correct, modify, or augment the original application data, the ADS, even though it is the first-filed ADS, must be titled "Supplemental Application Data Sheet."
4 Mail Stop Petition, Commissioner for Patents, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA, 22313-1450.
5 Customer Window, Randolph Building, 401 Dulaney Street, Alexandria, VA, 22314.
6 (571) 273-8300: please note this is a central facsimile number.
7 https://sportal.uspto.gov/authenticate/authenticateuserlocalepf.html
8 Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. § 1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for any further action(s) of Petitioner.

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Paper No.

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JUL 29 2011
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Atlas Copco/Groover
Box 293748
Lewisville TX 75029

In re Application of Skoog Application No. 12/755,928 Filed: April 7, 2010 Attorney Docket No. ATLS-1793.80 Title: REGENERATIVE DRIVE MECHANISM FOR HYDRAULIC FEED CYLINDERS IN HYDROSTATIC OR HYDRAULIC CIRCUITS	:	DECISION ON RENEWED PETITION PURSUANT TO 37 C.F.R. § 1.137(B)

This is a decision on the renewed petition pursuant to 37 C.F.R. § 1.137(b), filed July 18, 2011, to revive the above-identified application.

This renewed petition pursuant to 37 C.F.R. § 1.137(b) is **GRANTED.**

The above-identified application became abandoned for failure to fully reply in a timely manner to the Notice of Missing Parts (notice), mailed April 27, 2010, which set a shortened statutory period for reply of two months and required the filing fee, the fees associated with the submission of nine independent claims over three and 62 total claims over 20, an oath or declaration along with the surcharge that is associated with the late submission of the same, the search fee, and the examination fee. On September 27, 2010, the Office received the filing fee, a declaration (of the type that is associated with an Application Data Sheet) along with the surcharge that is associated with the late submission of the same, the search fee, and the examination fee. Petitioner included a three-month extension of time so as to make timely the submission. *Neither an Application Data Sheet (ADS), the fee that is associated with the submission of nine independent claims over three, nor the fee that is associated*

with the submission of 62 total claims over 20 was received. On December 1, 2010, a declaration and a supplemental ADS were received. No additional response was received, and no further extensions of time under the provisions of 37 C.F.R. § 1.136(a) were requested. Accordingly, the above-identified application became abandoned on September 28, 2010. A notice of abandonment was mailed on January 11, 2011.

A grantable petition pursuant to 37 C.F.R. § 1.137(b) must be accompanied by:

(1) The reply required to the outstanding Office action or notice, unless previously filed;
(2) The petition fee as set forth in 37 C.F.R. § 1.17(m);
(3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional, and;
(4) Any terminal disclaimer (and fee as set forth in 37 C.F.R. § 1.20(d)) required pursuant to paragraph (d) of this section.

An original petition pursuant to 37 C.F.R. § 1.137(b) was filed on March 7, 2011, along with the petition fee and a statement that is being construed as the proper statement of unintentional delay. The original petition was dismissed via the mailing of a decision on July 1, 2011, which indicated that requirements two and three of Rule 1.137(b) have been met and that the fourth requirement of Rule 1.137(b) is not applicable, as a terminal disclaimer is not required.[1] The decision further indicated that both the $1980 fee that is associated with the submission of nine independent claims over three and the $3224 fee that is associated with the submission of 62 total claims over 20 would be charged to Deposit Account No. 07-2320, as authorized on the Electronic Acknowledgement Receipt that was submitted on September 25, 2010.

However, these fees could not be charged to this Deposit Account, as said Deposit Account contained insufficient funds.

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1 See Rule 1.137(d).

With this renewed petition, Petitioner has included a Preliminary Amendment and a properly titled and executed supplemental Application Data Sheet.

It follows that the first requirement of Rule 1.137(b) has been met.

The first three requirements of Rule 1.137(b) have been met.

The Office of Patent Application Processing (OPAP) will be notified of this decision, and jurisdiction over the application is transferred to OPAP, so that the application may receive further processing. Petitioner will receive appropriate notifications regarding the fees owed, if any, and other information in due course from OPAP.

Petitioner may find it beneficial to view Private PAIR within a fortnight of the present decision to ensure that the revival has been acknowledged by OPAP in response to this decision. It is noted that all inquiries with regard to any failure of that change in status should be directed to OPAP where that change of status must be effected - **the Office of Petitions cannot effectuate a change of status.**

The general phone number for OPAP is 571-272-4000. Telephone inquiries **regarding this decision** should be directed to the undersigned at (571) 272-3225.[2]

/Paul Shanoski/
Paul Shanoski
Senior Attorney
Office of Petitions

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2 Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. § 1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for any further action(s) of Petitioner.

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/755,933	04/07/2010	John W. BETZ	2272.1290001	9624

7590 11/30/2010
STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.
1100 NEW YORK AVE., N.W.
WASHINGTON, DC 20005

EXAMINER
GHAYOUR, MOHAMMAD H

ART UNIT	PAPER NUMBER
2611	

MAIL DATE	DELIVERY MODE
11/30/2010	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Nioni Farmer

Patent Publication Branch
Office of Data Management

Adjustment date: 11/30/2010 NFARMER
04/05/2010 INTEFSU 00003705 12755933
02 FC:2111 -270.00 OP
04 FC:2202 -336.00 OP

FORM PET651G (Rev. 08/07)

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BOLESH J. SKUTNIK
CERAMOPTEC INDUSTRIES, INC.
515 SHAKER RD.
EAST LONGMEADOW MA 01028

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APR 20 2011

OFFICE OF PETITIONS

In re Application of	:	
Julio H. G. Ferriera et al.	:	
Application No. 12/755,948	:	DECISION ON PETITION
Filed: April 7, 2010	:	
Attorney Docket No. BJA477A	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed January 31, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Notice of File Corrected Application Papers, mailed April 27, 2010. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on June 28, 2010. The Notice of Abandonment was mailed on January 11, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of replacement drawings, (2) the petition fee of $810, (3) a proper statement of unintentional delay. Accordingly the replacement drawings are accepted as being unintentionally delayed.

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

The application file does not indicate a change of address has been filed in this case, although the address given on the petition differs from the address of record. A change of address should be filed in this case in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address noted on the petition. However, until otherwise instructed, all future correspondence regarding this application will be mailed solely to the address of record.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at (571) 272-4618.

This application is being referred to the Office of Patent Application Processing for appropriate action in the normal course of business on the reply received January 31, 2011.

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: Eric E. Grondahl
McCarter & English, LLP
185 Asylum Street, CityPlace I
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
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Jones, Walker, Waechter, Poitevent, Carrere & Denegre, LLP
5th Floor, Four United Plaza
8555 United Plaza Boulevard
Baton Rouge, LA 70809

(For Applicant)

MAILED
JUN 13 2011
OFFICE OF PETITIONS

Banner & Witcoff
1100 13th Street, NW
Suite 1200
Washington, D.C. 20005

(For Petitioner)

In re Application of
George Mileos et al.
Application No. 12/755,970
Filed: April 7, 2010
For: KEYBOARD SUPPORT MECHANISM

: DECISION DISMISSING PETITION
: UNDER 37 CFR 1.292

This is a decision on the petition for the institution of public use proceedings under 37 CFR 1.292 filed on August 9, 2010 and supplemented on August 27, 2010.

The petition was filed on August 9, 2010, prior to the date the application was published, and was accompanied by an authorization to charge the petition fee set forth 37 CFR 1.17(j) to petitioner's deposit account and an indication that the petition was served on the applicant in accordance with 37 CFR 1.248.

Thereafter, the application was published as a U.S. patent application publication on August 12, 2010. Petitioner filed a supplement to the petition on August 27, 2010.

On October 11, 2010, applicants filed a letter of express abandonment of the application. Accordingly, the Office mailed a notice of abandonment on October 19, 2010.

In view of the express abandonment, the petition is dismissed as moot.

The petition filed August 9, 2010, and the supplement filed August 27, 2010, requesting that public use proceedings be instituted in the above-identified application will be entered into the application file pursuant to 37 CFR 1.292(b).

After mailing of this decision, the $1510.00 petition fee (37 CFR 1.17(j)), which is required for filing of the petition, will be charged to petitioner's deposit account No. 19-0733 in accordance with the authorization in the petition.

Telephone inquiries with respect to this matter should be directed to the undersigned at (571) 272-7727.

Eugenia A. Jones

Eugenia A. Jones
Senior Legal Advisor
Office of Patent Legal Administration
Office of the Associate Commissioner
for Patent Examination Policy

OPAP
AUG 0 9 2010
IAP19
PATENT & TRADEMARK OFFICE

RECEIVED
AUG 1 2 2010
PATENT
Technology Center 3600

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	)	
	)	
George Mileos et al.	)	Group Art Unit: 3632 (parent)
	)	
Serial Number: 12/755,970	)	Examiner: Anita M. King (parent)
	)	
Filed: April 7, 2010	)	Petitioner's Attorney Docket No. 010967.00070
	)	
Child Appln. of SN 12/255,228	)	
	)	
For: KEYBOARD SUPPORT MECHANISM	)	

PETITION FOR INSTITUTION OF PUBLIC USE PROCEEDINGS UNDER 37 C.F.R. § 1.292

The Honorable Commissioner for Patents
U.S. Patent and Trademark Office
Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Sir:

Through its undersigned attorney, Waterloo Furniture Components Ltd. d/b/a CompX Waterloo (herinafter "CompX") hereby respectfully petitions for institution of public use proceedings in this application, under 37 C.F.R. § 1.292. Please charge the petition fee set forth in 37 C.F.R. § 1.17(j), and any other fee required for institution of the requested public use proceedings, to Petitioner's Attorneys' Deposit Account No. 19-0733. A copy of this petition is being concurrently served on applicant's counsel of record, as per the appended Certificate of Service. This Petition is believed to be timely for entry and consideration, since insofar as petitioner is aware,

08/12/2010 LDIEP1 00000001 190733 12755970

patent/publication prior art cited herein, renders the subject claims (which may be presented in the instant application) unpatentable for anticipation under 35 U.S.C. § 102(b) (i.e., claims 3, 5 and 9), or for obviousness under 35 U.S.C. §103(a).

III. CONCLUSION

Petitioner respectfully submits that initiation of public use proceedings, under 37 C.F.R. § 1.292, is warranted in view of the *prima facie* showing herein that the invention claimed in the instant application is unpatentable for obviousness over a keyboard support product on sale more than one year before the effective filing date of the present application, taken in conjunction with other patent/publication prior art as cited herein. Prompt notice of the grant of this petition, and the initiation of public use proceedings, is earnestly solicited.

Respectfully submitted,

WATERLOO FURNITURE COMPONENTS LTD.
d/b/a COMPX WATERLOO

By: Christopher L. McKee
Registration No. 32,384

BANNER & WITCOFF, LTD.
1100 13th Street, NW
Suite 1200
Washington, D.C. 20005
(202) 824-3000

Date: August 9, 2010

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: 81103855	Application Number (if known): 12/755,987	Filing date: April 7, 2010
First Named Inventor: Karen Marie Adams		
Title: REDUCTION OF PARTICULATE, NOX, AND AMMONIA EMISSIONS		

APPLICANT HEREBY REQUESTS TO PARTICIPATE IN THE GREEN TECHNOLOGY PILOT PROGRAM FOR THE ABOVE-IDENTIFIED APPLICATION. See Instruction Sheet on page 2.

This petition must be timely filed electronically using the USPTO electronic filing system, EFS-Web.

1. By filing this petition:

   Applicant is requesting early publication: Applicant hereby requests early publication under 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d) accompanies this request.

2. By filing this petition: applicant is agreeing to make an election without traverse in a telephonic interview and elect an invention that meets the eligibility requirements for the Green Technology Pilot Program, if the Office determines that the claims are not obviously directed to a single invention. See Instruction Sheet.

3. This request is accompanied by statements of special status for the eligibility requirement.

4. The application contains no more than three (3) independent claims and twenty (20) total claims.

5. The application does not contain any multiple dependent claims.

6. Other attachments: Preliminary Amendment

Signature	Date January 18, 2011
Name (Print/Typed) John D. Russell	Registration Number 47,048

Note: *Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature see below*.*

☒ *Total of 1 forms are submitted.

The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants	:	Karen Marie Adams et al.
Application No.	:	12/755,987
Filed	:	April 7, 2010
Title	:	REDUCTION OF PARTICULATE, NOX, AND AMMONIA EMISSIONS
Group Art Unit	:	3748
Confirmation No.	:	9730
Docket No.	:	81103855

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

CERTIFICATE OF TRANSMISSION

I hereby certify that this correspondence is being transmitted via the U.S. Patent and Trademark Office electronic filing system (EFS-Web) to the USPTO on:

January 18, 2011
Date

Caitlin Fackrell
Caitlin Fackrell

STATEMENTS OF SPECIAL STATUS

Applicants respectfully request consideration of the following statement concerning the basis for the special status as well as the following statement pertaining to the materiality standard.

I. Statement concerning the basis for special status.

Applicants submit that special status is sought on the following basis: the claimed invention materially enhances the quality of the environment.

II. Statement pertaining to the materiality standard.

As a preliminary matter, Applicants note that the following statement refers explicitly to the elements of independent claim 1, which is the broadest claim in many respects.

Applicants submit that the claimed invention materially enhances the quality of the environment by controlling emissions produced by motor vehicle engines, particularly in diesel and lean-burn gasoline engine systems. Vehicle emissions, such as NO_X and soot, negatively impact the quality of the environment. Various solutions exist to control such emissions, such as diesel particulate filters (DPF), lean nitrogen-oxide

traps (LNT), and selective catalytic reduction (SCR) catalysts. As described in pages 1-2 of Applicants' specification (as well as the TITLE), the claimed invention takes advantage of the benefits of coupling an SCR catalyst downstream of a DPF/LNT. For example, claim 1 recites:

> A method for controlling emissions from an engine, comprising:
>
> reducing trapped nitrogen oxides to ammonia on a lean nitrogen-oxide trapping (LNT) catalyst while concurrently oxidizing soot accumulated on the LNT catalyst; and
>
> flowing the ammonia to a selective catalytic reduction (SCR) catalyst.

That is, in order to control emissions from an engine, trapped nitrogen oxides are reduced to ammonia on an LNT catalyst while soot accumulated on the LNT catalyst is concurrently oxidized. The ammonia so formed is flowed to an SCR catalyst. In this manner, NO_X emissions are controlled more effectively than would be possible with an LNT alone. Moreover, soot is removed as well as NO_X, and under some operating conditions, continuous, fuel-efficient regeneration of soot-trapping capacity is possible while still providing ammonia to the SCR. Thus, vehicle emissions are effectively controlled.

Please charge any cost incurred in this filing, along with any other costs, to Deposit Account No. 06-1510.

Respectfully submitted,

ALLEMAN HALL MCCOY RUSSELL & TUTTLE LLP

John D. Russell
Registration No. 47,048
Customer No. 36865
Attorney/Agent for Applicants/Assignee
806 S.W. Broadway, Suite 600
Portland, Oregon 97205
Telephone: (503) 459-4141
Facsimile: (503) 459-4142

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/755,987	04/07/2010	Karen Marie Adams	81103855	9730

36865 7590 01/24/2011
ALLEMAN HALL MCCOY RUSSELL & TUTTLE, LLP
806 S.W. BROADWAY, SUITE 600
PORTLAND, OR 97205

EXAMINER

ART UNIT	PAPER NUMBER
3748	

MAIL DATE	DELIVERY MODE
01/24/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

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ALLEMAN HALL MCCOY RUSSELL & TUTTLE, LLP
806 S.W. BROADWAY, SUITE 600
PORTLAND OR 97205

In re Application of	:	
ADAMS, KAREN MARIE et al	:	DECISION ON PETITION
Application No. 12/755,987	:	TO MAKE SPECIAL UNDER
Filed: Apr. 7, 2010	:	THE GREEN TECHNOLOGY
Attorney Docket No. 81103855	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed Jan. 18, 2011, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **granted.**

If reconsideration of this decision is desired, a petition for reconsideration must be filed within ONE (1) MONTH OR THIRTY (30) DAYS from the mail date of this decision, whichever is longer. No extension of this time limit can be granted under 37 CFR 1.136(a) or (b). The petition for reconsideration should include an exhaustive attempt to provide the lacking item(s) noted below, since, after a decision on the petition for reconsideration, no further reconsideration or review of the matter will be undertaken by the Director.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed

invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The instant petition complies with items 1 – 8 above. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquires concerning this decision should be directed to Henry C. Yuen at 571-272-4856.

This application will be forwarded to a Technology Center, Art Unit 3748 for classification and docketing to an examiner for action on the merits commensurate with this decision.

/Henry C. Yuen/

Henry C. Yuen
Quality Assurance Specialist
Technology Center TC 3700

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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/756,083	04/07/2010	Yasuaki Ootera	SUTOSH.572AUS	9899

7590 11/29/2010
KNOBBE MARTENS OLSON & BEAR LLP
2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE, CA 92614

EXAMINER
SCHIFFMAN, BENJAMIN A

ART UNIT	PAPER NUMBER
1742	

NOTIFICATION DATE	DELIVERY MODE
11/29/2010	ELECTRONIC

DECISION DISMISSING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment will not be recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is dismissed.

The express abandonment will **not** be recognized for the reason(s) indicated below:

1. ☑ The petition was not filed in sufficient time to permit the appropriate officials to recognize the abandonment before an examination has been made of the application. See 37 CFR 1.138(d).

2. ☐ The petition was not signed by a party authorized by 37 CFR 1.33(b)(1), (3) or (4).

3. ☐ The application is not an application filed under 35 U.S.C. 111(a) on or after December 8, 2004.

4. ☐ The petition for express abandonment under 1.138(d) is dismissed because the applicant did not pay any search fee and excess claims fees in the above-identified application.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Patent Publication Branch
Office of Data Management

FORM PET651D (Rev. 08/07)

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/756,090	04/07/2010	Koji MIYAKE	KATSDC.055AUS	9910

7590 05/18/2011
KNOBBE MARTENS OLSON & BEAR LLP
2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE, CA 92614

EXAMINER
NGUYEN, HOA T

ART UNIT	PAPER NUMBER
2627	

NOTIFICATION DATE	DELIVERY MODE
05/18/2011	ELECTRONIC

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Nioni Farmer

Patent Publication Branch
Office of Data Management

FORM PET651G (Rev. 08/07)

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SQUIRE SANDERS & DEMPSEY LLP
1 EAST WASHINGTON STREET
SUITE 2700
PHOENIX AZ 85004

MAILED

NOV 04 2010

OFFICE OF PETITIONS

In re Application of
Harald Tjorhom et al.
Application No. 12/756,096
Filed: April 7, 2010
Attorney Docket No. 050847.00339

DECISION REFUSING STATUS
UNDER 37 CFR 1.47(a)

This is in response to the petition filed October 25, 2010 under 37 CFR 1.47(a).

The petition is **DISMISSED**.

Rule 47 applicant is given TWO MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(a)," and should only address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventor. **FAILURE TO RESPOND WILL RESULT IN ABANDONMENT OF THE APPLICATION**. Extensions of time may be obtained in accordance with 37 CFR 1.136(a).

The above-identified application was filed on April 7, 2010 without an oath or declaration. Accordingly, on April 23, 2010, a "Notice To File Missing Parts Of Nonprovisional Application" ("Notice To File Missing Parts") was mailed, requiring, *inter alia*, an executed oath or declaration in compliance with 37 CFR 1.63 and a surcharge for its late filing.

In response, a four month extension of time request and the instant petition, seeking status under 37 CFR 1.47, was filed. Petitioners claim that joint inventor Tjorhom refuses to execute the declaration.

A grantable petition under 37 CFR 1.47(a) requires:

(1) proof that the non-signing inventor cannot be reached or located, notwithstanding diligent effort, or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings);

(2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116;

(3) the petition fee;

(4) a statement of the last known address of the non-signing inventor.

The petition lacks item (1). In regards to item (1), while petitioners argue by statement of Marissa J. Smith, Paralegal, of Squire, Sanders & Dempsey L.L.P., that a copy of the application was delivered to the last known address of Harold Tjorhom, petitioners have not submitted sufficient evidence to prove that a copy of the application was sent or given to the non-signing inventor.

Petitioners must show proof that a copy of the application (specification including claims, drawings, if any) and the Declaration were sent or given to the non-signing inventors for review.[1] Petitioners should provide a copy of the cover letter transmitting the application papers to the non-signing inventor.

Petitioners must also present proof that if after having received the complete application, the non-signing inventor refused to sign the declaration. If there is a written refusal, a copy of the written refusal should be submitted with any renewed petition.

Status under 37 CFR 1.47(a) cannot be accorded this application until such time as the deficiencies have been cured.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

By FAX: (571) 273-8300
Office of Petitions

Telephone inquiries concerning this matter may be directed to the undersigned Petitions Attorney at (571) 272-3212.

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

[1] MPEP 409.03(d).

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SQUIRE SANDERS & DEMPSEY LLP
1 EAST WASHINGTON STREET
SUITE 2700
PHOENIX AZ 85004

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FEB 22 2011

OFFICE OF PETITIONS

In re Application of Harald Tjorhom et al. Application No. 12/756,096 Filed: April 7, 2010 Attorney Docket No. 050847.00339	DECISION REFUSING STATUS UNDER 37 CFR 1.47(a)

This is in response to the REQUEST FOR RECONSIDERATION OF PETITION UNDER 37 C.F.R. § 1.47(a)[1] filed January 4, 2011.

The petition is **GRANTED**.

The above-identified application was filed on April 7, 2010 without an oath or declaration. Accordingly, on April 23, 2010, a "Notice To File Missing Parts Of Nonprovisional Application" ("Notice To File Missing Parts") was mailed, requiring, *inter alia*, an executed oath or declaration in compliance with 37 CFR 1.63 and a surcharge for its late filing. In response, a four month extension of time request and a petition filed October 25, 2010, seeking status under 37 CFR 1.47, was filed. Petitioners claimed that joint inventor Tjorhom refused to execute the declaration. The petition was dismissed in a decision mailed November 4, 2010 because the proof presented did not support a claim that a copy of the complete application had been sent to the non-signing inventor. The decision set a two month period for reply.

In response to the decision dismissing the petition filed October 25, 2010, the instant petition shows that a copy of the complete application was sent to and received by joint inventor Tjorhom at his last known address, however, petitioner maintains that the non-signing inventor has not returned an executed copy of the oath or declaration and thus refuses to cooperate with the filing of the instant application.

---

[1]A grantable petition under 37 CFR 1.47(a) requires:

(1) proof that the non-signing inventor cannot be reached or located, notwithstanding diligent effort, or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings);

(2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116;

(3) the petition fee;

(4) a statement of the last known address of the non-signing inventor.

All requirements under 37 CFR 1.47(a) therefore having been met, as provided in Rule 1.47(c), this Office will forward notice of this application's filing to the non-signing inventors at the addresses given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

This matter is being referred to the Office of Patent Application Processing for further pre-examination processing.

Telephone inquiries related to this decision should be directed to the undersigned Petitions Attorney at (571) 272-3212.

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

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2040 MAIN STREET
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IRVINE CA 92614

MAILED
JAN 18 2011
OFFICE OF PETITIONS

In re Application of
Martin Seufert et al.
Application No. 12/756,139
Filed: April 7, 2010
Attorney Docket No. WWELL45.047C 1

: DECISION GRANTING PETITION

This is a decision on the filing date petition filed September 23, 2010, under 37 CFR 1.57.

On April 28, 2010 the Office of Data Management mailed a Notice of Incomplete Application stating that, inter alia, the application had not been filed with a specification and thus, the application could not be accorded a filing date. In response thereof, on June 7, 2010 a Specification was filed and the date of receipt was accorded as the filing date. A Notice to File Missing Parts was mailed on June 17, 2010 for additional items required to avoid abandonment.

Applicant acknowledges that the specification was inadvertently not included with the original application papers but argues with the instant petition that the application was filed on April 7, 2010 and as a part of the originally filed disclosure, an Application Data Sheet was filed with a claim for priority to PCT/EP2008/007473 filed December 29, 2006. In view thereof, Applicant requests that the present application be accorded a filing date of April 7, 2010, the date of the original disclosure.

On September 21, 2004, § 1.57 was added to read, in pertinent part that:

> (a) Subject to the conditions and requirements of this paragraph, if all or a portion of the specification or drawing(s) is inadvertently omitted from an application, but the application contains ... a claim under 1.78 for the benefit of a prior-filed provisional, nonprovisional or international application, that was present on the filing date of the application, and the inadvertently omitted portion of the specification or drawing(s) is completely contained in the prior-filed application, the claim under ... § 1.78 shall also be considered an incorporation by reference of the prior-filed application as to the inadvertently omitted portion of the specification or drawing(s).

(1) The application must be amended to include the inadvertently omitted portion of the specification or drawing(s) within any time period set by the Office, but in no case later than the close of prosecution as defined by § 1.114(b), or abandonment of the application, whichever occurs earlier;
(3) If an application is not otherwise entitled to a filing date under § 1.53(b), the amendment must be by way of a petition pursuant to this paragraph accompanied by the fee set forth in § 1.17(f).

In view of 37 CFR 1.57 which provides that a proper priority claim under 37 CFR 1.55 or 37 CFR 1.78 can also be considered an incorporation by reference of the prior filed application as to the inadvertently omitted specification and drawings, the argument is persuasive and the petition therefore is **GRANTED** .

Since the petition was required to accord the requested filing date and since the error occurred through no wrongdoing on the part of the USPTO, the petition fee in the amount of $400.00 has been charged to petitioner's deposit account and cannot be refunded.

The primary examiner is expected to compare the specification, claims and abstract supplied on June 7, 2010, to the disclosure of PCT/EP2008/007473 filed December 29, 2006 in order to verify that they were in fact, a part of the disclosure of the parent application.

The application is being forwarded to the Office of Patent Application Processing for correction of the filing date to April 7, 2010 using the application papers filed April 7, 2010 and those submitted June 7, 2010 as a part of the original disclosure.

Telephone inquiries concerning this matter should be directed to Senior Petitions Attorney Patricia Faison-Ball at (571) 272-3212.

Christopher Bottorff
Supervisor
Office of Petitions

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Arnold & Porter LLP (24126)
Attn: SV Docketing Dept.
1801 Page Mill Road
Suite 110
Palo Alto CA 94304

MAILED
OCT 04 2011
OFFICE OF PETITIONS

In re Application of	:	
CROWLEY et al.	:	
Application No. 12/756,149	:	DECISION DISMISSING PETITIONS
Filed: April 7, 2010	:	UNDER 37 CFR 1.78(a)(3) AND (a)(6)
Attorney Docket No.: GNE-5105R1C2	:	

This is a decision on the petition under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6), filed May 31, 2011, to accept an unintentionally delayed claim under 35 U.S.C. §§ 120 and 119(e) for the benefit of priority to the prior-filed nonprovisional and provisional applications set forth in the concurrently filed amendment.

The petition is **DISMISSED**

A petition for acceptance of a claim for late priority under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) is only applicable to those applications filed on or after November 29, 2000 and after the expiration of the period specified in 37 CFR §§ 1.78(a)(2)(ii) and 1.78(a)(5)(ii). In addition, the petition under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) must be accompanied by:

(1) the reference required by 35 U.S.C. §§ 120 and 119(e) and 37 CFR §§ 1.78(a)(2)(i) and 1.78(a)(5)(i) of the prior-filed application, unless previously submitted;
(2) the surcharge set forth in § 1.17(t); and
(3) a statement that the entire delay between the date the claim was due under 37 CFR §§ 1.78(a)(2)(ii) and 1.78(a)(5)(ii) and the date the claim was filed was unintentional. The Director may require additional where there is a question whether the delay was unintentional.

The petition does not comply with item (1).

37 CFR 1.78(a)(2)(i) requires that any nonprovisional application claiming the benefit of one or more prior-filed copending international applications designating the United States must contain or be amended to contain a reference to each such prior-filed application, identifying it by international application number, international filing date and indicating the relationship of the applications. The relationship between the applications is whether the subject application is a continuation, divisional, or continuation-in-part of a prior-filed international application. An example of a proper benefit claim is: "This application is a continuation of International Application No. PCT/---, filed---." A benefit claim that merely states: "This application claims the benefit of International Application No. PCT/---, filed---," does not comply with 37 CFR 1.78(a)(2)(i) since the proper relationship, which includes the type of continuing application, is not stated. Here, the relationship between PCT/US03/36298 and nonprovisional application 10/712,892; PCT/US03/25892 and nonprovisional application 10/643,795; PCT/US03/11148 and nonprovisional application 10/411,010; PCT/US02/28859 and nonprovisional application 10/241,220; and PCT/US02/12206 and nonprovisional application 10/125,166 are not stated. *See* MPEP Section 201.11, Reference to Prior Nonprovisional Applications. The amendment fails to comply with the provisions of 37 CFR 1.78(a)(2)(i) and is therefore unacceptable.

A nonprovisional application that directly claims the benefit of a provisional application under 35 U.S.C. 119(e) must be filed within 12 months from the filing date of the provisional application. Here, the present nonprovisional application 12/756,149 was not filed within 12 months from the filing date of the provisional applications 60/520,842, 60/532,426, 60/576,517 and 60/616.098. Petitioner should identify which nonprovisional application claims the benefit of the filing date of the provisional applications. See MPEP 201.11.

Further, appropriate references must be made in each intermediate application in the chain of prior applications. Here, PCT/US03/36298 and nonprovisional application 10/712,892; PCT/US03/25892 and nonprovisional application 10/643,795; PCT/US03/11148 and nonprovisional application 10/411,010; and PCT/US02/28859 and nonprovisional application 10/241,220 do not make reference to the prior applications. Still further, the reference in nonprovisional application 10/989,826 was made without the required petition. *See* MPEP Section 201.11 III.C., Reference to Prior Nonprovisional Applications.

Before the petition under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) can be granted, a renewed petition and either an Application Data Sheet or a substitute amendment (complying with the provisions of 37 CFR 1.121 and 37 CFR 1.76(b)(5)) to correct the above matters are required.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop PETITIONS
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By hand: Customer Service Window
Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By fax: (571) 273-8300
ATTN: Office of Petitions

Any questions concerning this matter may be directed to Jose' G Dees at (571) 272-1569.

Boris Milef
PCT Legal Examiner
Office of PCT Legal Administration

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/756,177	04/08/2010	Jean Buytaert	SS.FI/0096 (FRANK-074)	1113

97507 7590 04/25/2011
Edmonds Nolte, PC
10411 Westheimer Rd. Suite 201
Houston, TX 77042

EXAMINER
FULLER, ROBERT EDWARD

ART UNIT	PAPER NUMBER
3676	

MAIL DATE	DELIVERY MODE
04/25/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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APR 25 2011

Edmonds Nolte, PC
10411 Westheimer Rd.
Suite 201
Houston, TX 77042

In re Application of Jean Buytaert et al. Application No. 12/756,177 Filed: April 8, 2010 For: INTERFERENCE-FIT STOP COLLAR AND METHOD OF POSITIONING A DEVICE ON A TUBULAR	: : : : :	DECISION ON PETITION TO TO ACCORD AN EARLIER FILING DATE

This is in response to applicant's petition filed March 25, 2011 to accord a timely filing date to a complete submission under 37 CFR 1.99 filed with the instant petition, which submission was previously denied entry in the United States Patent and Trademark Office (USPTO) on February 22, 2011.

The petition is **GRANTED**.

A review of the file record indicates that the original submission under 37 CFR 1.99 filed on February 22, 2011, while timely, was denied entry because the references cited in the submission were missing from the submission.

The applicant has submitted a copy of the February 22, 2011 submission under 37 CFR 1.99 which includes a copy of a post card identifying the request and related documents and which included a USPTO Mail Room receipt date of February 22, 2011. This is acceptable evidence of a submission that included the missing references.

Since the only deficiency in the previous submission of February 22, 2011 was that the references were missing, and the evidence now shows that the references were indeed submitted and apparently lost in the Office, the now complete submission under 37 CFR 1.99 which accompanies this petition will be accorded the timely filing date of February 22, 2011. Therefore, the copy of the submission under 37 CFR 1.99 will be entered and the application forwarded to the examiner for consideration on the merits.

Telephone inquiries relative to this decision should be directed to Quality Assurance Specialist Steven Meyers at (571) 272-6611.

David Talbott, Director
Patent Technology Center 3600
(571) 272-5150

SM/sm: 4/14/11
SM

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

JIANQ CHYUN INTELLECTUAL PROPERTY OFFICE
7 FLOOR-1, NO. 100
ROOSEVELT ROAD, SECTION 2
TAIPEI 100 TW TAIWAN

MAILED

JAN 18 2011

OFFICE OF PETITIONS

In re Application of	:	
Chen et al.	:	DECISION REFUSING STATUS
Application No. 12/756,181	:	UNDER 37 CFR 1.47(a)
Filed: April 8, 2010	:	
Attorney Docket No. 33868-US-PA	:	

This is in response to the petition under 37 CFR 1.47(a), filed June 11, 2010.

The petition is **DISMISSED**.

Rule 47 applicant is given TWO (2) MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(a)," and should only address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventor. **FAILURE TO RESPOND WILL RESULT IN ABANDONMENT OF THE APPLICATION.** Any extensions of time will be governed by 37 CFR 1.136(a).

A grantable petition under 37 CFR 1.47(a) requires: (1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings); (2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116; (3) the petition fee; and (4) a statement of the last known address of the non-signing inventor. Applicant lacks items (1), (2) and (4) as set forth above.

As to item (1), petitioner has failed to contact the legal representative of deceased inventor, Ming-Bing Chen. See MPEP 409.03(c). As to item (1), the applicable statute (35 U.S.C.§ 116) requires that a "diligent effort" have been expended in attempting to find or reach the non-signing inventor or the legal representative of the nonsigning inventor. *See* MPEP 409.03(a). The showing currently fails to demonstrate, with a documented showing, that a diligent effort was made to find or locate the legal representative of nonsigning inventor Ming-Bing Chen, such that the declaration can be accepted under 37 CFR 1.47(a). Where inability to find or locate a legal representative is alleged, a statement of facts should be submitted that fully describes the exact facts which are relied on to establish that a *diligent effort* was made to locate the legal representative.

Petitioner has not demonstrated that all efforts were expended in trying to locate the legal representative of Ming-Bing Chen. Further, the petition fails to indicate that correspondence was ever mailed unsuccessfully to the legal representative's last known address. Therefore, at the very least, petitioner should mail correspondence to the legal representative's last known address, return receipt and/or forwarding address requested. If a forwarding address is provided, petitioner should then mail a complete copy of the application papers (specification, claims, drawings, oath, etc.) to

that address, return receipt requested, along with a cover letter of instructions which includes a deadline or a statement that no response will constitute a refusal. This sort of ultimatum lends support to a finding of refusal by conduct. If the papers are returned and all other attempts to locate or reach the legal representatives, e.g., through personnel records, co-workers, E-mail, the Internet or the telephone, etc., continue to fail, then applicant will have established that the legal representative cannot be reached after diligent effort or has refused to join in the application. **The statements of facts must be signed, where at all possible, by a person having firsthand knowledge of the facts recited therein and should be accompanied by documentary evidence in support of the statement of facts.** It is important that the forthcoming communication contain statements of fact as opposed to conclusions.

Where there is an express or oral refusal, that fact, along with the time and place of the refusal, must be stated in an affidavit or declaration by the party to whom the refusal was made. Where there is a written refusal, a copy of the document(s) evidencing that refusal must be made part of the affidavit or declaration.

When it is concluded by the rule 47 applicant that an omitted legal representative's conduct constitutes a refusal, all facts upon which that conclusion is based should be stated in an affidavit or declaration. If there is documentary evidence to support facts alleged in the affidavit or declaration, such evidence must be submitted.

Whenever an omitted legal representative gives a reason for refusing to sign the application oath or declaration, that reason should be stated in the affidavit or declaration.

As to item (2), 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. Accordingly, a declaration with the signature block of Ming-Bing Chen left blank should be submitted. The oath or declaration should also include a block for the legal representative.

As to item (4), the last known address of the legal representative must be given (see MPEP 409.03(e)). That address should be the last known address at which the legal representative customarily receives mail. See **MPEP § 605.03**.

Further correspondence with respect to this matter should be addressed as follows:

By Mail: Mail Stop PETITION
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By Hand: U. S. Patent and Trademark Office
Customer Window, Mail Stop PETITIONS
401 Dulany Street
Alexandria, VA 22314

The centralized facsimile number is **(571) 273-8300.**

Telephone inquiries should be directed to Petitions Examiner Liana Walsh at (571) 272-3206.

/dab/
David Bucci
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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JIANQ CHYUN INTELLECTUAL PROPERTY OFFICE
7 FLOOR-1, NO. 100
ROOSEVELT ROAD, SECTION 2
TAIPEI 100 TW TAIWAN

MAILED
MAY 23 2011
OFFICE OF PETITIONS

In re Application of	:	
Chen et al.	:	
Application No. 12/756,181	:	ON PETITION
Filed: April 8, 2010	:	
Attorney Docket No. 33868-US-PA	:	

This is in response to the petition under 37 CFR 1.42, filed March 9, 2011.

The petition is **DISMISSED**.

Applicant is given TWO (2) MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.42," and should only address the deficiencies noted below, except that the reply may include a properly executed oath or declaration. **FAILURE TO RESPOND WILL RESULT IN ABANDONMENT OF THE APPLICATION.** Any extensions of time will be governed by 37 CFR 1.136(a).

Petitioner requests that the declaration filed June 11, 2010 be accepted because Diane Chen is the legal representative of the deceased inventor Ming-Bing Chen.

Petitioner now states that Diane Chen is the legal representative of deceased inventor, Ming-Bing Chen. However, the declaration is defective as it does not provide the appropriate information for Diane Chen, *i.e.* the address, citizenship, and an indication that she is the legal representative of the deceased inventor. As stated in MPEP 409.01(a), the heirs should identify themselves as the legal representative of the deceased inventor in the oath or declaration submitted pursuant to 37 CFR 1.63and 1.64.

37 CFR 1.64(b) states:

> If the person making the oath or declaration or any supplemental oath or declaration is not the inventor (§§ 1.42, 1.43, 1.47, or § 1.67), the oath or declaration shall state the relationship of the person to the inventor, and, upon information and belief, the facts which the inventor is required to state. If the person signing the oath or declaration is the legal representative of a deceased inventor, the oath or declaration shall also state that the person is a legal representative and the citizenship, residence, and mailing address of the legal representative.

Furthermore, MPEP 409.01(f) states:

> If the legal representative of the deceased inventor wishes to intervene, the legal representative must submit an oath or declaration in compliance with 37 CFR 1.63 and 1.64 (*e.g.*, stating that he or she is the legal representative of the deceased inventor and his or her residence, citizenship and post office address). Once the legal representative of the deceased inventor intervenes in the *pro se* application, the signatures of the living joint inventors and the legal representative are required on the papers filed with the USPTO.

Again, as the declaration filed June 11, 2010 does not comply with the provisions of 37 CFR 1.64(b), MPEP 409.01(a), and MPEP 409.01(f) set forth above, the declaration is not acceptable.

Further correspondence with respect to this matter should be addressed as follows:

By Mail: Mail Stop PETITION
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By Hand: U. S. Patent and Trademark Office
Customer Window, Mail Stop PETITIONS
401 Dulany Street
Alexandria, VA 22314

The centralized facsimile number is **(571) 273-8300.**

Telephone inquiries should be directed to the undersigned at (571) 272-3206.

/Liana Walsh/
Liana Walsh
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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JIANQ CHYUN INTELLECTUAL PROPERTY OFFICE
7 FLOOR-1, NO. 100
ROOSEVELT ROAD, SECTION 2
TAIPEI 100 TW TAIWAN

MAILED

SEP 30 2011

OFFICE OF PETITIONS

In re Application of	:	
Chen et al.	:	DECISION NOTING JOINDER OF
Application No. 12/756,181	:	INVENTOR AND PETITION
Filed: April 8, 2010	:	UNDER 37 CFR 1.42 and 1.47(a)
Attorney Docket No. 33868-US-PA	:	

Papers filed on July 7, 2011 in response to a "Decision Refusing Status Under 37 CFR 1.42," mailed May 23, 2011, included a Declaration signed by a previously non-signing legal representative of deceased inventor, Ming-Bing Chen, in compliance with 37 CFR 1.63.

The petition is **DISMISSED AS MOOT**.

In view of the joinder of the legal representative, Hao-Wen Chen, further consideration under § 1.42 and 1.47(a) is not necessary. This application does not have any Rule 1.47 status and no such status should appear on the record for this file. This application need not be returned to this Office for any further consideration under 37 CFR 1.42 or 1.47(a).

This application is being referred to Technology Center AU 2617 for examination on the merits.

Telephone inquiries should be directed to the undersigned at (571) 272-3206.

/Liana Walsh/
Liana Walsh
Petitions Examiner
Office of Petitions

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P.O. Box 1450
Alexandria, VA 22313-1450
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MAILED AUG 03 2010

KOHN & ASSOCIATES, PLLC
30500 NORTHWESTERN HWY, SUITE 410
FARMINGTON HILLS MI 48334

In re Application of: Marc E. Richelsoph Application No.: 12/756212 Filed: April 8, 2010 Title: Polyaxial Screw Assembly	:	DECISION ON PETITION TO MAKE SPECIAL FOR NEW APPLICATION UNDER 37 C.F.R. § 1.102 & M.P.E.P. § 708.02

This is a decision on the petition filed on April 8, 2010 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

The petition to make the application special is **DENIED**.

REGULATION AND PRACTICE

To be eligible for accelerated examination under 37 C.F.R. § 1.102(d) and pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published in the Federal Register on June 26, 2006 (71 Fed. Reg. 36323), the following conditions must be satisfied:

1. The application must be a non-reissue utility or design application filed under 37 CFR 1.111(a);
2. The application, the petition and the required fees must be filed electronically using the USPTO's electronic filing system (EFS), or EFS-web; if not filed electronically, a statement asserting that EFS and EFS-web were not available during the normal business hours;
3. The application, at the time of filing, must be complete under 37 CFR 1.51 and in condition for examination;
4. The application must contain three or fewer independent claims and twenty or fewer total claims and the claims must be directed to a single invention.

MPEP 708.02(a) (VIII) (C) states in part:

C. Conditions for Examination

The application must be in condition for examination at the time of filing. This means the application must include the following:

(1)Basic filing fee, search fee, and examination fee, under 37 CFR 1.16 (see MPEP § 607 subsection I);

(2)Application size fee under 37 CFR 1.16(s) (if the specification and drawings exceed 100 sheets of paper) (see MPEP § 607 subsection II);

(3)An executed oath or declaration in compliance with 37 CFR 1.63;

(4)A specification (in compliance with 37 CFR 1.52) containing a description (37 CFR 1.71) and claims in compliance with 37 CFR 1.75;

(5)A title and an abstract in compliance with 37 CFR 1.72;

(6)Drawings in compliance with 37 CFR 1.84;

(7)Electronic submissions of sequence listings in compliance with 37 CFR 1.821(c) or (e), large tables, or computer listings in compliance with 37 CFR 1.96, submitted via the USPTO's electronic filing system (EFS) in ASCII text as part of an associated file (if applicable);

(8)Foreign priority claim under 35 U.S.C. 119(a)-(d) identified in the executed oath or declaration or an application data sheet (if applicable);

(9)Domestic benefit claims under 35 U.S.C. 119(e), 120, 121, or 365(c) in compliance with 37 CFR 1.78 (e.g., the specific reference to the prior application must be submitted in the first sentence(s) of the specification or in an application data sheet, and for any benefit claim to a non-English language provisional application, the application must include a statement that (a) an English language translation, and (b) a statement that the translation is accurate, have been filed in the provisional application) (if applicable);

(10)English language translation under 37 CFR 1.52(d), a statement that the translation is accurate, and the processing fee under 37 CFR 1.17(i) (if the specification is in a non-English language);

(11)No preliminary amendments present on the filing date of the application; and

(12)No petition under 37 CFR 1.47 for a non-signing inventor.

The application as filed is not eligible for the accelerated examination under 37 C.F.R. § 1.102(d) because it was not complete under 37 CFR 1.51 and in condition for examination at the time of filing. The application was not in condition for examination at the of filing because applicant filed a preliminary amendment at the time of filing.

For the above-stated reasons, the petition is **DENIED**. The application will therefore be taken up by the examiner for action in its regular turn.

Any inquiry regarding this decision should be directed to Linda Sholl, TC 3700 Special Program Examiner, at (571) 272-4391.

Linda Sholl

Linda Sholl
Special Program Examiner
Technology Center 3700

UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/756,223	04/08/2010	Kazuo MURAKAMI	Q117805	1233

7590 02/18/2011

SUGHRUE MION, PLLC
2100 PENNSYLVANIA AVENUE, N.W.
SUITE 800
WASHINGTON, DC 20037

EXAMINER

ART UNIT	PAPER NUMBER
3744	

NOTIFICATION DATE	DELIVERY MODE
02/18/2011	ELECTRONIC

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Mimi Farmer

Patent Publication Branch
Office of Data Management

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
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VALENCE TECHNOLOGY, INC.
1889 E. MAULE AVENUE, SUITE A
LAS VEGAS NV 89119

MAILED

DEC 14 2010

OFFICE OF PETITIONS

In re Application of	:	
Troxel, et al.	:	DECISION GRANTING STATUS
Application No. 12/756,228	:	UNDER 37 CFR 1.47(a)
Filed: April 8, 2010	:	
Attorney Docket No. VT-2623/01	:	

This is in response to the petition under 37 CFR 1.47(a), filed November 23, 2010.

The petition is GRANTED.

Petitioner has shown that the non-signing inventor has refused to execute the declaration after having been presented with the complete application papers for the above-identified application.

The application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

As provided in 37 CFR 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

This application is being referred to the Office of Patent Application Processing for pre-examination processing.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3205.

/ALESIA M. BROWN/

Alesia M. Brown
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

Joel E. Sandhal
760 Spanish Oak Trail
Dripping Springs, Texas 78720

MAILED
DEC 14 2010
OFFICE OF PETITIONS

In re Application of
Troxel, et al.
Application No. 12/756,228
Filed: April 8, 2010
Attorney Docket No. VT-2623/01

Dear Sir:

You are named as a joint inventor in the above-identified United States patent application, filed under the provisions of 35 U.S.C. 116 (United States Code), and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Telephone inquiries regarding this communication should be directed to the undersigned at (571) 272-3205. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to the Certification Division at (571) 272-3150 or 1 (800) 972-6382 (outside the Washington, DC area).

/ALESIA M. BROWN/

Alesia M. Brown
Petitions Attorney
Office of Petitions

cc: VALENCE TECHNOLOGY, INC.
1889 E. MAULE AVENUE, SUITE A
LAS VEGAS NV 89119

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/756,242	04/08/2010	Junya SUZUKI	Q117806	1268

7590 02/18/2011
SUGHRUE MION, PLLC
2100 PENNSYLVANIA AVENUE, N.W.
SUITE 800
WASHINGTON, DC 20037

EXAMINER

ART UNIT	PAPER NUMBER
3744	

NOTIFICATION DATE	DELIVERY MODE
02/18/2011	ELECTRONIC

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Nioni Farmer

Patent Publication Branch
Office of Data Management

FORM PET651G (Rev. 08/07)

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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BRACEWELL & GIULIANI, LLP
PO BOX 61389
HOUSTON, TX 61389

MAILED
MAR 29 2012
OFFICE OF PETITIONS

In re Application of
James W. Moncrief, et al.
Application No. 12/756,285
Filed: April 8, 2010
Attorney Docket No. 081868.000025

DECISION GRANTING PETITION
UNDER 37 CFR 1.313(c)(2)

This is a decision on the petition under 37 CFR 1.313(c)(2), filed March 28, 2012, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). *See* 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on March 5, 2012 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries regarding this decision should be directed to undersigned at (571) 272-1642. All other inquiries concerning the examination or status of this application should be directed to the Technology Center.

This application is being referred to Technology Center AU 3686 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

/AMW/
April M. Wise
Petitions Examiner
Office of Petitions

[1] *The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.*

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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VERTEX PHARMACEUTICALS INC.
SUSAN BATTY-GUNN
130 WAVERLY STREET
CAMBRIDGE MA 02139-4242

MAILED
JUL 06 2011
OFFICE OF PETITIONS

In re Application of	:	
LAUFFER, et al	:	
Application No. 12/756,301	:	DECISION ON PETITION
Filed: April 8, 2011	:	
Attorney Docket No. VPI/05-169 US CN1	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed May 26, 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 on or before May 2, 2011, as required by the Notice of Allowance and Fee(s) Due (Notice), mailed February 2, 2011, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on May 3, 2011. A Notice of Abandonment was mailed May 20, 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 and the publication fee of $300; (2) the petition fee of $1620; and (3) an adequate statement of unintentional delay.

37 CFR 1.137(b)(3) requires a statement that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional." Since the statement appearing in the petition varies from the language required by 37 CFR 1.137(b)(3), the statement is being construed as the required statement. Petitioner must notify the Office if this is **not** a correct reading of the statement appearing in the petition.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-6735.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/756,326	04/08/2010	Naohisa Takahashi	90606.812/ok	1433

7590 07/15/2011

YAMAHA
C/O KEATING & BENNETT, LLP
1800 Alexander Bell Drive
SUITE 200
Reston, VA 20191

EXAMINER

ART UNIT	PAPER NUMBER
3748	

NOTIFICATION DATE	DELIVERY MODE
07/15/2011	ELECTRONIC

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Irene Farmer

Patent Publication Branch
Office of Data Management

FORM PET651G (Rev. 08/07)

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MAILED
MAY 31 2011
OFFICE OF PETITIONS

IP LEGAL SERVICES
1500 EAST LANCASTER AVENUE, SUITE 200
P.O. BOX 1027
PAOLI PA 19301

In re Application of	:	
Dennis DUDECK et al.	:	
Application No. 12/756,401	:	DECISION ON PETITION
Filed: April 08, 2010	:	
Attorney Docket No. Dudeck 16-23-21-28-14-DE-	:	

This is a decision on the petition, filed January 20, 2011, which is being treated as a petition under 37 CFR 1.8(b), requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Nonprovisional Application (Notice), mailed April 23, 2010. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on June 24, 2010.

Petitioner states that a timely reply was filed May 26, 2010, but the applicant's representative inadvertently entered the serial number of the parent application which 12/194,028. Petitioner has submitted a copy of the previously mailed correspondence and a copy of the Electronic Acknowledgement Receipt.

A review of the Office records indicates that a response was filed May 26, 2010 however the response included the parent application number 12/194,028 instead of the divisional application number 12/756,401. In processing by the Office the response was initially placed in 12/194,028. However a subsequent review of the identifiers by the Office indicates that the correct serial

number should have been divisional application 12/756,401. The Office moved the response of May 26, 2010 from 12/194,028 to 12/756,401. Since the Office has discovered the mistake by applicant in the papers filed, the petition will therefore be granted.

In view of the above, the holding of abandonment for failure to timely file a reply to the Office action of April 23, 2010, is hereby withdrawn and the application is restored to pending status.

Telephone inquiries concerning this decision should be directed to Michelle R. Eason at (571) 272-4231.

The application file is being referred to the Office of Patent Application Processing.

Thurman K Page

Thurman Page
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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Brannon Robinson Sowers Hughel & Doss PC
1 North Pennsylvania Street
Suite 800
Indianapolis IN 46204

MAILED

SEP 14 2011

OFFICE OF PETITIONS

In re Application of
GLOODT, CARY E.
Application No. 12/756,408
Filed: 04/08/2010
Attorney Docket No. 32-10465

DECISION ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed August 24, 2011, to revive the above-identified application.

The application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Nonprovisional Application (Notice) mailed April 27, 2010. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extension of the reply period was obtained under the provisions of 37 CFR 1.136(a). Accordingly, the application became abandoned on June 28, 2010. On April 25, 2011, the Office mailed a Notice of Abandonment.

Petitioner has met the requirements to revive the above-identified application pursuant to 37 CFR 1.137(b). Petitioner submitted the required reply, paid the petition fee, and made the proper statement of unintentional delay. Accordingly, the petition is **granted.**

This matter is being referred to the Office of Patent Application Processing.

Telephone inquiries specific to this decision may be directed to the undersigned at (571) 272-3211.

C. T. Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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DIEHL SERVILLA LLC,
33 WOOD AVE SOUTH
SECOND FLOOR, SUITE 210
ISELIN, NJ 08830

MAILED

OCT 22 2010

OFFICE OF PETITIONS

In re Application of	:	
Beng Sim CHUAH, et al	:	
Application No. 12/756,510	:	DECISION ON PETITION
Filed: April 8, 2010	:	TO WITHDRAW
Attorney Docket No. ANS0005-01DV	:	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 30, 2010.

The request is **NOT APPROVED** as moot.

A review of the file record indicates that the power of attorney to Karen M. Whitney and the attorneys associated with Customer No. 48394, has been revoked by the assignee of the patent application on September 29, 2010. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

Telephone inquires concerning this decision should be directed to undersigned at 571-272- 6735.

/Diane C. Goodwyn/
Diane C. Goodwyn
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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KILYK & BOWERSOX, P.L.L.C.
3925 CHAIN BRIDGE ROAD
SUITE D401
FAIRFAX VA 22030

MAILED

JAN 31 2011

OFFICE OF PETITIONS

In re Application of:	:	
Lau et al.	:	
Application No. 12/756589	:	DECISION GRANTING
Filing or 371(c) Date: 04/08/2010	:	PETITION UNDER
Title of Invention:	:	37 CFR 1.47(a)
COLUMN ENRICHMENT OF PCR BEADS	:	
COMPRISING TETHERED AMPLICONS	:	

This is in response to "Petition to File Declaration on Behalf of Non-Signing Inventors Who Refuse to Sign Under 37 C.F.R. 1.47(a)," filed October 27, 2010, to allow the other inventor(s) to proceed with the application on behalf of himself or herself and the nonsigning inventor.

The petition is **granted**.

The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

Petitioner has shown that the non-signing inventor, Douglas Greiner, refuses to join in the application.

As provided in Rule 1.47(a), this Office will forward notice of this application's filing to the non-signing inventor at the addresses given in the Petition. Notice of the filing of this reissue application will also be published in the Official Gazette.

The application file is being referred to the Office of Patent Application Processing for continued processing in the normal course of business.

Telephone inquiries related to this decision may be directed to the undersigned at (571) 272-3232.

/DLW/

Derek L. Woods
Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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MR. DOUGLAS GREINER
36266 LARCH WAY
FREMONT, CA 94536

MAILED

JAN 31 2011

OFFICE OF PETITIONS

In re Application of:	:	
Lau et al.	:	
Application No. 12/756589	:	LETTER
Filing or 371(c) Date: 04/08/2010	:	
Title of Invention:	:	
COLUMN ENRICHMENT OF PCR BEADS	:	
COMPRISING TETHERED AMPLICONS	:	

Dear Mr. Greiner:

You are named as a joint inventor in the above-identified United States patent application filed under the provisions of 35 U.S.C. 116 (United States Code) and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Telephone inquiries regarding this communication should be directed to the undersigned at (571) 272-3232. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at (703) 308-9726 or 1-800-972-6382 (outside the Washington D.C. area).

/DLW/

Derek L. Woods
Attorney
Office of Petitions

CC: KILYK & BOWERSOX, P.L.L.C.
3925 CHAIN BRIDGE ROAD
SUITE D401
FAIRFAX VA 22030

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/756,604	04/08/2010	Lena Lunn	05144-P0021A	1957

24126 7590 02/03/2011
ST. ONGE STEWARD JOHNSTON & REENS, LLC
986 BEDFORD STREET
STAMFORD, CT 06905-5619

EXAMINER

ART UNIT	PAPER NUMBER
2833	

MAIL DATE	DELIVERY MODE
02/03/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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ST. ONGE STEWARD JOHNSTON & REENS, LLC
986 BEDFORD STREET
STAMFORD CT 06905-5619

In re Application of	
LUNN et al.	**: DECISION ON REQUEST TO**
Application No.: 12/756,604	**: PARTICIPATE IN THE PATENT**
Filed: 08 April 2010	**: PROSECUTION HIGHWAY**
Attorney Docket No.: 05144-P0021A	**: PROGRAM AND PETITION**
For: MEASURING CONTACT	**: TO MAKE SPECIAL UNDER**
SEQUENCE IN A TAP CHANGER	**: 37 CFR 1.102(a)**

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed 03 January 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 must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the EPO;

(2) Applicant must submit a copy of the allowable/patentable claim(s) from the EPO application(s) along with an English translation thereof and a statement that the English translation is accurate;

(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the EPO application(s);

(4) Examination of the U.S. application has not begun;

(5) Applicant must submit a copy of all the office actions from each of the EPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;

(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; and

The request to participate in the PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Inquiries concerning this decision should be directed to 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 the formalities review has been completed.

Lee W. Young
TQAS
Technology Center 2800

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United States Patent and Trademark Office
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MAILED
MAY 10 2011
OFFICE OF PETITIONS

VALENCE TECHNOLOGY, INC.
1889 E. MAULE AVENUE, SUITE A
LAS VEGAS, NV 89119

In re Application of	:	
Russell Troxel et al	:	DECISION GRANTING STATUS
Application No. 12/756,646	:	UNDER 37 CFR 1.47(a)
Filed: April 8, 2010	:	
Attorney Docket No. VT-2623/02	:	

This is a decision on the petition filed November 23, 2010 under 37 CFR 1.47(a).

The petition is **GRANTED.**

Petitioner has shown that the non-signing inventor, Joel E. Sandahl, has refused to join in the filing of the above-identified application.

The application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

As provided in 37 CFR 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

This matter is being referred to the Office of Patent Application Processing.

Telephone inquiries regarding this decision should be directed to Irvin Dingle at (571) 272-3210.

David Bucci
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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Joel E. Sandahl
760 Spanish Oak Trail
Dripping Springs, TX 78720

MAILED
MAY 10 2011
OFFICE OF PETITIONS

In re Application of
Russell Troxel; Joel E. Sandahl
Application No. 12/756,646
Filed: April 8, 2010
For: BATTERIES, BATTERY SYSTEMS, BATTERY SUBMODULES, BATTERY OPERATIONAL METHODS, BATTERY SYSTEM OPERATIONAL METHODS, BATTERY CHARGING METHODS, AND BATTERY SYSTEM CHARGING METHODS

Dear Mr. Sandahl:

You are named as a joint inventor in the above identified United States patent application, filed under the provisions of 35 U.S.C. 116 (United States Code), and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join in the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Telephone inquiries regarding this communication should be directed to the Irvin Dingle at (571) 272-3210. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at (571) 272-3150 or 1 (800) 972-6382 (outside the Washington D.C. area).

David Bucci
Petitions Examiner
Office of Petitions

cc: Valence Technology, Inc.
1889 E. Maule Avenue, Suite A
Las Vegas, NV 89119

UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/756,673	04/08/2010	Toshiyuki KASAI	145237	1094

7590 04/11/2012
OLIFF & BERRIDGE, PLC
P.O. BOX 320850
ALEXANDRIA, VA 22320-4850

EXAMINER
STONE, ROBERT M

ART UNIT	PAPER NUMBER
2629	

NOTIFICATION DATE	DELIVERY MODE
04/11/2012	ELECTRONIC

DECISION DISMISSING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment will not be recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is dismissed.

The express abandonment will **not** be recognized for the reason(s) indicated below:

1. ☑ The petition was not filed in sufficient time to permit the appropriate officials to recognize the abandonment before an examination has been made of the application. See 37 CFR 1.138(d).
2. ☐ The petition was not signed by a party authorized by 37 CFR 1.33(b)(1), (3) or (4).
3. ☐ The application is not an application filed under 35 U.S.C. 111(a) on or after December 8, 2004.
4. ☐ The petition for express abandonment under 1.138(d) is dismissed because the applicant did not pay any search fee and excess claims fees in the above-identified application.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Patent Publication Branch
Office of Data Management

FORM PET651D (Rev. 08/07)

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MAY 10 2011
OFFICE OF PETITIONS

VALENCE TECHNOLOGY, INC.
1889 E. MAULE AVENUE, SUITE A
LAS VEGAS, NV 89119

In re Application of	:	
Russell Troxel et al	:	DECISION GRANTING STATUS
Application No. 12/756,676	:	UNDER 37 CFR 1.47(a)
Filed: April 8, 2010	:	
Attorney Docket No. VT-2623/03	:	

This is a decision on the petition filed November 23, 2010 under 37 CFR 1.47(a).

The petition is **GRANTED.**

Petitioner has shown that the non-signing inventor, Joel E. Sandahl, has refused to join in the filing of the above-identified application.

The application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

As provided in 37 CFR 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

This matter is being referred to the Office of Patent Application Processing.

Telephone inquiries regarding this decision should be directed to Irvin Dingle at (571) 272-3210.

David Bucci
Petitions Examiner
Office of Petitions

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MAY 10 2011
OFFICE OF PETITIONS

Joel E. Sandahl
760 Spanish Oak Trail
Dripping Springs, TX 78720

In re Application of
Russell Troxel; Joel E. Sandahl
Application No. 12/756,676
Filed: April 8, 2010
For: BATTERIES, BATTERY SYSTEMS, BATTERY SUBMODULES, BATTERY OPERATIONAL METHODS, BATTERY SYSTEM OPERATIONAL METHODS, BATTERY CHARGING METHODS, AND BATTERY SYSTEM CHARGING METHODS

Dear Mr. Sandahl:

You are named as a joint inventor in the above identified United States patent application, filed under the provisions of 35 U.S.C. 116 (United States Code), and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join in the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Telephone inquiries regarding this communication should be directed to the Irvin Dingle at (571) 272-3210. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at (571) 272-3150 or 1 (800) 972-6382 (outside the Washington D.C. area).

David Bucci
Petitions Examiner
Office of Petitions

cc: Valence Technology, Inc.
1889 E. Maule Avenue, Suite A
Las Vegas, NV 89119

UNITED STATES 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
Gregory Schwartz

Application No. 12756690

Filed: April 8,2010

Attorney Docket No. 10-KBE/103

:DECISION ON PETITION TO MAKE SPECIAL
:UNDER 37 CFR 1.102(c)(1)

This is a decision on the electronic petition under 37 CFR 1.102 (c)(1), filed 19-JAN-2012 to make the above-identified application special based on applicant's age as set forth in MPEP § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1), MPEP § 708.02, Section IV: Applicant's Age must include a statement by applicant or a registered practitioner having evidence that applicant is at least 65 years of age. No fee is required.

Accordingly, the above-identified application has been accorded "special" status and will be taken up for action by the examiner upon the completion of all pre-examination processing.

Telephone inquiries concerning this electronic decision should be directed to the Electronic Business Center at 866-217-9197.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

Doc code : PET.OP.AGE
Description : Petition to make special based on Age/Health

PTO/SB/130 (07-09)
Approved for use through 07/31/2012. OMB 0651- 0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number

PETITION TO MAKE SPECIAL BASED ON AGE FOR ADVANCEMENT OF EXAMINATION UNDER 37 CFR 1.102(c)(1)

Application Information

Application Number	12/756,690	Confirmation Number	1122	Filing Date	2010-04-08
Attorney Docket Number (optional)	11-KBE/103	Art Unit	NA	Examiner	NA
First Named Inventor	Gregory Schwartz				
Title of Invention	METHOD OF DEVELOPING A RAPIDLY SETTLING ALGAL FLOC				

Attention: Office of Petitions
An application may be made special for advancement of examination upon filing of a petition showing that the applicant is 65 years of age, or more. No fee is required with such a petition. See 37 CFR 1.102(c)(1) and MPEP 708.02 (IV).

APPLICANT HEREBY PETITIONS TO MAKE SPECIAL FOR ADVANCEMENT OF EXAMINATION IN THIS APPLICATION UNDER 37 CFR 1.102(c)(1) and MPEP 708.02 (IV) ON THE BASIS OF THE APPLICANT'S AGE.

A grantable petition requires one of the following items:
(1) Statement by one named inventor in the application that he/she is 65 years of age, or more; or
(2) Certification by a registered attorney/agent having evidence such as a birth certificate, passport, driver's license, etc. showing one named inventor in the application is 65 years of age, or more.

Name of Inventor who is 65 years of age, or older

Given Name	Middle Name	Family Name	Suffix
Jon	C.	Van Olst	

A signature of the applicant or representative is required in accordance with 37 CFR 1.33 and 10.18.
Please see 37 CFR 1.4(d) for the format of the signature.

Select (1) or (2) :

○ (1) I am an inventor in this application and I am 65 years of age, or more.

● (2) I am an attorney or agent registered to practice before the Patent and Trademark Office, and I certify that I am in possession of evidence, and will retain such in the application file record, showing that the inventor listed above is 65 years of age, or more.

Signature	/Richard D. Clarke/	Date (YYYY-MM-DD)	2012-01-19
Name	Richard D. Clarke	Registration Number	38846

PTO/SB/130 (07-09)
Approved for use through 07/31/2012. OMB 0651- 0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number

Privacy Act Statement

The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether the Fr eedom of Information Act requires disclosure of these records.

2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.

3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.

4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).

5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.

6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).

7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about indivi duals.

8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspections or an issued patent.

9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

UNITED STATES PATENT AND TRADEMARK OFFICE

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MAILED

MAR 17 2011

OFFICE OF PETITIONS

EDWARDS ANGELL PALMER & DODGE LLP
P.O. BOX 55874
BOSTON MA 02205

In re Application of	:	
MIESNER, et al	:	
Application No. 12/756,692	:	DECISION ON PETITION
Filed: April 8, 2010	:	
Attorney Docket No. 81570(306899)	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed January 13, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Nonprovisional Application (Notice), mailed April 26, 2010. The Notice set a period for reply of two (2) months from the mail date of the Notice. A five (5) month extension of time under the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the application became abandoned on November 27, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a declaration and the required fee; (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.

All other inquires should be directed to the Office of Data Management at (571) 272-4000.

This application is being referred to the Office of Data Management for further pre-examination processing.

/Diane C. Goodwyn/
Diane C. Goodwyn
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

MAILED
JUL 20 2011
OFFICE OF PETITIONS

DUNLAP CODDING, P.C.
PO BOX 16370
OKLAHOMA CITY OK 73113

In re Application of MALLAVARAPU et al. Application No. 12/756,753 Filed: April 8, 2010 Attorney Docket No. 6311.005	: : : : : :	DECISION DISMISSING PETITION UNDER 37 CFR 1.78(a)(3) AND 37 CFR 1.55(c)

This is a decision on the petitions under 37 CFR 1.78(a)(3) and 37 CFR 1.55(c), filed May 18, 2011, to accept an unintentionally delayed claim under 35 U.S.C. §§ 120 and 365(c) for the benefit of priority to a prior-filed international application, and under 35 U.S.C. § 119(a)-(d) for the benefit of priority to a prior-filed foreign application, as set forth in the concurrently filed amendment.

The petition is **DISMISSED**.

As to the benefit claim under 37 CFR 1.78(a)(3):

A petition for acceptance of a claim for late priority under 37 CFR 1.78(a)(3) is only applicable to those applications filed on or after November 29, 2000 and after the expiration of the period specified in 37 CFR 1.78(a)(2)(ii). In addition, the petition under 37 CFR 1.78(a)(3) must be accompanied by:

(1) the reference required by 35 U.S.C. § 120 and 37 CFR 1.78(a)(2)(i) of the prior-filed application, unless previously submitted;
(2) the surcharge set forth in § 1.17(t); and
(3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2)(ii) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

The petition does not comply with item (1).

37 CFR 1.78(a)(2)(i) requires that any nonprovisional application claiming the benefit of one or more prior-filed copending international applications designating the United States must contain or be amended to contain a reference to each such prior-filed application, identifying it by international application number, international filing date and indicating the relationship of the applications. The relationship between the applications is whether the subject application is a continuation, divisional, or continuation-in-part of a prior-filed international application. An example of a proper benefit claim is: "This application is a continuation of International Application No. PCT/---, filed---." A benefit claim that merely states: "This application claims the benefit of International Application No. PCT/---, filed---," does not comply with 37 CFR 1.78(a)(2)(i) since the proper relationship, which includes the type of continuing application, is not stated. Also, the status of each nonprovisional parent application (if it is patented or abandoned) should also be indicated, following the filing date of the parent nonprovisional application. *See* MPEP § § 1895 and 201.11, Reference to Prior Nonprovisional Applications. The amendment fails to comply with the provisions of 37 CFR 1.78(a)(2)(i) and is therefore unacceptable.

Before the petition under 37 CFR §§ 1.78(a)(3) can be granted, a renewed petition and either an Application Data Sheet or a substitute amendment (complying with the provisions of 37 CFR 1.121 and 37 CFR 1.76(b)(5)) to correct the above matters are required.

As to the benefit claim under 37 CFR 1.55(c):

A petition under 37 CFR 1.55(c) to accept an unintentionally delayed claim for priority requires:

(1) The nonprovisional application claiming the benefit of an earlier filing date must be filed on or after November 29, 2000;
(2) the claim submitted with the petition must identify the prior foreign application for which priority is claimed, as well as any foreign application for the same subject matter and having a filing date before that of the application for which priority is claimed, by the application number, country, and the filing date, **and be included either in an oath or declaration (37 CFR 1.63(c)(2)) or in an Application Data Sheet (37 CFR 1.76(b)(6))**;
(3) the surcharge as set forth in 37 CFR 1.17(t);
(4) a statement that the entire delay between the date the claim was due under 37 CFR 1.55(a)(1) and the date the claim was filed was unintentional (the Director may require additional information where there is a question whether the delay was unintentional); and
(5) the above-identified nonprovisional application must be filed within 12 months of the filing date of the foreign application.

The petition fails to comply with items (2), (4) and (5) above.

In this regard to item (2), a review of the file record fails to disclose that the priority information was included in an oath or declaration or in an Application Data Sheet (ADS) in accordance with 37 CFR 1.76(b)(6). Unless provided in an ADS, 37 CFR 1.63(c)(2) requires that the oath or declaration must identify the foreign application for patent (or inventor's certificate) for which priority is claimed under 37 CFR 1.55, and any foreign application having a filing date before that of the application on which priority is claimed, by specifying the application number, country, day, month, and year of its filing. *Note* MPEP 201.14.

In regards to item (4), 37 CFR § 1.55(c) requires a statement that the entire delay between the date the claim was due under 37 CFR § 1.55(a)(1) and the date the claim was filed was unintentional. Petitioner has not provided the required statement.

In regards to item (5), nonprovisional application 12/756,753 was not filed within 12 months of either PCT/AU2008/001494 or Australian Patent Application 2007905529.[1]

In view of the above, compliance with 37 CFR 1.63(c)(2) or 37 CFR 1.76(b)(6) must be satisfied if applicant desires to claim priority to the foreign application noted in the petition. Any future petition should include a cover letter and be entitled "Renewed Petition under 37 CFR 1.55(c)."

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop PETITIONS
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By hand: Customer Service Window
Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By fax: (571) 273-8300
ATTN: Office of Petitions

Any questions concerning this matter may be directed to Jose' G Dees at (571) 272-1569.

David Bucci
Petitions Examiner
Office of Petitions

[1] While the amendment to the specification indicates a claim for foreign priority to the PCT application (note reference to 35 USC § 119), it appears that petitioner may have intended to only claim domestic benefit to the PCT application under 25 USC § § 120 and 365(c). As such, the PCT application should not be identified as a foreign priority claim in the oath/declaration or ADS.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450

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APR 06 2011
OFFICE OF PETITIONS

EDWARDS ANGELL PALMER & DODGE LLP
P.O. BOX 55874
BOSTON MA 02205

In re Application of	:	
Hans-Joachim MIESNER et al.	:	DECISION GRANTING PETITION
Application No. 12/756,765	:	UNDER 37 CFR 1.137(b)
Filed: April 8, 2010	:	
Atty. Docket No.: 81571(306899)	:	

This is a decision on the petition under 37 CFR 1.137(b), filed January 13, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to Notice to File Missing Parts mailed April 23, 2010 ("Notice"), which set a statutory period for reply of two (2) months. The application became abandoned on November 23, 2010, and a Notice of Abandonment was mailed December 17, 2010.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a Statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d).

The petition satisfies the conditions for revival pursuant to 37 CFR 1.137(b) by including (1) a reply in the form of a Response to the outstanding Office action, (2) a petition fee of $1620.00, and (3) a Statement of unintentional delay. The reply to the Notice is accepted as having been unintentionally delayed.

General inquiries relating to this decision should be directed to Robert DeWitty, Petitions Examiner, Office of Petitions (571-272-8427).

The application file will be referred to Office of Patent Application Processing for further action on the filed Response.

David Bucci
Petitions Examiner
Office of Petitions

Doc Code: PET.RELIEF
Document Description: Certification and Request for Disaster Relief

PTO/SB/425 (03-11)

CERTIFICATION AND REQUEST FOR RELIEF DUE TO EVENTS OF MARCH 11, 2011, IN JAPAN (Page 1 of 2)

Nonprovisional Application Number or Control Number (if applicable): 12/756,769	Patent Number (if applicable):
First Named Inventor: Shuko YAMAUCHI	Title of Invention: SECONDARY BATTERY MODULE, BATTERY INFORMATION...

APPLICANT/PATENTEE/REEXAMINATION PARTY HEREBY CERTIFIES AND REQUESTS THE FOLLOWING FOR THE ABOVE-IDENTIFIED APPLICATION/PATENT/REEXAMINATION PROCEEDING.

1. FOR PATENT APPLICATIONS AND REEXAMINATION PROCEEDINGS PENDING IN THE USPTO AS OF MARCH 11, 2011, IN WHICH A COMMUNICATION FROM THE USPTO IS SOUGHT TO BE REMAILED:

   a. One or more inventors, an assignee, or a correspondence address (for the application/proceeding) is in an area of Japan affected by the earthquake and/or tsunami of March 11, 2011.

   b. A reply or response to an Office action (final, non-final, or other), a notice of allowance, or other Office notice (hereinafter collectively referred to as "Office communication") is outstanding on March 11, 2011.

   c. The statutory or non-statutory time period set for response has not yet expired.

   d. Withdrawal and reissuance of the Office communication is requested.

   e. It is acknowledged that if this request is not made within sufficient time so that withdrawal and reissuance of the Office communication occur prior to expiration of the statutory or non-statutory time period (as permitted to be extended under 37 CFR 1.136(a), or as extended under 37 CFR 1.550(c) or 1.956), this request may not be granted.

   f. The need for the reissuance of the Office communication was due to the effects of the earthquake and/or tsunami of March 11, 2011.

   g. This request is being sent via EFS-Web or by mail directed to Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

2. FOR PATENTEES WHO WERE UNABLE TO TIMELY PAY A PATENT MAINTENANCE FEE DURING THE SIX-MONTH GRACE PERIOD FOLLOWING THE WINDOW TO PAY THE MAINTENANCE FEE:

   a. The original window of time to pay the maintenance fee without the surcharge required by 37 CFR 1.20(h) expired on or after March 11, 2011.

   b. The delay in paying the fee was due to the effects of the earthquake and/or tsunami of March 11, 2011.

   c. The USPTO is requested to *sua sponte* waive the surcharge in 37 CFR 1.20(h) for paying a maintenance fee during the six-month grace period following the window to pay the maintenance fee.

   d. This request and payment of the maintenance fee during the six-month grace period following the window to pay the maintenance fee is being mailed to: Director of the United States Patent and Trademark Office, Attn: Maintenance Fee, 2051 Jamieson Avenue, Suite 300, Alexandria, VA 22314; or being transmitted via facsimile to: 571-273-6500.

CERTIFICATION AND REQUEST FOR RELIEF DUE TO EVENTS OF MARCH 11, 2011, IN JAPAN (Page 2 of 2)

3. FOR PATENTEES WHO NEED TO FILE A PETITION TO ACCEPT A DELAYED MAINTENANCE FEE PAYMENT UNDER 37 CFR 1.378(c):

   a. The maintenance fee payment was required to have been paid after March 10, 2011.

   b. A petition under 37 CFR 1.378(c) (using USPTO form PTO/SB/66 – Petition to Accept Unintentionally Delayed Payment of Maintenance Fee in an Expired Patent (37 CFR 1.378(c))) is being promptly filed accompanied by the applicable maintenance fee payment (but not the surcharge under 37 CFR 1.20(i)).

   c. The delay in payment of the maintenance fee was due to the effects of the earthquake and/or tsunami of March 11, 2011.

   d. The USPTO is requested to *sua sponte* waive the surcharge in 37 CFR 1.20(i) for accepting a delayed maintenance fee payment.

   e. It is acknowledged that the petition to accept a delayed maintenance fee payment under 37 CFR 1.378(c) must be filed by March 11, 2012, in order to be entitled to a waiver of the surcharge under 37 CFR 1.20(i).

   f. It is acknowledged that the petition to accept a delayed maintenance fee payment under 37 CFR 1.378(c) must be filed within twenty-four months from the expiration date of the patent. *See* 35 U.S.C 41(c).

   g. This request and the petition to accept a delayed maintenance fee payment under 37 CFR 1.378(c) is being submitted via EFS-Web or by mail directed to Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

4. FOR NONPROVISIONAL PATENT APPLICATIONS FILED WITHOUT AN EXECUTED OATH OR DECLARATION OR PAYMENT OF THE BASIC FILING FEE, SEARCH FEE, AND/OR EXAMINATION FEE:

   a. The nonprovisional patent application was filed on or after March 11, 2011, and prior to April 12, 2011.

   b. The late filing of the oath or declaration or the basic filing fee, search fee, or examination fee was due to the effects of the earthquake and/or tsunami of March 11, 2011.

   c. The USPTO is requested to *sua sponte* waive the surcharge set forth in 37 CFR 1.16(f) for the late filing of the oath or declaration or basic filing fee, search fee, and/or examination fee.

   d. This request, together with the executed oath or declaration or the basic filing fee, search fee, or examination fee, as well as the reply to the Notice to File Missing Parts, is being submitted via EFS-Web or by mail directed to Mail Stop Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Signature /Leonid D. Thenor/	Date July 12, 2011
Name (Print/Typed) Leonid D. Thenor	Practitioner Registration Number 39,397

Note: *Signatures of all the inventors, § 1.41(b) applicants, or assignees of record of the entire interest or their representative(s), or reexamination requesters at the appeal stage are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature, see below*.*

☐ *Total of 1 forms are submitted.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

ANTONELLI, TERRY, STOUT & KRAUS, LLP
1300 NORTH SEVENTEENTH STREET
SUITE 1800
ARLINGTON VA 22209-3873

MAILED
JUL 14 2011
OFFICE OF PETITIONS

In re Application of	:	
Yamauchi et al.	:	
Application No. 12/756,769	:	DECISION ON PETITION
Filed: April 8, 2010	:	
Attorney Docket No. 1021.46805CX1	:	

This is a decision on the request filed July 12, 2011, seeking relief under the provisions of "Relief Available to Patent and Trademark Applicants, Patentees and Trademark Owners Affected by the Catastrophic Events of March 11, 2011 in Japan," 1365 Off. Gaz. Pat. Office 170 (April 19, 2011).

The request for relief is **GRANTED**.

In the above-identified application, an Office action was mailed on March 9, 2011. The instant petition was filed prior to the expiration of the period for reply and the certifications for granting of relief are considered to be met by the submission of the request.

Telephone inquires 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.

This application is being referred to the Technology Center, Art Unit 2858 for re-mailing the Office action of March 9, 2011. The period for reply will run from the mailing date of the Office action.

/Joan Olszewski/
Joan Olszewski
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: 81204435	Application Number (if known): 12/756,784	Filing date: April 8, 2010
First Named Inventor: Gopichandra Surnilla		
Title: METHOD FOR IMPROVING TRANSIENT ENGINE OPERATION		

APPLICANT HEREBY REQUESTS TO PARTICIPATE IN THE GREEN TECHNOLOGY PILOT PROGRAM FOR THE ABOVE-IDENTIFIED APPLICATION. See Instruction Sheet on page 2.

This petition must be timely filed electronically using the USPTO electronic filing system, EFS-Web.

1. By filing this petition:

   Applicant is requesting early publication: Applicant hereby requests early publication under 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d) accompanies this request.

2. By filing this petition: applicant is agreeing to make an election without traverse in a telephonic interview and elect an invention that meets the eligibility requirements for the Green Technology Pilot Program, if the Office determines that the claims are not obviously directed to a single invention. See Instruction Sheet.

3. This request is accompanied by statements of special status for the eligibility requirement.

4. The application contains no more than three (3) independent claims and twenty (20) total claims.

5. The application does not contain any multiple dependent claims.

6. Other attachments: Preliminary Amendment

Signature	Date January 24, 2011
Name (Print/Typed) John D. Russell	Registration Number 47,048

Note: *Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature see below*.*

X *Total of 1 forms are submitted.

The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants	:	Gopichandra Surnilla et al.
Application No.	:	12/756,784
Filed	:	April 8, 2010
Title	:	METHOD FOR IMPROVING TRANSIENT ENGINE OPERATION
Group Art Unit	:	3747
Confirmation No.	:	1321
Docket No.	:	81204435

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

CERTIFICATE OF TRANSMISSION

I hereby certify that this correspondence is being transmitted via the U.S. Patent and Trademark Office electronic filing system (EFS-Web) to the USPTO on:

January 24, 2011
Date

Caitlin Fackrell
Caitlin Fackrell

STATEMENTS OF SPECIAL STATUS

Applicants respectfully request consideration of the following statement concerning the basis for the special status as well as the following statement pertaining to the materiality standard.

I. Statement concerning the basis for special status.

Applicants submit that special status is sought on the following bases: (1) the claimed invention materially contributes to the more efficient utilization and conservation of energy resources; and/or (2) the claimed invention materially contributes to greenhouse gas emission reduction; and/or (3) the claimed invention materially enhances the quality of the environment.

II. Statement pertaining to the materiality standard.

As a preliminary matter, Applicants note that the following statement refers explicitly to the elements of independent claim 1, which is the broadest claim in many respects.

Regarding basis (1), Applicants submit that the claimed invention materially contributes to the more efficient utilization and conservation of energy resources by

improving fuel economy (*e.g.*, more efficiently utilizing and conserving fossil fuels). As set forth in the Background and Summary of the subject application, operating an engine at high cylinder charge dilution levels can increase fuel economy by reducing engine pumping work and cylinder combustion temperature, thereby improving engine operation. However, if an engine is operated at a high level of charge dilution and there is a rapid change in operating conditions (*e.g.*, a change in engine load), the engine may suffer poor combustion stability and/or misfire, thereby causing poor drivability and making it less practical to operate at high dilution levels and limiting the actual amount of time the engine can be operated at high dilution, thus limiting the fuel economy savings of such an approach.

The claimed invention addresses these transient control issues by injecting multiple fuel types into an engine cylinder. As one example, gaseous fuel reformed from, for example, alcohol, may be used as one type of fuel that has higher combustion stability than gasoline or ethanol. By utilizing gaseous fuel in addition to a liquid fuel such as gasoline, combustion stability can be achieved at higher charge dilution levels. For example, claim 1 recites:

> A method for operating an engine, comprising:
>
> operating an engine by injecting a gaseous fuel and a liquid fuel to at least an engine cylinder;
>
> diluting a mixture of at least an engine cylinder; and
>
> increasing a fraction of gaseous fuel relative to a fraction of liquid fuel injected to a cylinder in response to a transient condition.

For example, the engine may operate by injecting a gaseous fuel and a liquid fuel to at least an engine cylinder. The mixture of at least an engine cylinder is diluted, and a fraction of gaseous fuel is increased relative to a fraction of liquid fuel injected to a cylinder in response to an operator tip-out. By increasing injection of a gaseous fuel during a transient engine operating condition (such as operator tip-out) it may be possible to reduce engine misfires when the engine is operating at a higher dilution level. Thus, it may be possible to extend operation at higher dilution levels, or even increase dilution levels under some conditions, and thus enable increased fuel economy and reduced emissions. Specifically, when combustion stability can be improved during transient engine operating conditions, that enables the higher dilution level to be used to a further

extent than otherwise possible since the combustion stability issue has been reduced, as increasing combustion stability can reduce the possibility of poor combustion stability and/or engine misfires.

Regarding basis (2), Applicants submit that the claimed invention materially contributes to greenhouse gas emission reduction as follows. CO_2 is a greenhouse gas produced as a product of fuel combustion. As explained above, improved use of gaseous fuel to stabilize combustion at high charge dilution levels can lead to increased fuel economy, reducing the amount of fuel combusted and thus reducing emissions of CO_2.

Regarding basis (3), Applicants submit that the claimed invention materially enhances the quality of the environment by reducing NOx emissions, which negatively impact the quality of the environment. High combustion and exhaust temperatures can increase production of NOx. High cylinder charge dilution levels can lower peak combustion temperatures, in turn lowering NOx emissions. As explained above and set forth in claim 1, improved use of gaseous fuel to stabilize combustion at high charge dilution levels can extend engine operation at high dilution levels, or even extend the dilution level itself, thus reducing NOx emissions and enhancing the quality of the environment.

Please charge any cost incurred in this filing, along with any other costs, to Deposit Account No. 06-1510.

Respectfully submitted,

ALLEMAN HALL MCCOY RUSSELL & TUTTLE LLP

John D. Russell
Registration No. 47,048
Customer No. 36865
Attorney/Agent for Applicants/Assignee
806 S.W. Broadway, Suite 600
Portland, Oregon 97205
Telephone: (503) 459-4141
Facsimile: (503) 459-4142

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/756,784	04/08/2010	Gopichandra Surnilla	81204435	1321

36865 7590 02/02/2011
ALLEMAN HALL MCCOY RUSSELL & TUTTLE, LLP
806 S.W. BROADWAY, SUITE 600
PORTLAND, OR 97205

EXAMINER

ART UNIT	PAPER NUMBER
3747	

MAIL DATE	DELIVERY MODE
02/02/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

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ALLEMAN HALL MCCOY RUSSELL & TUTTLE, LLP
806 S.W. BROADWAY, SUITE 600
PORTLAND OR 97205

In re Application of	:	
SURNILLA, GOPICHANDRA et al	:	DECISION ON PETITION
Application No. 12/756,784	:	TO MAKE SPECIAL UNDER
Filed: April 8,2010	:	THE GREEN TECHNOLOGY
Attorney Docket No. 81204435	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed Jan. 24, 2011, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **granted.**

If reconsideration of this decision is desired, a petition for reconsideration must be filed within ONE (1) MONTH OR THIRTY (30) DAYS from the mail date of this decision, whichever is longer. No extension of this time limit can be granted under 37 CFR 1.136(a) or (b). The petition for reconsideration should include an exhaustive attempt to provide the lacking item(s) noted below, since, after a decision on the petition for reconsideration, no further reconsideration or review of the matter will be undertaken by the Director.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii)

greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The instant petition complies with items 1 – 8 above. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquires concerning this decision should be directed to Henry C. Yuen at 571-272-4856.

This application will be forwarded to the Technology Center Art Unit 3747 for action on the merits commensurate with this decision.

/Henry C. Yuen/

Henry C. Yuen
Quality Assurance Specialist
Technology Center TC 3700

Doc Code: PET.GREEN
Document Description: Petition for Green Tech Pilot

PTO/SB/420 (11-10)
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: 81204437	Application Number (if known): 12/756,792	Filing date: April 8, 2010
First Named Inventor: Michael Damian Czekala		
Title: IGNITION CONTROL FOR REFORMATE ENGINE		

APPLICANT HEREBY REQUESTS TO PARTICIPATE IN THE GREEN TECHNOLOGY PILOT PROGRAM FOR THE ABOVE-IDENTIFIED APPLICATION. See Instruction Sheet on page 2.

This petition must be timely filed electronically using the USPTO electronic filing system, EFS-Web.

1. By filing this petition:

   Applicant is requesting early publication: Applicant hereby requests early publication under 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d) accompanies this request.

2. By filing this petition: applicant is agreeing to make an election without traverse in a telephonic interview and elect an invention that meets the eligibility requirements for the Green Technology Pilot Program, if the Office determines that the claims are not obviously directed to a single invention. See Instruction Sheet.

3. This request is accompanied by statements of special status for the eligibility requirement.

4. The application contains no more than three (3) independent claims and twenty (20) total claims.

5. The application does not contain any multiple dependent claims.

6. Other attachments: Preliminary Amendment

Signature	Date January 24, 2011
Name (Print/Typed) John D. Russell	Registration Number 47,048

Note: *Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature see below*.*

☒ *Total of 1 forms are submitted.

The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants	:	Michael Damian Czekala et al.
Application No.	:	12/756,792
Filed	:	April 8, 2010
Title	:	IGNITION CONTROL FOR REFORMATE ENGINE
Group Art Unit	:	3783
Confirmation No.	:	1347
Docket No.	:	81204437

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

CERTIFICATE OF TRANSMISSION

I hereby certify that this correspondence is being transmitted via the U.S. Patent and Trademark Office electronic filing system (EFS-Web) to the USPTO on:

January 24, 2011
Date

Caitlin Fackrell
Caitlin Fackrell

STATEMENTS OF SPECIAL STATUS

Applicants respectfully request consideration of the following statement concerning the basis for the special status as well as the following statement pertaining to the materiality standard.

I. Statement concerning the basis for special status.

Applicants submit that special status is sought on the following bases: (1) the claimed invention materially contributes to the more efficient utilization and conservation of energy resources; and/or (2) the claimed invention materially contributes to greenhouse gas emission reduction.

II. Statement pertaining to the materiality standard.

As a preliminary matter, Applicants note that the following statement refers explicitly to the elements of independent claim 1, which is the broadest claim in many respects.

Regarding basis (1), Applicants submit that the claimed invention materially contributes to the more efficient utilization and conservation of energy resources by improving fuel economy (*e.g.*, more efficiently utilizing and conserving fossil fuels). Specifically, the claimed invention improves fuel economy by reducing energy expended

by the ignition system, where possible, while still obtaining sufficient combustion stability with EGR (exhaust gas recirculation) and/or lean burn conditions.

Specifically, EGR and/or lean burn can improve fuel economy by increasing engine efficiency. However, as explained in the Background and Summary of the subject application, the use of systems such as EGR that cause high cylinder dilution levels require increased ignition output for combustion, as the increased low-oxygen air reduces ignitibility of the cylinder charge. Additionally, engines running under high dilution levels are prone to misfires. As a result, systems can either limit the EGR or lean burn levels, or spend extra energy on increased spark duration.

The claimed invention addresses these issues by mitigating combustion instability without sacrificing efficiency due to increased ignition output by using reformate for combustion, and by tailoring the spark duration based on the reformate (where reformate is a gaseous fuel reformed from liquid fuel, and has a high ignitibility). For example, claim 1 recites:

> A method for an engine and a fuel reformer, the method comprising:
> adjusting a spark duration of a spark plug included in an ignition system, the spark plug coupled to a cylinder of the engine, the adjusting based on a reformate amount in a storage tank.

That is, the spark duration of a spark plug coupled to a cylinder of an engine can be adjusted based on the amount of reformate available in a storage tank, the reformate made by a fuel reformer. In other words, if the available amount of reformate is high, increased ignitibility is available via the reformate, and the spark duration can be decreased while still allowing sufficient dilution via EGR and/or lean burn operation. Further, the spark duration can be increased as needed if reformate availability is low. By doing this, EGR, etc. can be used aggressively and misfires can be avoided, without unnecessarily wasting energy on overly high spark plug discharging. Thus, not only is efficiency (and thus fuel economy) increased via reduced limits on EGR and/or lean burn, but also by reducing the spark plug duration, where possible.

Regarding basis (2), Applicants submit that the claimed invention materially contributes to greenhouse gas emission reduction as follows. CO_2 is a greenhouse gas produced as a product of fuel combustion. As explained above, engine operation at high dilution levels but with ignition system output control as set forth in claim 1 can lead to

increased fuel economy, reducing the amount of fuel combusted and thus reducing emissions of CO_2.

Please charge any cost incurred in this filing, along with any other costs, to Deposit Account No. 06-1510.

Respectfully submitted,

ALLEMAN HALL MCCOY RUSSELL & TUTTLE LLP

John D. Russell
Registration No. 47,048
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UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/756,792	04/08/2010	Michael Damian Czekala	81204437	1347

36865 7590 02/02/2011
ALLEMAN HALL MCCOY RUSSELL & TUTTLE, LLP
806 S.W. BROADWAY, SUITE 600
PORTLAND, OR 97205

EXAMINER
NGUYEN, HUNG Q

ART UNIT	PAPER NUMBER
3783	

MAIL DATE	DELIVERY MODE
02/02/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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ALLEMAN HALL MCCOY RUSSELL & TUTTLE, LLP
806 S.W. BROADWAY, SUITE 600
PORTLAND OR 97205

In re Application of	:	
CZEKALA, MICHAEL DAMIAN et al	:	DECISION ON PETITION
Application No. 12/756,792	:	TO MAKE SPECIAL UNDER
Filed: April 8, 2010	:	THE GREEN TECHNOLOGY
Attorney Docket No. 81204437	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed Jan. 24, 2011 to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **granted.**

If reconsideration of this decision is desired, a petition for reconsideration must be filed within ONE (1) MONTH OR THIRTY (30) DAYS from the mail date of this decision, whichever is longer. No extension of this time limit can be granted under 37 CFR 1.136(a) or (b). The petition for reconsideration should include an exhaustive attempt to provide the lacking item(s) noted below, since, after a decision on the petition for reconsideration, no further reconsideration or review of the matter will be undertaken by the Director.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the

Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The instant petition complies with items 1 – 8 above. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquires concerning this decision should be directed to Henry C. Yuen at 571-272-4856.

This application will be forwarded to the Technology Center Art Unit 3783 for action on the merits commensurate with this decision.

/Henry C. Yuen/

Henry C. Yuen
Quality Assurance Specialist
Technology Center TC 3700

Doc Code: PET.GREEN
Document Description: Petition for Green Tech Pilot

PTO/SB/420 (11-10)
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PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Attorney Docket Number: 81204448	Application Number (if known): 12/756,800	Filing date: April 8, 2010
First Named Inventor: Thomas G. Leone		
Title: METHOD FOR OPERATING AN ENGINE WITH VARIABLE CHARGE DENSITY		

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 24, 2011
Name (Print/Typed) John D. Russell	Registration Number 47,048

Note: *Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature see below*.*

X *Total of 1 forms are submitted.

The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants	:	Thomas G. Leone et al.
Application No.	:	12/756,800
Filed	:	April 8, 2010
Title	:	METHOD FOR OPERATING AN ENGINE WITH VARIABLE CHARGE DENSITY
Group Art Unit	:	3783
Confirmation No.	:	1363
Docket No.	:	81204448

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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January 24, 2011
Date

Caitlin Fackrell
Caitlin Fackrell

STATEMENTS OF SPECIAL STATUS

Applicants respectfully request consideration of the following statement concerning the basis for the special status as well as the following statement pertaining to the materiality standard.

I. Statement concerning the basis for special status.

Applicants submit that special status is sought on the following bases: (1) the claimed invention materially contributes to the more efficient utilization and conservation of energy resources; and/or (2) the claimed invention materially contributes to greenhouse gas emission reduction; and/or (3) the claimed invention materially enhances the quality of the environment.

II. Statement pertaining to the materiality standard.

As a preliminary matter, Applicants note that the following statement refers explicitly to the elements of independent claim 1, which is the broadest claim in many respects.

Regarding basis (1), Applicants submit that the claimed invention materially contributes to the more efficient utilization and conservation of energy resources by

improving fuel economy (*e.g.*, more efficiently utilizing and conserving fossil fuels). Specifically, the claimed invention maximizes the efficient usage of reformate to prolong conditions under which the engine may operate with a high cylinder charge dilution level. As set out in the Background and Summary of Applicants' specification, high cylinder charge dilution levels are achieved in lean air-fuel ratio conditions and when using EGR (exhaust gas recirculation). Increasing charge dilution may increase engine efficiency and produce lower emissions because increased cylinder charge dilution may lower peak cylinder temperatures and permits the engine to operate with less throttling, thus conserving fuel. However, higher levels of cylinder charge dilution may cause combustion instability and increased engine emissions when the engine is combusting solely gasoline or ethanol. Reformed fuel, which includes the conversion of alcohol to a gaseous fuel comprising H_2, CO, and CH_4, maintains combustion stability at high dilution levels due to its increased combustion flame speed. While it may be advantageous to utilize reformate under certain engine conditions, it may also be desirable to operate the engine solely with gasoline when reformate is unavailable or in low supply. Thus, it may be desirable to adjust operation of an engine depending on an amount of available fuel.

Previous solutions to this issue involved adjusting engine speed and load in response to an amount of fuel in a second fuel tank. However, simply limiting engine speed and load may not leverage the remaining fuel in a way that improves engine operation with the remaining fuel. Further, although it may be desirable to limit engine speed and load, such limiting may provide little benefit if the engine is operating at high dilution levels. The claimed invention overcomes these disadvantages by adjusting cylinder charge dilution in response to (a) an available amount of gaseous fuel, and (b) an octane increase to the cylinder air-fuel mixture provided by the gaseous fuel. For example, claim 1 recites:

> A method for operating an engine, comprising:
>
> reforming a first fuel into a gaseous fuel;
>
> operating said engine by injecting said gaseous fuel and a second fuel to a cylinder of said engine in response to an available amount of said gaseous fuel, engine speed, and engine load; and
>
> adjusting an engine actuator to vary cylinder charge dilution in response to said available amount of said gaseous fuel, said engine actuator further adjusted in response to an amount of octane increase provided to a cylinder air-fuel mixture by said gaseous fuel.

That is, a first fuel is reformed into a gaseous fuel. The engine is operated by injecting the gaseous fuel and a second fuel to a cylinder of the engine in response to an available amount of gaseous fuel, the engine speed, and the engine load. An engine actuator is adjusted to vary cylinder charge dilution in response to the available amount of gaseous fuel, and further adjusted in response to the amount of octane increase that is provided to the cylinder air-fuel mix by the gaseous fuel. By adjusting cylinder charge dilution in response to an available amount of gaseous fuel, it may be possible to extend engine operation at higher dilution levels. This engine operation at higher dilution levels may be further extended when the octane increase provided by the gaseous fuel is taken into account. Components of the gaseous fuel, such as H_2 and CH_4, have higher octane ratings than either gasoline or alcohol and as such have better combustion stability at high dilution levels. By varying the charge dilution in response to (a) the available amount of gaseous fuel, and (b) the resultant octane increase provided by the gaseous fuel, engine operation at higher dilution levels may be extended. Extended use of higher dilution levels can improve fuel economy due to lowered peak combustion temperatures and decreased throttling. See Applicants' specification at page 2.

Regarding basis (2), Applicants submit that the claimed invention materially contributes to greenhouse gas emission reduction as follows. CO_2 is a greenhouse gas produced as a product of fuel combustion. As explained above, extended engine operation at high dilution levels as set forth in claim 1 can lead to increased fuel economy, reducing the amount of fuel combusted and thus reducing emissions of CO_2.

Regarding basis (3), Applicants submit that the claimed invention materially enhances the quality of the environment by reducing NOx emissions, which negatively impact the quality of the environment. High combustion and exhaust temperatures can increase production of NOx. High cylinder charge dilution levels can lower peak combustion temperatures, in turn lowering NOx emissions. As explained above and set forth in claim 1, the optimized use of reformate can extend engine operation at high dilution levels, thus reducing NOx emissions and enhancing the quality of the environment.

Please charge any cost incurred in this filing, along with any other costs, to Deposit Account No. 06-1510.

Respectfully submitted,

ALLEMAN HALL MCCOY RUSSELL & TUTTLE LLP

John D. Russell
Registration No. 47,048
Customer No. 36865
Attorney/Agent for Applicants/Assignee
806 S.W. Broadway, Suite 600
Portland, Oregon 97205
Telephone: (503) 459-4141
Facsimile: (503) 459-4142

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/756,800	04/08/2010	Thomas G. Leone	81204448	1363

36865 7590 02/02/2011
ALLEMAN HALL MCCOY RUSSELL & TUTTLE, LLP
806 S.W. BROADWAY, SUITE 600
PORTLAND, OR 97205

EXAMINER
NGUYEN, HUNG Q

ART UNIT	PAPER NUMBER
3783	

MAIL DATE	DELIVERY MODE
02/02/2011	PAPER

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806 S.W. BROADWAY, SUITE 600
PORTLAND OR 97205

In re Application of	:	
LEONE, THOMAS G. et al	:	DECISION ON PETITION
Application No. 12/756,800	:	TO MAKE SPECIAL UNDER
Filed: April 8, 2010	:	THE GREEN TECHNOLOGY
Attorney Docket No. 811204448	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed Jan. 24, 2011 to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **granted.**

If reconsideration of this decision is desired, a petition for reconsideration must be filed within ONE (1) MONTH OR THIRTY (30) DAYS from the mail date of this decision, whichever is longer. No extension of this time limit can be granted under 37 CFR 1.136(a) or (b). The petition for reconsideration should include an exhaustive attempt to provide the lacking item(s) noted below, since, after a decision on the petition for reconsideration, no further reconsideration or review of the matter will be undertaken by the Director.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the

Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The instant petition complies with items 1 – 8 above. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquires concerning this decision should be directed to Henry C. Yuen at 571-272-4856.

This application will be forwarded to the Technology Center Art Unit 3783 for action on the merits commensurate with this decision.

/Henry C. Yuen/

Henry C. Yuen
Quality Assurance Specialist
Technology Center TC 3700

Doc Code: PET.GREEN
Document Description: Petition for Green Tech Pilot

PTO/SB/420 (11-10)
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PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Attorney Docket Number: 81204441	Application Number (if known): 12/756,809	Filing date: April 8, 2010
First Named Inventor: Ross Dykstra Pursifull		
Title: METHOD FOR OPERATING AN ENGINE		

APPLICANT HEREBY REQUESTS TO PARTICIPATE IN THE GREEN TECHNOLOGY PILOT PROGRAM FOR THE ABOVE-IDENTIFIED APPLICATION. See Instruction Sheet on page 2.

This petition must be timely filed electronically using the USPTO electronic filing system, EFS-Web.

1. By filing this petition:

   Applicant is requesting early publication: Applicant hereby requests early publication under 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d) accompanies this request.

2. By filing this petition: applicant is agreeing to make an election without traverse in a telephonic interview and elect an invention that meets the eligibility requirements for the Green Technology Pilot Program, if the Office determines that the claims are not obviously directed to a single invention. See Instruction Sheet.

3. This request is accompanied by statements of special status for the eligibility requirement.

4. The application contains no more than three (3) independent claims and twenty (20) total claims.

5. The application does not contain any multiple dependent claims.

6. Other attachments: _____

Signature	Date 2/9/11
Name (Print/Typed) John D. Russell	Registration Number 47,048

Note: *Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature see below*.*

☒ *Total of 1 forms are submitted.

The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant	:	Ross Dykstra Pursifull
Application No.	:	12/756,809
Filed	:	April 8, 2010
Title	:	METHOD FOR OPERATING AN ENGINE
Group Art Unit	:	3783
Confirmation No.	:	1385
Docket No.	:	81204441

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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February 9, 2011
Date

Caitlin Turnbull

STATEMENTS OF SPECIAL STATUS

Applicant respectfully requests consideration of the following statement concerning the basis for the special status as well as the following statement pertaining to the materiality standard.

I. Statement concerning the basis for special status.

Applicant submits that special status is sought on the following bases: (1) the claimed invention materially contributes to the more efficient utilization and conservation of energy resources; and/or (2) the claimed invention materially contributes to greenhouse gas emission reduction; and/or (3) the claimed invention materially enhances the quality of the environment.

II. Statement pertaining to the materiality standard.

As a preliminary matter, Applicant notes that the following statement refers explicitly to the elements of independent claim 1, which is the broadest claim in many respects.

Regarding basis (1), Applicant submits that the claimed invention materially contributes to the more efficient utilization and conservation of energy resources by improving fuel economy (*e.g.*, more efficiently utilizing and conserving fossil fuels). In an effort to improve engine power, lower engine emissions, and reduce consumption of fossil fuels, engines can be operated with more than one type of fuel so that desirable attributes of the different fuels may be leveraged. For example, engines can operate at high cylinder charge dilution when combusting reformate instead of gasoline, due to reformate's high combustion stability. As explained in the Background and Summary of the subject application, reformate is a gaseous fuel reformed from ethanol into H_2, CO, and CH_4. However, it is possible that vaporized ethanol may be routed to the engine rather than reformate during conditions of low fuel reformer efficiency or during degradation of the fuel reformer. If vaporized alcohol is routed to the engine rather than reformate, the engine exhaust gas oxygen concentration may deviate from a desired concentration. Further, the engine may begin to knock or misfire because vaporized alcohol may be less beneficial for improving combustion stability and knock mitigation as compared to reformate. Without accurate delivery of reformate, the fuel benefits obtained by using reformate can be diminished. The claimed invention addresses such issues by improving engine air-fuel control. For example, claim 1 recites:

> A method for operating an engine, comprising:
> operating an engine by injecting a first liquid fuel;
> processing a second liquid fuel in a fuel reformer to produce a gaseous fuel;
> ramping in an injection amount of said gaseous fuel to said engine; and
> adjusting an actuator to a first state in response to said gaseous fuel when said gaseous fuel is a first type of gas; and
> adjusting said actuator to a second state in response to said gaseous fuel when said gaseous fuel is a second type of gas, said engine operating at substantially a same engine speed and load when adjusting said actuator.

That is, an engine is operated by injecting a first liquid fuel, and a second liquid fuel is processed in a fuel reformer to produce gaseous fuel. The injection of the gaseous fuel is ramped to the engine, and an actuator is adjusted in response to the gaseous fuel. If the gaseous fuel is a first type of gas, the actuator will be adjusted to a first state, and if the gaseous fuel is a second type of gas, the actuator will be adjusted to a second state.

By ramping in injection of an unknown fuel to an engine, it may be possible to ascertain the fuel composition so that engine exhaust gas oxygen concentration deviates less. Further, by adjusting an engine actuator in response to the detected fuel composition, it may be possible to limit cylinder charge dilution and cylinder charge capacity so that the engine has fewer propensities to knock or misfire, which may result if high cylinder charge is maintained when the reformate is outputting a high level of vaporized ethanol. Thus, engine air-fuel control for an engine having a fuel reformer may be improved, at least under some conditions. This method provides several advantages. Specifically, the approach may improve engine air-fuel control. Further, the method allows the engine to operate at an output level that is related to the fuel type output from fuel reformer. By addressing air-fuel control issues often associated with the use of reformate, the claimed invention may better leverage attributes of different fuels output by a fuel reformer to maintain combustion stability. Increased combustion stability may allow engines to operate at high cylinder charge dilution, which can reduce consumption of fossil fuels. Likewise, by more efficiently utilizing the alcohol fuel, more fossil fuel resources are conserved.

Regarding basis (2), Applicant submits that the claimed invention materially contributes to greenhouse gas emission reduction as follows. CO_2 is a greenhouse gas produced as a product of fuel combustion. As explained above and set forth in claim 1, increased use of reformate can extend engine operation at high dilution levels, leading to increased fuel economy, reducing the amount of fuel combusted and thus reducing emissions of CO_2.

Regarding basis (3), Applicant submits that the claimed invention materially enhances the quality of the environment by reducing vehicle emissions, which negatively impact the quality of the environment. As explained above, improved air-fuel control in engines that use reformate can promote more stable engine exhaust gas oxygen concentrations. In this way, it may be possible to reduce efficiency losses of exhaust after treatment devices that may relate to the introduction of a gaseous fuel to the engine. By reducing efficiency losses of exhaust after-treatment devices, vehicle emissions can be improved thus enhancing the quality of the environment.

Please charge any cost incurred in this filing, along with any other costs, to Deposit Account No. 06-1510.

Respectfully submitted,

ALLEMAN HALL MCCOY RUSSELL & TUTTLE LLP

John D. Russell
Registration No. 47,048
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/756,809	04/08/2010	Ross Dykstra Pursifull	81204441	1385

36865 7590 02/22/2011
ALLEMAN HALL MCCOY RUSSELL & TUTTLE, LLP
806 S.W. BROADWAY, SUITE 600
PORTLAND, OR 97205

EXAMINER
KAMEN, NOAH P

ART UNIT	PAPER NUMBER
3783	

MAIL DATE	DELIVERY MODE
02/22/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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ALLEMAN HALL MCCOY RUSSELL & TUTTLE, LLP
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PORTLAND OR 97205

In re Application of	:	
PURSIFULL, ROSS DYKSTRA	:	DECISION ON PETITION
Application No. 12/756,809	:	TO MAKE SPECIAL UNDER
Filed: April 8, 2010	:	THE GREEN TECHNOLOGY
Attorney Docket No. 81204441	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed Feb. 9, 2011, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **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 3747 for action on the merits commensurate with this decision.

/Henry C. Yuen/

Henry C. Yuen
Quality Assurance Specialist
Technology Center TC 3700

UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/756,815	04/08/2010	Jonathan Schrauwen	08-060-US-CON	1398

20306 7590 09/10/2010
MCDONNELL BOEHNEN HULBERT & BERGHOFF LLP
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EXAMINER
LE, UYEN CHAU N

ART UNIT	PAPER NUMBER
2874	

MAIL DATE	DELIVERY MODE
09/10/2010	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

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MCDONNELL BOEHNEN HULBERT & BERGHOFF LLP
300 S. WACKER DRIVE
32ND FLOOR
CHICAGO IL 60606

Applicant: Schrauwen et al.
Appl. No.: 12/756,815
Filing Date: April 8, 2010
Title: METHOD FOR EFFECTIVE REFRACTIVE INDEX TRIMMING OF OPTICAL WAVEGUIDING STRUCTURES AND OPTICAL WAVEGUIDING STRUCTURES
Attorney Docket No.: 08-060-US-CON
Pub. No.: US 2010/0189402 A1
Pub. Date: July 29, 2010

This is a decision on the request for republication of patent application publication under 37 CFR 1.221(a), filed on September 9, 2010, for the above-identified application.

The request under 37 CFR 1.221(a) is DISMISSED.

37 CFR 1.221(a) requires "a copy of the application in compliance with the Office electronic filing system requirements and be accompanied by the publication fee set forth in § 1.18(d) and the processing fee set forth in § 1.17(i)". If the request for republication does not comply with the electronic filing system requirements, the republication will not take place and the publication fee set forth in § 1.18(d) will be refunded. The processing fee will be retained.

The applicant did not supply a copy of the application in compliance with the Office electronic filing system, as required by 37 CFR 1.221(a) because **the Applicant submitted the papers as a "Document for an existing application", which are entered into the application file, and not as a "Pre-Grant Publication" submission**. The request for republication does not comply with the electronic filing system requirements, thus republication will not take place.

Any request for republication under 37 CFR 1.221(a), must be submitted via the EFS system, as a Pre-Grant publication submission and must include a copy of the application in compliance with the Office electronic filing system requirements. The applicant is directed to the following website for additional instructions on how to submit a Pre-Grant Publication submission via the electronic filing system:

http://www.uspto.gov/ebc/portal/efs/pgpub_quickstart.pdf

Any questions or requests for reconsideration of the decision should be addressed as follows:

By mail to: Mail Stop PGPUB
Commissioner for Patents
P.O. Box 1450
Alexandria, Va. 22313-1450

By facsimile: 571-273-8300

Telephone inquiries regarding this correspondence should be directed to The Office of Data Management at 571-272-4200.

Tammy J. Koontz
Office of Data Management
United States Patent & Trademark Office

Adjustment date: 09/10/2010 KKING1
09/09/2010 INTEFSW 00008786 132490 12756815
01 FC:1504 300.00 CR

Doc Code: PET.GREEN
Document Description: Petition for Green Tech Pilot

PTO/SB/420 (11-10)
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PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Attorney Docket Number: 81204447	Application Number (if known): 12/756,822	Filing date: April 8, 2010
First Named Inventor: Thomas G. Leone		
Title: METHOD FOR OPERATING A CHARGE DILUTED ENGINE		

APPLICANT HEREBY REQUESTS TO PARTICIPATE IN THE GREEN TECHNOLOGY PILOT PROGRAM FOR THE ABOVE-IDENTIFIED APPLICATION. See Instruction Sheet on page 2.

This petition must be timely filed electronically using the USPTO electronic filing system, EFS-Web.

1. By filing this petition:

   Applicant is requesting early publication: Applicant hereby requests early publication under 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d) accompanies this request.

2. By filing this petition: applicant is agreeing to make an election without traverse in a telephonic interview and elect an invention that meets the eligibility requirements for the Green Technology Pilot Program, if the Office determines that the claims are not obviously directed to a single invention. See Instruction Sheet.

3. This request is accompanied by statements of special status for the eligibility requirement.

4. The application contains no more than three (3) independent claims and twenty (20) total claims.

5. The application does not contain any multiple dependent claims.

6. Other attachments: _____

Signature	Date January 24, 2011
Name (Print/Typed) John D. Russell	Registration Number 47,048

Note: *Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature see below*.*

[X] *Total of 1 forms are submitted.

The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants	:	Thomas G. Leone et al.
Application No.	:	12/756,822
Filed	:	April 8, 2010
Title	:	METHOD FOR OPERATING A CHARGE DILUTED ENGINE
Group Art Unit	:	3783
Confirmation No.	:	1412
Docket No.	:	81204447

Commissioner for Patents
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January 24, 2011
Date

Caitlin Fackrell
Caitlin Fackrell

STATEMENTS OF SPECIAL STATUS

Applicants respectfully request consideration of the following statement concerning the basis for the special status as well as the following statement pertaining to the materiality standard.

I. Statement concerning the basis for special status.

Applicants submit that special status is sought on the following bases: (1) the claimed invention materially contributes to the more efficient utilization and conservation of energy resources; and/or (2) the claimed invention materially contributes to greenhouse gas emission reduction; and/or (3) the claimed invention materially enhances the quality of the environment.

II. Statement pertaining to the materiality standard.

As a preliminary matter, Applicants note that the following statement refers explicitly to the elements of independent claim 1, which is the broadest claim in many respects.

Regarding basis (1), Applicants submit that the claimed invention materially contributes to the more efficient utilization and conservation of energy resources by

improving fuel economy (*e.g.*, more efficiently utilizing and conserving fossil fuels). Specifically, the claimed invention improves the efficient usage of reformate to prolong conditions under which the engine may operate with a high cylinder charge dilution level. As set out in the Background and Summary of Applicants' specification, high cylinder charge dilution levels are achieved in lean air-fuel ratio conditions and when using EGR (exhaust gas recirculation). Increasing charge dilution may increase engine efficiency and produce lower emissions because increased cylinder charge dilution may lower peak cylinder temperatures and permits the engine to operate with less throttling, thus conserving fuel. However, higher levels of cylinder charge dilution may cause combustion instability and increased engine emissions when the engine is combusting solely gasoline or ethanol. Reformed fuel, which includes the conversion of alcohol to a gaseous fuel comprising H_2, CO, and CH_4, maintains combustion stability at high dilution levels due to its increased combustion flame speed. While it may be advantageous to utilize reformate under certain engine conditions, it may also be desirable to operate the engine solely with gasoline when reformate is unavailable or in low supply. Thus, it may be desirable to adjust operation of an engine depending on an amount of available fuel.

Previous solutions to this issue involved adjusting engine speed and load in response to an amount of fuel in a second fuel tank. However, simply limiting engine speed and load may not leverage the remaining fuel in a way that improves engine operation with the remaining fuel. Further, although it may be desirable to limit engine speed and load, such limiting may provide little benefit if the engine is operating at high dilution levels. The claimed invention overcomes these disadvantages by adjusting cylinder charge dilution in response to an available amount of gaseous fuel. For example, claim 1 recites:

> A method for operating an engine, comprising:
>
> reforming a first fuel into a gaseous fuel;
>
> operating said engine by injecting said gaseous fuel and a second fuel to a cylinder of said engine in response to an available amount of said gaseous fuel, engine speed, and engine load; and
>
> adjusting an engine actuator to vary cylinder charge dilution in response to said available amount of said gaseous fuel.

That is, a first fuel is reformed into a gaseous fuel. The engine is operated by injecting the gaseous fuel and a second fuel to a cylinder of the engine in response to an available

amount of gaseous fuel, the engine speed, and the engine load. An engine actuator is adjusted to vary cylinder charge dilution in response to the available amount of gaseous fuel. By adjusting cylinder charge dilution in response to an available amount of gaseous fuel it may be possible to extend engine operation at higher dilution levels. Extended use of higher dilution levels can improve fuel economy due to lowered peak combustion temperatures and decreased throttling. See Applicants' specification at page 2.

Regarding basis (2), Applicants submit that the claimed invention materially contributes to greenhouse gas emission reduction as follows. CO_2 is a greenhouse gas produced as a product of fuel combustion. As explained above, extended engine operation at high dilution levels as set forth in claim 1 can lead to increased fuel economy, reducing the amount of fuel combusted and thus reducing emissions of CO_2.

Regarding basis (3), Applicants submit that the claimed invention materially enhances the quality of the environment by reducing NOx emissions, which negatively impact the quality of the environment. High combustion and exhaust temperatures can increase production of NOx. High cylinder charge dilution levels can lower peak combustion temperatures, in turn lowering NOx emissions. As explained above and set forth in claim 1, the improved use of reformate can extend engine operation at high dilution levels, thus reducing NOx emissions and enhancing the quality of the environment.

Please charge any cost incurred in this filing, along with any other costs, to Deposit Account No. 06-1510.

Respectfully submitted,

ALLEMAN HALL MCCOY RUSSELL & TUTTLE LLP

John D. Russell
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/756,822	04/08/2010	Thomas G. Leone	81204447	1412

36865 7590 02/02/2011
ALLEMAN HALL MCCOY RUSSELL & TUTTLE, LLP
806 S.W. BROADWAY, SUITE 600
PORTLAND, OR 97205

EXAMINER
NGUYEN, HUNG Q

ART UNIT	PAPER NUMBER
3783	

MAIL DATE	DELIVERY MODE
02/02/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

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806 S.W. BROADWAY, SUITE 600
PORTLAND OR 97205

In re Application of	:	
LEONE, THOMAS G. et al	:	DECISION ON PETITION
Application No. 12/756,822	:	TO MAKE SPECIAL UNDER
Filed: April 8, 2010	:	THE GREEN TECHNOLOGY
Attorney Docket No. 81204447	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed Jan. 24, 2011 to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **granted.**

If reconsideration of this decision is desired, a petition for reconsideration must be filed within ONE (1) MONTH OR THIRTY (30) DAYS from the mail date of this decision, whichever is longer. No extension of this time limit can be granted under 37 CFR 1.136(a) or (b). The petition for reconsideration should include an exhaustive attempt to provide the lacking item(s) noted below, since, after a decision on the petition for reconsideration, no further reconsideration or review of the matter will be undertaken by the Director.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the

Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The instant petition complies with items 1 – 8 above. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquires concerning this decision should be directed to Henry C. Yuen at 571-272-4856.

This application will be forwarded to the Technology Center Art Unit 3783 for action on the merits commensurate with this decision.

/Henry C. Yuen/

Henry C. Yuen
Quality Assurance Specialist
Technology Center TC 3700

Doc Code: PET.GREEN
Document Description: Petition for Green Tech Pilot

PTO/SB/420 (11-10)
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PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Attorney Docket Number: 81204436	Application Number (if known): 12/756,827	Filing date: April 8, 2010
First Named Inventor: Thomas G. Leone		
Title: PUMP CONTROL FOR REFORMATE FUEL STORAGE TANK		

APPLICANT HEREBY REQUESTS TO PARTICIPATE IN THE GREEN TECHNOLOGY PILOT PROGRAM FOR THE ABOVE-IDENTIFIED APPLICATION. See Instruction Sheet on page 2.

This petition must be timely filed electronically using the USPTO electronic filing system, EFS-Web.

1. By filing this petition:

   Applicant is requesting early publication: Applicant hereby requests early publication under 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d) accompanies this request.

2. By filing this petition: applicant is agreeing to make an election without traverse in a telephonic interview and elect an invention that meets the eligibility requirements for the Green Technology Pilot Program, if the Office determines that the claims are not obviously directed to a single invention. See Instruction Sheet.

3. This request is accompanied by statements of special status for the eligibility requirement.

4. The application contains no more than three (3) independent claims and twenty (20) total claims.

5. The application does not contain any multiple dependent claims.

6. Other attachments: Preliminary Amendment

Signature	Date January 24, 2011
Name (Print/Typed) John D. Russell	Registration Number 47,048

Note: *Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature see below*.*

☒ *Total of 1 forms are submitted.

The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants	:	Thomas G. Leone et al.
Application No.	:	12/756,827
Filed	:	April 8, 2010
Title	:	PUMP CONTROL FOR REFORMATE FUEL STORAGE TANK
Group Art Unit	:	3783
Confirmation No.	:	1419
Docket No.	:	81204436

Commissioner for Patents
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Caitlin Fackrell
Caitlin Fackrell

STATEMENTS OF SPECIAL STATUS

Applicants respectfully request consideration of the following statement concerning the basis for the special status as well as the following statement pertaining to the materiality standard.

I. Statement concerning the basis for special status.

Applicants submit that special status is sought on the following bases: (1) the claimed invention materially contributes to the more efficient utilization and conservation of energy resources; and/or (2) the claimed invention materially contributes to greenhouse gas emission reduction; and/or (3) the claimed invention materially enhances the quality of the environment.

II. Statement pertaining to the materiality standard.

As a preliminary matter, Applicants note that the following statement refers explicitly to the elements of independent claim 1, which is the broadest claim in many respects.

Regarding basis (1), Applicants submit that the claimed invention materially contributes to the more efficient utilization and conservation of energy resources by

improving fuel economy (*e.g.*, more efficiently utilizing and conserving fossil fuels). Specifically, the claimed invention reduces the need for a pump to facilitate the transfer of reformate generated in a reformer to a storage tank. As explained in the Background and Summary of the subject application, reformate is produced, for example, by reforming ethanol into a gaseous fuel in a reformer. The use of reformate allows the engine to operate at high charge dilution levels, due to reformate's high combustion stability. Operating an engine at high cylinder charge dilution levels can increase fuel economy by reducing engine pumping work and cylinder combustion temperature, thereby improving engine operation. However, the reformer may not be able to constantly supply a desired amount of reformate to the engine; therefore, a storage tank may be utilized to store the reformate after it is generated and before it is injected to the engine.

In order to store a large amount of the reformate while minimizing the size and weight of the storage tank, the reformate can be stored at high pressure. The operating pressure of the reformer may be low in comparison to the high pressure of the storage tank, and transfer of the reformate to the storage tank may be difficult under some circumstances. As such, a pump may be used to facilitate transfer of the reformate from the reformer to the storage tank. Use of the pump, however, can impose a parasitic loss on the system which can cause degradation in fuel efficiency. The claimed invention reduces the need for a pump by providing a valve to transfer the gaseous fuel to the storage tank under certain conditions, such as when the pressure in the reformer is greater than the pressure in the storage tank. For example, claim 1 recites:

> A method for a fuel system including a reformer and a storage tank coupled to an engine in a vehicle, comprising:
>
> generating a gaseous fuel in the reformer;
>
> under a first condition, opening a valve to transfer the gaseous fuel from the reformer to the storage tank; and
>
> under a second condition, operating a pump to transfer the gaseous fuel from the reformer to the storage tank.

That is, a fuel system including a reformer and a storage tank coupled to an engine in a vehicle is provided. Gaseous fuel is generated in the reformer. Under a first condition, a valve to transfer the gaseous fuel from the reformer to the storage tank is opened, and under a second condition, a pump to transfer the gaseous fuel from the reformer to the

storage tank is operated. For example, the valve can be opened when pressure in the reformer is higher than pressure in the storage tank, but when the pressure in the storage tank is higher than the reformer, the pump can be operated.

By opening a valve to transfer reformate to the storage tank when pressure in the storage tank is low, operation of the pump may be reduced thereby reducing parasitic losses on the system, while still achieving transfer and storage of increased reformate in the storage tank. As such, a smaller tank may be used to store a larger amount of the reformate at high pressure without significantly reducing system efficiency. The claimed invention not only makes it possible to reduce parasitic losses on the system (which directly increases fuel economy), but also reduces the size of the tank to further reduce system weight and again directly increase the system's fuel economy when coupled in a vehicle.

Regarding basis (2), Applicants submit that the claimed invention materially contributes to greenhouse gas emission reduction as follows. CO_2 is a greenhouse gas produced as a product of fuel combustion. As explained above, reduced use of a pump to facilitate transfer of reformate to a storage tank can lead to increased fuel economy, reducing the amount of fuel combusted and thus reducing emissions of CO_2.

Regarding basis (3), Applicants submit that the claimed invention materially enhances the quality of the environment by reducing NOx emissions, which negatively impact the quality of the environment. As explained in page 1 of Applicants' specification, use of reformate fuel can reduce NOx emissions. By making the use of reformate more practical, for example, by enabling sufficient reformate availability via increased pressure without parasitic losses, the claimed invention as set forth in claim 1 can better reduce NOx emissions thus enhancing the quality of the environment.

Please charge any cost incurred in this filing, along with any other costs, to Deposit Account No. 06-1510.

Respectfully submitted,

ALLEMAN HALL MCCOY RUSSELL & TUTTLE LLP

John D. Russell
Registration No. 47,048
Customer No. 36865
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/756,827	04/08/2010	Thomas G. Leone	81204436	1419

36865 7590 02/02/2011
ALLEMAN HALL MCCOY RUSSELL & TUTTLE, LLP
806 S.W. BROADWAY, SUITE 600
PORTLAND, OR 97205

EXAMINER
KAMEN, NOAH P

ART UNIT	PAPER NUMBER
3783	

MAIL DATE	DELIVERY MODE
02/02/2011	PAPER

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PORTLAND OR 97205

In re Application of	:	
LEONE, THOMAS G. et al	:	DECISION ON PETITION
Application No. 12/756,827	:	TO MAKE SPECIAL UNDER
Filed: April 8, 2010	:	THE GREEN TECHNOLOGY
Attorney Docket No. 81204436	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed Jan. 24, 2011 to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **granted.**

If reconsideration of this decision is desired, a petition for reconsideration must be filed within ONE (1) MONTH OR THIRTY (30) DAYS from the mail date of this decision, whichever is longer. No extension of this time limit can be granted under 37 CFR 1.136(a) or (b). The petition for reconsideration should include an exhaustive attempt to provide the lacking item(s) noted below, since, after a decision on the petition for reconsideration, no further reconsideration or review of the matter will be undertaken by the Director.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the

Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The instant petition complies with items 1 – 8 above. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquires concerning this decision should be directed to Henry C. Yuen at 571-272-4856.

This application will be forwarded to the Technology Center Art Unit 3783 for action on the merits commensurate with this decision.

/Henry C. Yuen/

Henry C. Yuen
Quality Assurance Specialist
Technology Center TC 3700

Doc Code: PET.GREEN
Document Description: Petition for Green Tech Pilot

PTO/SB/420 (11-10)
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PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Attorney Docket Number: 81204445	Application Number (if known): 12/756,838	Filing date: April 8, 2010
First Named Inventor: Ross Dykstra Pursifull		
Title: FUEL INJECTOR DIAGNOSTIC FOR DUAL FUEL ENGINE		

APPLICANT HEREBY REQUESTS TO PARTICIPATE IN THE GREEN TECHNOLOGY PILOT PROGRAM FOR THE ABOVE-IDENTIFIED APPLICATION. See Instruction Sheet on page 2.

This petition must be timely filed electronically using the USPTO electronic filing system, EFS-Web.

1. By filing this petition:

   Applicant is requesting early publication: Applicant hereby requests early publication under 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d) accompanies this request.

2. By filing this petition: applicant is agreeing to make an election without traverse in a telephonic interview and elect an invention that meets the eligibility requirements for the Green Technology Pilot Program, if the Office determines that the claims are not obviously directed to a single invention. See Instruction Sheet.

3. This request is accompanied by statements of special status for the eligibility requirement.

4. The application contains no more than three (3) independent claims and twenty (20) total claims.

5. The application does not contain any multiple dependent claims.

6. Other attachments: _____

Signature	Date January 24, 2011
Name (Print/Typed) John D. Russell	Registration Number 47,048

Note: *Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature see below*.*

☒ *Total of 1 forms are submitted.

The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant	:	Ross Dykstra Pursifull
Application No.	:	12/756,838
Filed	:	April 8, 2010
Title	:	FUEL INJECTOR DIAGNOSTIC FOR DUAL FUEL ENGINE
Group Art Unit	:	3747
Confirmation No.	:	1438
Docket No.	:	81204445

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

CERTIFICATE OF TRANSMISSION

I hereby certify that this correspondence is being transmitted via the U.S. Patent and Trademark Office electronic filing system (EFS-Web) to the USPTO on:

January 24, 2011
Date

Caitlin Fackrell
Caitlin Fackrell

STATEMENTS OF SPECIAL STATUS

Applicant respectfully requests consideration of the following statement concerning the basis for the special status as well as the following statement pertaining to the materiality standard.

I. Statement concerning the basis for special status.

Applicant submits that special status is sought on the following bases: (1) the claimed invention materially contributes to the more efficient utilization and conservation of energy resources; and/or (2) the claimed invention materially contributes to greenhouse gas emission reduction; and/or (3) the claimed invention materially enhances the quality of the environment.

II. Statement pertaining to the materiality standard.

As a preliminary matter, Applicant notes that the following statement refers explicitly to the elements of independent claim 1, which is the broadest claim in many respects.

Regarding basis (1), Applicant submits that the claimed invention materially contributes to the more efficient utilization and conservation of energy resources by improving fuel economy (*e.g.*, more efficiently utilizing and conserving fossil fuels). As

explained in pages 1-2 of the subject application, new fuel injectors may exhibit some piece-to-piece variability. Over time, injector performance may degrade (*e.g.*, injector becomes clogged) which may further increase piece-to-piece injector variability. As a result, the actual amount of fuel injected to each cylinder of an engine may not be the desired amount and the difference between the actual and desired amounts may vary between injectors. Such discrepancies can lead to reduced fuel economy, increased tailpipe emissions, and an overall decrease in engine efficiency. Further, engines operating with a plurality of different injection substances, such as different fuel mixtures, may have even more fuel injectors (*e.g.*, twice as many) resulting in a greater possibility for degradation of engine performance due to injector degradation. The claimed invention addresses these issues by individually testing injectors for degradation without significantly affecting engine performance. For example, claim 1 recites:

> A method for controlling fuel injection of a multi-substance injection engine which includes first and second rails and first and second pumps, comprising:
>
> suspending pumping of a second substance into the second rail and injecting a first substance to all but a single cylinder of the engine; and
>
> while pumping is suspended in the second rail, injecting the second substance into the single cylinder and correlating pressure decrease in the second rail to injector operation.

Thus, a method for controlling fuel injection of a dual multi-substance injection engine which includes first and second fuel rails and first and second fuel pumps is disclosed. A first substance is injected to all but a single cylinder of the engine while the pumping of a second substance into the second rail is suspended. The second substance is then injected into the single cylinder not receiving the first substance. Detected pressure decrease in the second rail can thus be correlated to injector operation.

By suspending pumping in the second fuel rail, an injector can be isolated and pressure drops in the fuel rail can be correlated to the operation of the injector. Further, injection of the first fuel can continue without interruption in all but one of the cylinders. In this manner, each fuel injector can be isolated and tested without significantly affecting engine operation. The claimed invention thus improves monitoring and identification of injector degradation, so that when degradation is identified, injectors experiencing degradation can be recalibrated or serviced. By maintaining properly

functioning injectors, the amount of fuel injected will be better suited for various engine conditions, thus reducing fuel consumption.

Regarding basis (2), Applicant submits that the claimed invention materially contributes to greenhouse gas emission reduction as follows. CO_2 is a greenhouse gas produced as a product of fuel combustion. As explained above, improved injector maintenance can alleviate reduced fuel economy caused by injector degradation, reducing the amount of fuel combusted and thus reducing emissions of CO_2.

Regarding basis (3), Applicant submits that the claimed invention materially enhances the quality of the environment by reducing vehicle emissions, which negatively impact the quality of the environment. As explained above, injector degradation can lead to increased vehicle emissions. By making it possible to better identify and mitigate injector degradation, the claimed invention as set forth in claim 1 can reduce vehicle emissions and enhance the quality of the environment.

Please charge any cost incurred in this filing, along with any other costs, to Deposit Account No. 06-1510.

Respectfully submitted,

ALLEMAN HALL MCCOY RUSSELL & TUTTLE LLP

John D. Russell
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/756,838	04/08/2010	Ross Dykstra Pursifull	81204445	1438

36865 7590 02/02/2011
ALLEMAN HALL MCCOY RUSSELL & TUTTLE, LLP
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EXAMINER

ART UNIT	PAPER NUMBER
3747	

MAIL DATE	DELIVERY MODE
02/02/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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806 S.W. BROADWAY, SUITE 600
PORTLAND OR 97205

In re Application of	:	
PURSIFULL, ROSS DYKSTRA et al	:	DECISION ON PETITION
Application No. 12/756,838	:	TO MAKE SPECIAL UNDER
Filed: April 8, 2010	:	THE GREEN TECHNOLOGY
Attorney Docket No. 81204445	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed Jan. 24, 2011 to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **granted.**

If reconsideration of this decision is desired, a petition for reconsideration must be filed within ONE (1) MONTH OR THIRTY (30) DAYS from the mail date of this decision, whichever is longer. No extension of this time limit can be granted under 37 CFR 1.136(a) or (b). The petition for reconsideration should include an exhaustive attempt to provide the lacking item(s) noted below, since, after a decision on the petition for reconsideration, no further reconsideration or review of the matter will be undertaken by the Director.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed

invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The instant petition complies with items 1 – 8 above. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquires concerning this decision should be directed to Henry C. Yuen at 571-272-4856.

This application will be forwarded to the Technology Center Art Unit 3747 for action on the merits commensurate with this decision.

/Henry C. Yuen/

Henry C. Yuen
Quality Assurance Specialist
Technology Center TC 3700

Doc Code: PET.GREEN
Document Description: Petition for Green Tech Pilot

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PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Attorney Docket Number: 81204434	Application Number (if known): 12/756,845	Filing date: April 8, 2010
First Named Inventor: Ross Dykstra Pursifull		
Title: ENGINE FUEL REFORMER MONITORING		

APPLICANT HEREBY REQUESTS TO PARTICIPATE IN THE GREEN TECHNOLOGY PILOT PROGRAM FOR THE ABOVE-IDENTIFIED APPLICATION. See Instruction Sheet on page 2.

This petition must be timely filed electronically using the USPTO electronic filing system, EFS-Web.

1. By filing this petition:

   Applicant is requesting early publication: Applicant hereby requests early publication under 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d) accompanies this request.

2. By filing this petition: applicant is agreeing to make an election without traverse in a telephonic interview and elect an invention that meets the eligibility requirements for the Green Technology Pilot Program, if the Office determines that the claims are not obviously directed to a single invention. See Instruction Sheet.

3. This request is accompanied by statements of special status for the eligibility requirement.

4. The application contains no more than three (3) independent claims and twenty (20) total claims.

5. The application does not contain any multiple dependent claims.

6. Other attachments: Preliminary Amendment

Signature	Date January 24, 2011
Name (Print/Typed) John D. Russell	Registration Number 47,048

Note: *Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature see below*.*

☒ *Total of 1 forms are submitted.

The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant	:	Ross Dykstra Pursifull
Application No.	:	12/756,845
Filed	:	April 8, 2010
Title	:	ENGINE FUEL REFORMER MONITORING
Group Art Unit	:	3741
Confirmation No.	:	1454
Docket No.	:	81204434

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January 24, 2011
Date

Caitlin Fackrell
Caitlin Fackrell

STATEMENTS OF SPECIAL STATUS

Applicant respectfully requests consideration of the following statement concerning the basis for the special status as well as the following statement pertaining to the materiality standard.

I. Statement concerning the basis for special status.

Applicant submits that special status is sought on the following bases: (1) the claimed invention materially contributes to the more efficient utilization and conservation of energy resources; and/or (2) the claimed invention materially contributes to greenhouse gas emission reduction; and/or (3) the claimed invention materially enhances the quality of the environment.

II. Statement pertaining to the materiality standard.

As a preliminary matter, Applicant notes that the following statement refers explicitly to the elements of independent claim 1, which is the broadest claim in many respects.

Regarding basis (1), Applicant submits that the claimed invention materially contributes to the more efficient utilization and conservation of energy resources by improving fuel economy (*e.g.*, more efficiently utilizing and conserving fossil fuels).

Specifically, the claimed invention reduces errors in metering of reformate fuel delivery. As described in pages 1-3 of Applicant's specification, reformate, which is formed by the conversion of alcohol to a gaseous fuel comprising H_2, CO, and CH_4, maintains combustion stability at high cylinder charge dilution levels due to its increased combustion flame speed. Thus, it controls engine knock that might occur if combusting a liquid fuel under conditions of high charge dilution, such as when operating under high engine load. Operation at high charge dilution may lower peak cylinder temperatures and permits the engine to operate with less throttling, thus conserving fuel.

The amount of reformate gas injected into an engine may be based on an assumption that the fuel reformer is operating efficiently, *e.g.*, that the reformer reforms a substantial fraction of the fuel into reformate. If the reformer is not operating efficiently, a significant amount of non-reformed fuel may be output by the reformer. Gaseous fuel reformate may be injected volumetrically into the engine, and thus fuel metering errors may result when the reformer is not operating efficiently. Additionally, if the fuel reformer outputs a significant amount of non-reformed fuel, one or more components of the reformer may be degraded and/or unexpected engine knock may occur, thus reducing the duration an engine can operate at high dilution levels. The claimed invention addresses fuel metering errors by monitoring the flow rate of the reformate gas. For example, claim 1 recites:

> A method for monitoring a fuel reformer which reforms ethanol into a reformate gas comprising H_2, CO, and CH_4 for fueling an engine, comprising:
>
> indicating degradation of the fuel reformer based on a flow rate of the reformate gas.

That is, a fuel reformer that reforms ethanol into reformate gas comprising H_2, CO, and CH_4 can be monitored for degradation of the reformer based on the flow rate of the reformate gas. For example, if a known amount of ethanol is injected into the reformer, one or more amounts of the H_2, CO, and CH_4 produced can be monitored to ensure the amount of gas produced corresponds to the amount of ethanol injected into the reformer. If there is a discrepancy, degradation is indicated and action can be taken to mitigate the deleterious effects of the degradation, such as unexpected engine knock. By doing so, the claimed invention can extend the duration at which an engine operates at high charge

dilution to thus increase fuel economy. Further, by addressing errors that can lead to unexpected engine knock, the claimed invention makes it more likely engines will be equipped with reformers to enable increased dilution, and thus increased fuel economy.

Regarding basis (2), Applicant submits that the claimed invention materially contributes to greenhouse gas emission reduction as follows. CO_2 is a greenhouse gas produced as a product of fuel combustion. As explained above, extended engine operation at high dilution levels as set forth in claim 1 can lead to increased fuel economy, reducing the amount of fuel combusted and thus reducing emissions of CO_2.

Regarding basis (3), Applicant submits that the claimed invention materially enhances the quality of the environment by reducing NOx emissions, which negatively impact the quality of the environment. High combustion and exhaust temperatures can increase production of NOx. High cylinder charge dilution levels can lower peak combustion temperatures, in turn lowering NOx emissions. As explained above and set forth in claim 1, the improved use of reformate can extend engine operation at high dilution levels, thus reducing NOx emissions and enhancing the quality of the environment.

Please charge any cost incurred in this filing, along with any other costs, to Deposit Account No. 06-1510.

Respectfully submitted,

ALLEMAN HALL MCCOY RUSSELL & TUTTLE LLP

John D. Russell
Registration No. 47,048
Customer No. 36865
Attorney/Agent for Applicant/Assignee
806 S.W. Broadway, Suite 600
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Facsimile: (503) 459-4142

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/756,845	04/08/2010	Ross Dykstra Pursifull	81204434	1454

36865 7590 02/02/2011
ALLEMAN HALL MCCOY RUSSELL & TUTTLE, LLP
806 S.W. BROADWAY, SUITE 600
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EXAMINER

ART UNIT	PAPER NUMBER
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MAIL DATE	DELIVERY MODE
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PORTLAND OR 97205

In re Application of	:	
PURSIFULL, ROSS DYKSTRA	:	DECISION ON PETITION
Application No. 12/756,845	:	TO MAKE SPECIAL UNDER
Filed: April 8, 2010	:	THE GREEN TECHNOLOGY
Attorney Docket No. 81204434	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed Jan. 24, 2011 to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **granted.**

If reconsideration of this decision is desired, a petition for reconsideration must be filed within ONE (1) MONTH OR THIRTY (30) DAYS from the mail date of this decision, whichever is longer. No extension of this time limit can be granted under 37 CFR 1.136(a) or (b). The petition for reconsideration should include an exhaustive attempt to provide the lacking item(s) noted below, since, after a decision on the petition for reconsideration, no further reconsideration or review of the matter will be undertaken by the Director.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed

invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The instant petition complies with items 1 – 8 above. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquires concerning this decision should be directed to Henry C. Yuen at 571-272-4856.

This application will be forwarded to the Technology Center Art Unit 3741 for action on the merits commensurate with this decision.

/Henry C. Yuen/

Henry C. Yuen
Quality Assurance Specialist
Technology Center TC 3700

Doc Code: PET.GREEN
Document Description: Petition for Green Tech Pilot

PTO/SB/420 (11-10)
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PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Attorney Docket Number: 81204439	Application Number (if known): 12/756,853	Filing date: April 8, 2010
First Named Inventor: Ross Dykstra Pursifull		
Title: SELECTIVELY STORING REFORMATE		

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 2/9/11
Name (Print/Typed) John D. Russell	Registration Number 47,048

Note: *Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature see below*.*

☒ *Total of 1 forms are submitted.

The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants	:	Ross Dykstra Pursifull et al.
Application No.	:	12/756,853
Filed	:	April 8, 2010
Title	:	SELECTIVELY STORING REFORMATE
Group Art Unit	:	3783
Confirmation No.	:	1472
Docket No.	:	81204439

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

CERTIFICATE OF TRANSMISSION

I hereby certify that this correspondence is being transmitted via the U.S. Patent and Trademark Office electronic filing system (EFS-Web) to the USPTO on:

February 9, 2011
Date

Caitlin Turnbull

STATEMENTS OF SPECIAL STATUS

Applicants respectfully request consideration of the following statement concerning the basis for the special status as well as the following statement pertaining to the materiality standard.

I. Statement concerning the basis for special status.

Applicants submit that special status is sought on the following bases: (1) the claimed invention materially contributes to the more efficient utilization and conservation of energy resources; and/or (2) the claimed invention materially contributes to greenhouse gas emission reduction; and/or (3) the claimed invention materially enhances the quality of the environment.

II. Statement pertaining to the materiality standard.

As a preliminary matter, Applicants note that the following statement refers explicitly to the elements of independent claim 1, which is the broadest claim in many respects.

Regarding basis (1), Applicants submit that the claimed invention materially contributes to the more efficient utilization and conservation of energy resources by improving fuel economy (*e.g.*, more efficiently utilizing and conserving fossil fuels).

Specifically, the claimed invention improves the efficient usage of reformate to prolong conditions under which the engine may operate with a high cylinder charge dilution level, thus prolonging more efficient combustion of fuel. Additionally, by utilizing alcohol fuels, the present invention also conserves fossil fuels.

As set out in the Background and Summary of Applicants' specification, reformed fuel, which includes the conversion of alcohol to a gaseous fuel comprising H_2, CO, and CH_4, maintains combustion stability at high dilution levels due to its increased combustion flame speed. High cylinder charge dilution levels are achieved in lean air-fuel ratio conditions and when using EGR (exhaust gas recirculation). Increasing charge dilution may increase engine efficiency and produce lower emissions because increased cylinder charge dilution may lower peak cylinder temperatures (*e.g.*, flame temperatures) and permits the engine to operate with less throttling, thus conserving fuel. However, higher levels of cylinder charge dilution may cause combustion instability and increased engine emissions when the engine is combusting solely gasoline or ethanol. Thus, it may be advantageous to utilize reformate under certain engine conditions. Ethanol is converted in the engine into reformate, which is then stored in a tank until it is needed for engine operation. However, the effect of CO in controlling engine operation, such as knock mitigation, etc., is less than that of H_2 and CH_4. Furthermore, the presence of CO in the storage tank may degrade the performance of the other constituents of the reformate. The claimed invention addresses these issues by selectively storing the H_2 and CH_4. For example, claim 1 recites:

> A method for operating an engine, comprising:
>
> reforming a fuel into a gaseous fuel comprising H_2, CO, and CH_4; and
>
> selectively storing at least one of H_2 and CH_4 to a greater extent than CO.

That is, a fuel is reformed into a gaseous fuel comprising H_2, CO, and CH_4. At least one of H_2 and CH_4 are selectively stored to a greater extent than CO. Such buffering enables more or less of the H_2 and CH_4 to be delivered to the engine commensurate with operating conditions, without also requiring storage of CO with the H_2 and CH_4. Rather, the CO may be delivered to the engine without buffering, as its effect in controlling engine operation, such as knock mitigation, etc., is less than that of the remaining reformate gases (H_2 and CH_4). Therefore, by selectively storing the H_2 and CH_4, the

claimed invention increases the efficiency of reformate use, which can then be used to operate the vehicle at higher cylinder charge dilution levels or for a greater duration, thus increasing fuel economy. Likewise, by more efficiently utilizing the reformate of an alcohol fuel, more fossil fuel resources are conserved.

Regarding basis (2), Applicants submit that the claimed invention materially contributes to greenhouse gas emission reduction as follows. CO_2 is a greenhouse gas produced as a product of fuel combustion. As explained above and set forth in claim 1, reducing CO storage can increase efficiency of reformate use, leading to increased fuel economy, reducing the amount of fuel combusted and thus reducing emissions of CO_2.

Regarding basis (3), Applicants submit that the claimed invention materially enhances the quality of the environment by reducing NOx emissions, which negatively impact the quality of the environment. High combustion flame temperatures and exhaust temperatures can increase production of NOx. High cylinder charge dilution levels can lower flame temperatures, in turn lowering NOx emissions. As explained above and set forth in claim 1, the improved use of reformate can extend engine operation at high dilution levels, and/or enabling higher dilution levels, thus reducing NOx emissions and enhancing the quality of the environment.

Please charge any cost incurred in this filing, along with any other costs, to Deposit Account No. 06-1510.

Respectfully submitted,

ALLEMAN HALL MCCOY RUSSELL & TUTTLE LLP

John D. Russell
Registration No. 47,048
Customer No. 36865
Attorney/Agent for Applicants/Assignee
806 S.W. Broadway, Suite 600
Portland, Oregon 97205
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Facsimile: (503) 459-4142

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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P.O. Box 1450
Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/756,853	04/08/2010	Ross Dykstra Pursifull	81204439	1472

36865 7590 02/22/2011
ALLEMAN HALL MCCOY RUSSELL & TUTTLE, LLP
806 S.W. BROADWAY, SUITE 600
PORTLAND, OR 97205

EXAMINER
NGUYEN, HUNG Q

ART UNIT	PAPER NUMBER
3783	

MAIL DATE	DELIVERY MODE
02/22/2011	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
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ALLEMAN HALL MCCOY RUSSELL & TUTTLE, LLP
806 S.W. BROADWAY, SUITE 600
PORTLAND OR 97205

In re Application of	:	
PURSIFULL, ROSS DYKSTRA et al	:	DECISION ON PETITION
Application No. 12/756,853	:	TO MAKE SPECIAL UNDER
Filed: April 8, 2010	:	THE GREEN TECHNOLOGY
Attorney Docket No. 81204439	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed Feb. 9, 2011, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **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 3783 for action on the merits commensurate with this decision.

/Henry C. Yuen/

Henry C. Yuen
Quality Assurance Specialist
Technology Center TC 3700

Doc Code: PET.GREEN
Document Description: Petition for Green Tech Pilot

PTO/SB/420 (11-10)
Approved for use through 01/31/2011. OMB 0651-0062
U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE
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PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Attorney Docket Number: 241612-1	Application Number (if known): 12/756857	Filing date: 4-8-10
First Named Inventor: Jeffrey Daniels		
Title: SYSTEMS AND METHODS FOR MONITORING A STRUCTURAL HEALTH OF A WIND TURBINE		

APPLICANT HEREBY REQUESTS TO PARTICIPATE IN THE GREEN TECHNOLOGY PILOT PROGRAM FOR THE ABOVE-IDENTIFIED APPLICATION. See Instruction Sheet on page 2.

This petition must be timely filed electronically using the USPTO electronic filing system, EFS-Web.

1. By filing this petition:

   Applicant is requesting early publication: Applicant hereby requests early publication under 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d) accompanies this request.

2. By filing this petition: applicant is agreeing to make an election without traverse in a telephonic interview and elect an invention that meets the eligibility requirements for the Green Technology Pilot Program, if the Office determines that the claims are not obviously directed to a single invention. See Instruction Sheet.

3. This request is accompanied by statements of special status for the eligibility requirement.

4. The application contains no more than three (3) independent claims and twenty (20) total claims.

5. The application does not contain any multiple dependent claims.

6. Other attachments: Statement Concerning the Basis for the Special Status

Signature /Douglas D. Zhang/	Date 2-7-11
Name (Print/Typed) Douglas D. Zhang	Registration Number 37,985

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.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

Instruction Sheet for Petition to Make Special Under the Green Technology Pilot Program

(Not to be Submitted to the USPTO)

The following is a summary of the requirements (for more information see the notices (i) "Pilot Program for Green Technologies Including Greenhouse Gas Reduction," (ii) "Elimination of Classification Requirement in the Green Technology Pilot Program," and (iii) "Expansion and Extension of the Green Technology Pilot Program," available on the USPTO web site at http://www.uspto.gov/patents/init_events/green_tech.jsp):

1) The application must be a non-reissue, non-provisional utility application filed under 35 U.S.C. 111 (a), or an international application that has entered the national stage in compliance with 35 U.S.C. 371, irrespective of the filing date of the application. Reexamination proceedings are excluded from this pilot program.

2) The application must contain three or fewer independent claims and twenty or fewer total claims. The application must not contain any multiple dependent claims. For an application that contains more than three independent claims or twenty total claims, or multiple dependent claims, applicant must file a preliminary amendment in compliance with 37 CFR 1.121 to cancel the excess claims and/or the multiple dependent claims at the time the petition to make special is filed.

3) The claims must be directed to a single invention that materially enhances the quality of the environment, or that materially contributes to: (1) the discovery or development of renewable energy resources; (2) the more efficient utilization and conservation of energy resources; or (3) green house gas emission reduction (see the eligibility requirements of sections II and III of the notice (i) cited above). The petition must include a statement that, if the USPTO determines that the claims are directed to multiple inventions (e.g., in a restriction requirement), applicant will agree to make an election without traverse in a telephonic interview, and elect an invention that meets the eligibility requirements in section II or III of the notice (i) cited above.

4) The petition to make special must be timely filed electronically using the USPTO electronic filing system, EFS-Web, and selecting the document description of "Petition for Green Tech Pilot" on the EFS-Web screen. Applicant should use form PTO/SB/420, which is available as a Portable Document Format (PDF) fillable form in EFS-Web and on the USPTO Web site.

5) The petition to make special must be filed at least one day prior to the date that a first Office action (which may be an Office action containing only a restriction requirement) appears in the Patent Application Information Retrieval (PAIR) system. Applicant may check the status of the application using PAIR.

6) The petition to make special must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d).

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Named Inventor: Jeffrey Daniels	)
Confirmation No.: 1482	)
	)
Serial No.: 12/756857	)
	)
Filing Date: 4-8-10	)
	)
Atty Docket No.: 241612-1	)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Statement Concerning the Basis for the Special Status

SIR:

Applicant respectfully submits that Special Status is sought on the basis that the present invention materially contributes to the development of renewable energy resources or energy conservation.

The undersigned attorney may be contacted at the number below to facilitate the resolution of any matters. Please charge any fees that are incurred in connection with this Statement to deposit account no. 09-0470.

Respectfully submitted,

General Electric Company

By : /Douglas D. Zhang/
Douglas D. Zhang
Reg. No. 37,985

Dated: February 7, 2011

GE Global Patent Operation
2 Corporate Drive, Suite 648
Shelton, CT 06484
203-944-6755

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/756,857	04/08/2010	Jeffrey Michael Daniels	241612 (22402-209)	1482

45432 7590 02/22/2011
PATRICK W. RASCHE (22402)
ARMSTRONG TEASDALE LLP
7700 Forsyth Boulevard
Suite 1800
St. Louis, MO 63105

EXAMINER

ART UNIT	PAPER NUMBER
3745	

NOTIFICATION DATE	DELIVERY MODE
02/22/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

USpatents@armstrongteasdale.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

PATRICK W. RASCHE (22402)
ARMSTRONG TEASDALE LLP
7700 Forsyth Boulevard
Suite 1800
St. Louis MO 63105

In re Application of	:	
DANIELS, JEFFREY MICHAEL et al	:	DECISION ON PETITION
Application No. 12/756,857	:	TO MAKE SPECIAL UNDER
Filed: April 8, 2010	:	THE GREEN TECHNOLOGY
Attorney Docket No. 241612 (22402-209)	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed Feb. 9, 2011, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **dismissed**.

If reconsideration of this decision is desired, a petition for reconsideration must be filed within ONE (1) MONTH OR THIRTY (30) DAYS from the mail date of this decision, whichever is longer. No extension of this time limit can be granted under 37 CFR 1.136(a) or (b). The petition for reconsideration should include an exhaustive attempt to provide the lacking item(s) noted below, since, after a decision on the petition for reconsideration, no further reconsideration or review of the matter will be undertaken by the Director.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable

energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The petition lacks item # 4.

In regard to item 4, petitioner should note that the instant petition includes a statement identifying the basis for the special status (i.e., whether the instant invention (1) materially enhances the quality of the environment or materially contributes to (2) development of renewable energy resources or energy conservation, or (3) greenhouse gas reduction) as required by sections II and III of the notice. However, as stated in the notice, applicant must also provide a statement pertaining to the materiality standard if the application disclosure is not clear on its face as to the materiality of the basis for the special status of the invention. This petition lacks such a statement and it is not agreed that the application on its face meets that materiality standard. Petitioner indicates that the claimed invention relates development of renewable energy resources. This is not convincing. It is not clear how the claimed method of monitoring a wind turbine operation will provide and enhance the quality of the environment or contribute to development of renewable energy resources or energy conservation or greenhouse gas reduction. Claim 1 reads on a visual inspection.

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 3745 for action in its regular turn.

/Henry C. Yuen/

Henry C. Yuen
Quality Assurance Specialist
Technology Center 3700

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Named Inventor: Jeffrey Daniels	)
Confirmation No.: 1482	)
	)
Serial No.: 12/756857	)
	)
Filing Date: April 8, 2010	)
	)
Atty Docket No.: 241612-1	)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Request for Reconsideration

SIR:

This is responsive to the Decision on Petition, dated as mailed 22 February 2011, in the above-referenced application.

Applicant respectfully requests reconsideration of Applicant's Petition to Make Special on the basis that the present invention materially contributes to the development of renewable energy resources or energy conservation.

Applicant respectfully submits that the present invention is directed to a structural health monitoring system configured to monitor a structural health of a structural component of the wind turbine.

Known wind turbines are generally subjected to operational detriments from environmental elements, such as wind shear, extreme temperatures, icing, oceanic waves, as well as internal friction, and general mechanical wear. Operational detriments may eventually cause suboptimal performance of the wind turbine. At least some known methods of monitoring wind turbines detect operational detriments indirectly by detecting symptoms, such as a decreased

power output and/or inoperability, or a decreased wind turbine operating performance. Moreover, because many potential causes exist for such symptoms, determining the root cause of a symptom requires manual inspection by a service technician, introducing undesirable delay and expense before the root cause can be addressed. At least some known wind turbines include a generator frame including a main frame or a "bedplate" and a generator support frame or a "rear frame" portion that is cantilevered from the bedplate. Known generator frames may be subjected to stresses that cause fatigue cracking and/or failure, particularly at the joint between the bedplate and the rear frame portion. Conventional methods for monitoring some known generator frames include manual inspection, which may be infrequent, expensive, and time consuming.

The embodiments described herein facilitate monitoring the structural health of a wind turbine. More specifically, the embodiments described herein include a structural health monitoring system that facilitates detecting structural discontinuities within the wind turbine. In addition, the structural health monitoring system facilitates determining the structural health of the wind turbine based on the structural discontinuity and operating the wind turbine to a safety operation upon determining that the structural health of the wind turbine system is different than a predefined structural health.

An exemplary technical effect of the methods, system, and apparatus described herein includes at least one of: (a) transmitting, from a sensor to a controller, at least one monitoring signal indicative of a structural discontinuity;

(b) calculating, by a computing device, a structural health of a wind turbine based on the monitoring signal; (c) comparing the calculated structural health with a predefined structural health; (d) transmitting a first notification signal from the controller to a remote device upon receiving a signal indicative of the structural discontinuity; (e) transmitting a second notification signal from the controller to the remote device upon determining the structural health is less than a predefined structural health; and (f) operating a pitch drive system to rotate a rotor blade to a feathered position upon determining the health of the structural component is less than a predefined structural health.

The methods, system and apparatus described herein operate the wind turbine in a safety operation upon determining that the health of the wind turbine system is different than a predefined structural health. As such, the damage that can occur to a wind turbine during operation is facilitated to be reduced or eliminated, thereby extending the operational life of a wind turbine. Thus the present invention materially contributes to the development of renewable energy by protecting a wind turbine from operating conditions that may damage the turbine and cause interruptions in the operation of the turbine. This eliminates periods in which wind turbine operation is interrupted to perform maintenance or repair and extends the operational life of the wind turbine, which in turn promotes increased energy production.

The undersigned attorney may be contacted at the number below to facilitate the resolution of any matters. Please charge any fees that are incurred in connection with this Statement to deposit account no. 09-0470.

Respectfully submitted,

General Electric Company

By : /Douglas D. Zhang/
Douglas D. Zhang
Reg. No. 37,985

Dated: March 21, 2011

GE Global Patent Operation
2 Corporate Drive, Suite 648
Shelton, CT 06484
203-944-6755

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/756,857	04/08/2010	Jeffrey Michael Daniels	241612 (22402-209)	1482

45432 7590 04/13/2011
PATRICK W. RASCHE (22402)
ARMSTRONG TEASDALE LLP
7700 Forsyth Boulevard
Suite 1800
St. Louis, MO 63105

EXAMINER
WIEHE, NATHANIEL EDWARD

ART UNIT	PAPER NUMBER
3745	

NOTIFICATION DATE	DELIVERY MODE
04/13/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

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PATRICK W. RASCHE (22402)
ARMSTRONG TEASDALE LLP
7700 Forsyth Boulevard
Suite 1800
St. Louis MO 63105

In re Application of	:	
DANIELS, JEFFREY MICHAEL et al	:	DECISION ON PETITION
Application No. 12/756,857	:	TO MAKE SPECIAL UNDER
Filed: April 8, 2010	:	THE GREEN TECHNOLOGY
Attorney Docket No. 241612 (22402-209)	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed March 22, 2011, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **granted**.

If reconsideration of this decision is desired, a petition for reconsideration must be filed within ONE (1) MONTH OR THIRTY (30) DAYS from the mail date of this decision, whichever is longer. No extension of this time limit can be granted under 37 CFR 1.136(a) or (b). The petition for reconsideration should include an exhaustive attempt to provide the lacking item(s) noted below, since, after a decision on the petition for reconsideration, no further reconsideration or review of the matter will be undertaken by the Director.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable

energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The instant petition complies with items 1 – 8 above. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquires concerning this decision should be directed to Henry C. Yuen at 571-272-4856.

This application will be forwarded to the Technology Center Art Unit 3745 for action on the merits commensurate with this decision.

/Henry C. Yuen/

Henry C. Yuen
Quality Assurance Specialist
Technology Center TC 3700

Doc Code: PET.GREEN
Document Description: Petition for Green Tech Pilot

PTO/SB/420 (11-10)
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PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Attorney Docket Number: 81204433	Application Number (if known): 12/756,858	Filing date: April 8, 2010
First Named Inventor: James Michael Kerns		
Title: METHOD FOR OPERATING AN ENGINE WITH A FUEL REFORMER		

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 February 7, 2011
Name (Print/Typed) John D. Russell	Registration Number 47,048

Note: *Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature see below*.*

☒ *Total of 1 forms are submitted.

The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants	:	James Michael Kerns *et al.*
Application No.	:	12/756,858
Filed	:	April 8, 2010
Title	:	METHOD FOR OPERATING AN ENGINE WITH A FUEL REFORMER
Group Art Unit	:	3783
Confirmation No.	:	1484
Docket No.	:	81204433

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

CERTIFICATE OF TRANSMISSION

I hereby certify that this correspondence is being transmitted via the U.S. Patent and Trademark Office electronic filing system (EFS-Web) to the USPTO on:

February 7, 2011
Date

Caitlin Fackrell

STATEMENTS OF SPECIAL STATUS

Applicants respectfully request consideration of the following statement concerning the basis for the special status as well as the following statement pertaining to the materiality standard.

I. Statement concerning the basis for special status.

Applicants submit that special status is sought on the following bases: (1) the claimed invention materially contributes to the more efficient utilization and conservation of energy resources; and/or (2) the claimed invention materially contributes to greenhouse gas emission reduction; and/or (3) the claimed invention materially enhances the quality of the environment.

II. Statement pertaining to the materiality standard.

As a preliminary matter, Applicants note that the following statement refers explicitly to the elements of independent claim 1, which is the broadest claim.

Regarding basis (1), Applicants submit that the claimed invention materially contributes to the more efficient utilization and conservation of energy resources by improving fuel economy (*e.g.*, more efficiently utilizing and conserving fossil fuels)

Specifically, the claimed invention improves the efficient usage of reformate to prolong conditions under which the engine may operate with a high cylinder charge dilution level, thus prolonging more efficient combustion of fuel. Additionally, by utilizing alcohol fuels, the present invention also conserves fossil fuels.

As set out in the Background and Summary of Applicants' specification, reformed fuel, which includes the conversion of alcohol to a gaseous fuel comprising H_2, CO, and CH_4, maintains combustion stability at high dilution levels due to its increased combustion flame speed. High cylinder charge dilution levels are achieved in lean air-fuel ratio conditions and when using EGR (exhaust gas recirculation). Increasing charge dilution may increase engine efficiency and produce lower emissions because increased cylinder charge dilution may lower peak cylinder temperatures (*e.g.*, flame temperatures) and permits the engine to operate with less throttling, thus conserving fuel. However, higher levels of cylinder charge dilution may cause combustion instability and increased engine emissions when the engine is combusting solely gasoline or ethanol. Thus, it may be advantageous to utilize reformate under certain engine conditions. Engines with fuel reformers may be fueled with a variety of different fuels with varying alcohol content, *e.g.*, flexible fuel engines. For example, a flexible fuel engine may be fueled with ethanol, ethanol-gasoline blends such as E85, E50, *etc.*, or gasoline. However, in such engines, operation of a fuel reformer may degrade when the alcohol content of the fuel is too low. For example, if a reformer is supplied with a variable alcohol blend from one fuel refill to the next, a significant amount of non-reformed fuel may be output by the reformer. By degrading reformer performance and outputting non-reformed fuel, the fuel benefits achieved can be reduced. The claimed invention addresses this issue by adjusting operating conditions of the alcohol reformer based the amount of alcohol in the fuel. For example, claim 1 recites:

> A method for operating an engine with an alcohol reformer which reforms a fuel into a reformate including H_2, the method comprising:
> adjusting an operating condition of the alcohol reformer based on an alcohol content of the fuel.

In an engine with an alcohol reformer that reforms a fuel into a reformate including hydrogen, operating conditions of the alcohol reformer can be adjusted based on the alcohol content of the fuel. In this way, operation of a fuel reformer employed by

an engine may be tailored based on an alcohol content of a fuel and degradation of fuel reformer operation reduced. Therefore, by reducing degradation of the fuel reformer, the claimed invention increases the efficiency of producing reformate, which can then be used to operate the vehicle at higher cylinder charge dilution levels, thus increasing fuel economy. Likewise, by more efficiently utilizing the alcohol fuel, more fossil fuel resources are conserved.

Regarding basis (2), Applicants submit that the claimed invention materially contributes to greenhouse gas emission reduction as follows. CO_2 is a greenhouse gas produced as a product of fuel combustion. As explained above and set forth in claim 1, reducing reformer degradation can extend engine operation at high dilution levels, leading to increased fuel economy, reducing the amount of fuel combusted and thus reducing emissions of CO_2.

Regarding basis (3), Applicants submit that the claimed invention materially enhances the quality of the environment by reducing NOx emissions, which negatively impact the quality of the environment. High combustion flame temperatures and exhaust temperatures can increase production of NOx. High cylinder charge dilution levels can lower flame temperatures, in turn lowering NOx emissions. As explained above and set forth in claim 1, the improved use of reformate can extend engine operation at high dilution levels, thus reducing NOx emissions and enhancing the quality of the environment.

Please charge any cost incurred in this filing, along with any other costs, to Deposit Account No. 06-1510.

Respectfully submitted,

ALLEMAN HALL MCCOY RUSSELL & TUTTLE LLP

John D. Russell
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Attorney/Agent for Applicants/Assignee
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/756,858	04/08/2010	James Michael Kerns	81204433	1484

36865 7590 02/17/2011
ALLEMAN HALL MCCOY RUSSELL & TUTTLE, LLP
806 S.W. BROADWAY, SUITE 600
PORTLAND, OR 97205

EXAMINER
COLEMAN, KEITH A

ART UNIT	PAPER NUMBER
3783	

MAIL DATE	DELIVERY MODE
02/17/2011	PAPER

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The time period for reply, if any, is set in the attached communication.

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ALLEMAN HALL MCCOY RUSSELL & TUTTLE, LLP
806 S.W. BROADWAY, SUITE 600
PORTLAND OR 97205

In re Application of	:	
KERNS, JAMES MICHAEL et al	:	DECISION ON PETITION
Application No. 12/756,858	:	TO MAKE SPECIAL UNDER
Filed: April 8, 2010	:	THE GREEN TECHNOLOGY
Attorney Docket No. 81204433	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed Feb. 7, 2011, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **granted.**

If reconsideration of this decision is desired, a petition for reconsideration must be filed within ONE (1) MONTH OR THIRTY (30) DAYS from the mail date of this decision, whichever is longer. No extension of this time limit can be granted under 37 CFR 1.136(a) or (b). The petition for reconsideration should include an exhaustive attempt to provide the lacking item(s) noted below, since, after a decision on the petition for reconsideration, no further reconsideration or review of the matter will be undertaken by the Director.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed

invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The instant petition complies with items 1 – 8 above. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquires concerning this decision should be directed to Henry C. Yuen at 571-272-4856.

This application will be forwarded to the Technology Center Art Unit 3783 for action on the merits commensurate with this decision.

/Henry C. Yuen/

Henry C. Yuen
Quality Assurance Specialist
Technology Center TC 3700

Doc Code: PET.GREEN
Document Description: Petition for Green Tech Pilot

PTO/SB/420 (11-10)
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PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Attorney Docket Number: 81204442	Application Number (if known): 12/756,883	Filing date: April 8, 2010
First Named Inventor: Thomas G. Leone		
Title: OPERATING AN ENGINE WITH REFORMATE		

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 24, 2011
Name (Print/Typed) John D. Russell	Registration Number 47,048

Note: *Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature see below*.*

☒ *Total of 1 forms are submitted.

The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant	:	Thomas G. Leone
Application No.	:	12/756,883
Filed	:	April 8, 2010
Title	:	OPERATING AN ENGINE WITH REFORMATE
Group Art Unit	:	3747
Confirmation No.	:	1528
Docket No.	:	81204442

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

CERTIFICATE OF TRANSMISSION

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January 24, 2011
Date

Caitlin Fackrell

STATEMENTS OF SPECIAL STATUS

Applicant respectfully requests consideration of the following statement concerning the basis for the special status as well as the following statement pertaining to the materiality standard.

I. Statement concerning the basis for special status.

Applicant submits that special status is sought on the following bases: (1) the claimed invention materially contributes to the more efficient utilization and conservation of energy resources; and/or (2) the claimed invention materially enhances the quality of the environment.

II. Statement pertaining to the materiality standard.

As a preliminary matter, Applicant notes that the following statement refers explicitly to the elements of independent claim 1, which is the broadest claim in many respects.

Regarding basis (1), Applicant submits that the claimed invention materially contributes to the more efficient utilization and conservation of energy resources by improving fuel economy (*e.g.*, more efficiently utilizing and conserving fossil fuels). The

claimed invention makes it more practical and efficient to use gaseous fuel made in a reformer by addressing issues typically associated with engines equipped with reformers, such as balancing when to use liquid fuel and when to use gaseous fuel. As described in the Background and Summary of the subject application, a reformer may convert a liquid fuel such as gasoline, diesel fuel, ethanol, etc. into a reformate gas so that the reformate gas can be combusted by an engine to improve combustion stability, knock resistance, and heating value. Further, reformed fuel may be used to purge or reduce constituents held or stored by an exhaust gas after treatment device. Reformate can sustain a higher level of cylinder charge dilution than liquid fuel. Increased cylinder charge dilution may lower peak cylinder temperatures and permits the engine to operate with less throttling, thus conserving fuel. However, as the number and complexity of components in a reformate system increases, an engine may need to operate under conditions both with and without reformate. In an engine designed to utilize reformate gas, such modes may differ from those of conventional engines. In one example, a low supply of reformate gas could result in engine misfire (wasting fuel and increasing emissions). In a further example, a degradation of a reformate system component may lead to increased emissions or less efficient engine combustion. The claimed invention improves engine with operation with a reformer by reducing the consequences of reformate system degradation. For example, claim 1 recites:

> A method of operating an engine, comprising:
>
> limiting reformate flow to said engine in response to degradation of a fuel reformer;
>
> reducing an engine constituent proportionate to said limiting reformate flow; and
>
> increasing an amount of liquid fuel delivered to said engine to maintain engine torque and an air-fuel ratio of said engine prior to said limiting reformate flow.

Reformate flow to an engine is limited in response to degradation of the fuel reformer. Furthermore, an engine constituent is reduced in an amount proportionate to the limited reformate flow, and in response, the amount of liquid fuel delivered the engine is increased in order to maintain the engine torque and air-fuel ratio of the engine prior to the limited reformate flow. Thus, the consequences of reformate system degradation may be mitigated by limiting use of the reformate system after degradation is detected. For

example, if the reformate system is providing less than a threshold amount of reformate, reformer operation can be limited so that less energy is consumed by operating the reformer and so that the engine does not continue to operate as if a higher amount of reformate is available. Further, by adjusting liquid fuel supplied to an engine as well as engine constituents (e.g., charge dilution and/or boost) reasonable engine performance may be maintained. In this way, engine operation may be maintained at a reasonable level even under conditions of reformate system degradation, thus mitigating the effects of degradation, including mitigating increases in fuel consumption that may otherwise occur.

Regarding basis (2), Applicant submits that the claimed invention materially enhances the quality of the environment by identifying and mitigating the effects of component degradation on emissions compliance. As explained above, degradation identification and mitigation are provided. Degradation detection of emission components may often be required by regulatory agencies as an important component in maintaining the quality of the environment. As such, the claimed invention meets this need and operates to enhance the quality of the environment

Please charge any cost incurred in this filing, along with any other costs, to Deposit Account No. 06-1510.

Respectfully submitted,

ALLEMAN HALL MCCOY RUSSELL & TUTTLE LLP

John D. Russell
Registration No. 47,048
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806 S.W. Broadway, Suite 600
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/756,883	04/08/2010	Thomas G. Leone	81204442	1528

36865 7590 02/02/2011
ALLEMAN HALL MCCOY RUSSELL & TUTTLE, LLP
806 S.W. BROADWAY, SUITE 600
PORTLAND, OR 97205

EXAMINER

ART UNIT	PAPER NUMBER
3747	

MAIL DATE	DELIVERY MODE
02/02/2011	PAPER

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806 S.W. BROADWAY, SUITE 600
PORTLAND OR 97205

In re Application of	:	
LEONE, THOMAS G.	:	DECISION ON PETITION
Application No. 12/756,883	:	TO MAKE SPECIAL UNDER
Filed: April 8, 2010	:	THE GREEN TECHNOLOGY
Attorney Docket No. 81204442	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed Jan. 24, 2011 to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **granted.**

If reconsideration of this decision is desired, a petition for reconsideration must be filed within ONE (1) MONTH OR THIRTY (30) DAYS from the mail date of this decision, whichever is longer. No extension of this time limit can be granted under 37 CFR 1.136(a) or (b). The petition for reconsideration should include an exhaustive attempt to provide the lacking item(s) noted below, since, after a decision on the petition for reconsideration, no further reconsideration or review of the matter will be undertaken by the Director.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed

invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The instant petition complies with items 1 – 8 above. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquires concerning this decision should be directed to Henry C. Yuen at 571-272-4856.

This application will be forwarded to the Technology Center Art Unit 3747 for action on the merits commensurate with this decision.

/Henry C. Yuen/

Henry C. Yuen
Quality Assurance Specialist
Technology Center TC 3700

Doc Code: PET.GREEN
Document Description: Petition for Green Tech Pilot

PTO/SB/420 (11-10)
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PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Attorney Docket Number: 81204444	Application Number (if known): 12/756,892	Filing date: April 8, 2010
First Named Inventor: Thomas G. Leone		
Title: METHOD FOR OPERATING A VEHICLE WITH A FUEL REFORMER		

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 24, 2011
Name (Print/Typed) John D. Russell	Registration Number 47,048

Note: *Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature see below*.*

X *Total of 1 forms are submitted.

The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants	:	Thomas G. Leone et al.
Application No.	:	12/756,892
Filed	:	April 8, 2010
Title	:	METHOD FOR OPERATING A VEHICLE WITH A FUEL REFORMER
Group Art Unit	:	3783
Confirmation No.	:	1543
Docket No.	:	81204444

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

CERTIFICATE OF TRANSMISSION

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January 24, 2011
Date

Caitlin Fackrell
Caitlin Fackrell

STATEMENTS OF SPECIAL STATUS

Applicants respectfully request consideration of the following statement concerning the basis for the special status as well as the following statement pertaining to the materiality standard.

I. Statement concerning the basis for special status.

Applicants submit that special status is sought on the following bases: (1) the claimed invention materially contributes to the more efficient utilization and conservation of energy resources; and/or (2) the claimed invention materially contributes to greenhouse gas emission reduction; and/or (3) the claimed invention materially enhances the quality of the environment.

II. Statement pertaining to the materiality standard.

As a preliminary matter, Applicants note that the following statement refers explicitly to the elements of independent claim 1, which is the broadest claim.

Regarding basis (1), Applicants submit that the claimed invention materially contributes to the more efficient utilization and conservation of energy resources by improving fuel economy (*e.g.*, more efficiently utilizing and conserving fossil fuels).

Specifically, the claimed invention improves the efficient usage of reformate to prolong conditions under which the engine may operate with a high cylinder charge dilution level. As set out in pages 5-6 as well as the Background and Summary of Applicants' specification, high cylinder charge dilution levels are achieved in lean air-fuel ratio conditions and when using EGR (exhaust gas recirculation). Increasing charge dilution may increase engine efficiency and produce lower emissions because increased cylinder charge dilution may lower peak cylinder temperatures and permits the engine to operate with less throttling, thus conserving fuel. However, higher levels of cylinder charge dilution may cause combustion instability and increased engine emissions when the engine is combusting solely gasoline or ethanol. Reformed fuel, which includes the conversion of alcohol to a gaseous fuel comprising H_2, CO, and CH_4, maintains combustion stability at high dilution levels due to its increased combustion flame speed. While it may be advantageous to utilize reformate under certain engine conditions, it may also be desirable to operate the engine solely with gasoline when reformate is unavailable or in low supply. Thus, it may be desirable to adjust operation of an engine depending on an amount of available fuel.

Other solutions to this issue involve adjusting engine speed and load in response to an amount of fuel in a second fuel tank. However, simply limiting engine speed and load may not leverage the remaining fuel in a way that improves engine operation with the remaining fuel. Further, although it may be desirable to limit engine speed and load, such limiting may provide little benefit if the engine is operating at high dilution levels. The claimed invention overcomes these disadvantages by limiting the rate at which the gaseous fuel is injected in response to the amount of fuel in storage tank. For example, claim 1 recites:

> A method for operating an engine, comprising:
>
> operating a fuel reformer and producing a gaseous fuel; and
>
> limiting a rate of injection of said gaseous fuel to at least an engine cylinder in response to an amount of gaseous fuel in a storage tank less than a threshold amount when said storage tank is not empty.

That is, an engine is operated with a fuel reformer to produce gaseous fuel. If the amount of gaseous fuel in a storage tank is less than a threshold amount, when the storage tank is not empty, the rate of injection of the gaseous fuel to at least an engine cylinder can be

limited. Thus, it may be possible to extend the amount of time an engine may be operated at higher dilution levels. For example, if an amount of fuel stored in a storage tank is less than a predetermined amount, it is possible to reduce the level of cylinder charge dilution while at the same time maintaining a level of charge dilution that is greater than if the engine is operated without gaseous fuel injection.

The present description may provide several mechanisms to improve fuel economy. Specifically, the approach may extend the range or time that an engine may operate at higher levels of cylinder charge dilution. Further, the method may allow a smaller fuel reformer to provide gaseous fuel to the engine, thereby reducing vehicle weight. Further still, the method may improve vehicle emissions and fuel economy as compared to other systems that do not prioritize gaseous fuel utilization.

Regarding basis (2), Applicants submit that the claimed invention materially contributes to greenhouse gas emission reduction as follows. CO_2 is a greenhouse gas produced as a product of fuel combustion. As explained above, extended engine operation at high dilution levels as set forth in claim 1 can lead to increased fuel economy, reducing the amount of fuel combusted and thus reducing emissions of CO_2.

Regarding basis (3), Applicants submit that the claimed invention materially enhances the quality of the environment by reducing NOx emissions, which negatively impact the quality of the environment. High combustion and exhaust temperatures can increase production of NOx. High cylinder charge dilution levels can lower peak combustion temperatures, in turn lowering NOx emissions. As explained above and set forth in claim 1, the improved use of reformate can extend engine operation at high dilution levels, thus reducing NOx emissions and enhancing the quality of the environment.

Please charge any cost incurred in this filing, along with any other costs, to Deposit Account No. 06-1510.

Respectfully submitted,

ALLEMAN HALL MCCOY RUSSELL & TUTTLE LLP

John D. Russell
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Customer No. 36865
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UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/756,892	04/08/2010	Thomas G. Leone	81204444	1543

36865 7590 02/02/2011
ALLEMAN HALL MCCOY RUSSELL & TUTTLE, LLP
806 S.W. BROADWAY, SUITE 600
PORTLAND, OR 97205

EXAMINER
NGUYEN, HUNG Q

ART UNIT	PAPER NUMBER
3783	

MAIL DATE	DELIVERY MODE
02/02/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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806 S.W. BROADWAY, SUITE 600
PORTLAND OR 97205

In re Application of	:	
LEONE, THOMAS G. et al	:	DECISION ON PETITION
Application No. 12/756,892	:	TO MAKE SPECIAL UNDER
Filed: April 8, 2010	:	THE GREEN TECHNOLOGY
Attorney Docket No. 81204444	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed Jan. 24, 2011 to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **granted.**

If reconsideration of this decision is desired, a petition for reconsideration must be filed within ONE (1) MONTH OR THIRTY (30) DAYS from the mail date of this decision, whichever is longer. No extension of this time limit can be granted under 37 CFR 1.136(a) or (b). The petition for reconsideration should include an exhaustive attempt to provide the lacking item(s) noted below, since, after a decision on the petition for reconsideration, no further reconsideration or review of the matter will be undertaken by the Director.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the

Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The instant petition complies with items 1 – 8 above. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquires concerning this decision should be directed to Henry C. Yuen at 571-272-4856.

This application will be forwarded to the Technology Center Art Unit 3783 for action on the merits commensurate with this decision.

/Henry C. Yuen/

Henry C. Yuen
Quality Assurance Specialist
Technology Center TC 3700

Doc Code: PET.GREEN
Document Description: Petition for Green Tech Pilot

PTO/SB/420 (11-10)
Approved for use through 01/31/2011. OMB 0651-0062
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PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Attorney Docket Number: 81204438	Application Number (if known): 12/756,897	Filing date: April 8, 2010
First Named Inventor: Thomas G. Leone		
Title: REFORMATE CONTROL VIA ACCELEROMETER		

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 February 7, 2011
Name (Print/Typed) John D. Russell	Registration Number 47,048

Note: *Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature see below*.*

☒ *Total of 1 forms are submitted.

The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant	:	Thomas G. Leone
Application No.	:	12/756,897
Filed	:	April 8, 2010
Title	:	REFORMATE CONTROL VIA ACCELEROMETER
Group Art Unit	:	3747
Confirmation No.	:	1557
Docket No.	:	81204438

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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February 7, 2011
Date

Caitlin Fackrell
Caitlin Fackrell

STATEMENTS OF SPECIAL STATUS

Applicant respectfully requests consideration of the following statement concerning the basis for the special status as well as the following statement pertaining to the materiality standard.

I. Statement concerning the basis for special status.

Applicant submits that special status is sought on the following bases: (1) the claimed invention materially contributes to the more efficient utilization and conservation of energy resources; and/or (2) the claimed invention materially contributes to greenhouse gas emission reduction; and/or (3) the claimed invention materially enhances the quality of the environment.

II. Statement pertaining to the materiality standard.

As a preliminary matter, Applicant notes that the following statement refers explicitly to the elements of independent claim 1, which is the broadest claim in many respects.

Regarding basis (1), Applicant submits that the claimed invention materially contributes to the more efficient utilization and conservation of energy resources by improving fuel economy (*e.g.*, more efficiently utilizing and conserving fossil fuels).

Specifically, the claimed invention reduces engine surge by operating with reformate fuel. As explained in the Background and Summary of the subject application, aggressive use of lean burn, exhaust gas recirculation (EGR), and/or variable valve timing (VVT) can improve fuel economy due to lowered peak cylinder temperatures and less engine throttling. However, these conditions cause high cylinder charge dilution levels. An engine combusting gasoline is prone to combustion instability under these conditions. One such type of combustion instability is engine surge due to oscillations of engine torque, which results in reduced drivability and decreases the conditions under which an engine may be operated at high cylinder charge dilution levels. The claimed invention addresses this issue by supplying reformate fuel to an engine to reduce engine surge, thus enabling increased dilution. Reformate fuel is a gaseous fuel produced by a reformer from an alcohol fuel such as ethanol. Reformate has high combustion stability and thus allows a vehicle to operate at high cylinder charge dilution levels. For example, claim 1 recites:

> A method for an engine, comprising:
>
> reforming fuel at a catalyst into reformate; and
>
> adjusting a supply of reformate to a cylinder of the engine in response to an engine surge, the surge including an oscillation in torque produced by the engine.

In an engine, fuel is reformed into reformate, and the amount of reformate supplied to a cylinder is adjusted in response to engine surge. Engine surge includes an oscillation in torque produced by the engine. In this way, engine surge may be mitigated. Additionally, by adjusting reformate in combination with further vehicle operating parameters, like charge dilution, wheel brake and spark timing, engine surge is mitigated while achieving increased engine efficiency due to aggressive use of lean burn, exhaust gas recirculation (EGR), and/or variable valve timing (VVT). By mitigating the engine surge that would prevent operating under such conditions, the claimed invention can thus result in improved fuel economy by enabling more aggressive use of EGR, VVT, *etc.*

Additionally, by utilizing reformate, which as noted above is generated from alcohol fuels, it is possible to reduce the use of fossil fuels, thus conserving fossil fuels.

Regarding basis (2), Applicant submits that the claimed invention materially contributes to greenhouse gas emission reduction as follows. CO_2 is a greenhouse gas produced as a product of fuel combustion. As explained above, extended engine operation at high dilution levels as set forth in claim 1 can lead to increased fuel economy, reducing the amount of fuel combusted and thus reducing emissions of CO_2. Furthermore, by utilizing reformate and thus utilizing alcohol fuel, it is possible to reduce usage of fossil fuels, thus reducing CO_2.

Regarding basis (3), Applicant submits that the claimed invention materially enhances the quality of the environment by reducing NOx emissions, which negatively impact the quality of the environment. High flame and exhaust temperatures can increase production of NOx. High cylinder charge dilution levels can lower peak combustion flame temperatures, in turn lowering NOx emissions. As explained above and set forth in claim 1, the use of reformate to mitigate engine surge can extend engine operation at high dilution levels, thus reducing NOx emissions and enhancing the quality of the environment.

Please charge any cost incurred in this filing, along with any other costs, to Deposit Account No. 06-1510.

Respectfully submitted,

ALLEMAN HALL MCCOY RUSSELL & TUTTLE LLP

John D. Russell
Registration No. 47,048
Customer No. 36865
Attorney/Agent for Applicant/Assignee
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/756,897	04/08/2010	Thomas G. Leone	81204438	1557

36865 7590 02/17/2011
ALLEMAN HALL MCCOY RUSSELL & TUTTLE, LLP
806 S.W. BROADWAY, SUITE 600
PORTLAND, OR 97205

EXAMINER

ART UNIT	PAPER NUMBER
3747	

MAIL DATE	DELIVERY MODE
02/17/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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806 S.W. BROADWAY, SUITE 600
PORTLAND OR 97205

In re Application of	:	
LEONE, THOMAS G.	:	DECISION ON PETITION
Application No. 12/756,897	:	TO MAKE SPECIAL UNDER
Filed: April 8, 2010	:	THE GREEN TECHNOLOGY
Attorney Docket No. 81204438	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed Feb. 7, 2011, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **granted.**

If reconsideration of this decision is desired, a petition for reconsideration must be filed within ONE (1) MONTH OR THIRTY (30) DAYS from the mail date of this decision, whichever is longer. No extension of this time limit can be granted under 37 CFR 1.136(a) or (b). The petition for reconsideration should include an exhaustive attempt to provide the lacking item(s) noted below, since, after a decision on the petition for reconsideration, no further reconsideration or review of the matter will be undertaken by the Director.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed

invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The instant petition complies with items 1 – 8 above. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquires concerning this decision should be directed to Henry C. Yuen at 571-272-4856.

This application will be forwarded to the Technology Center Art Unit 3747 for action on the merits commensurate with this decision.

/Henry C. Yuen/

Henry C. Yuen
Quality Assurance Specialist
Technology Center TC 3700

PTO/SB/20PCT-KR (06-10)
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REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE KOREAN INTELLECTUAL PROPERTY OFFICE (KIPO) AND THE USPTO

Application No:	12/756,898	Filing date:	April 8, 2010
First Named Inventor:	Thomas P. Taylor		
Title of the Invention:	RETAINING WALL SOIL REINFORCING CONNECTOR AND METHOD		

THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT HTTP://WWW.USPTO.GOV/EBC/EFS_HELP.HTML

APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PROGRAM.

The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.

The corresponding PCT application number(s) is/are: PCT/US2011/031688

The international filing date of the corresponding PCT application(s) is/are: 08 April 2011

I. List of Required Documents:

a. **A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above–identified corresponding PCT application(s)**

☑ Is attached.

☐ Is not attached because the document is already in the U.S. application.

b. **A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s).**

☑ Is attached.

☐ Is not attached because the document is already in the U.S. application.

c. **English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.**

This collection of information is required by 35 U.S.C. 119, 37 CFR 1.55, and 37 CFR 1.102(d). The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.

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Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM BETWEEN THE KIPO AND THE USPTO

(continued)

Application No.:	12/756,898
First Named Inventor:	Thomas P. Taylor

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
1-25	1-25	Claims 1-25 in the US application correspond to claims 1-25 in the PCT application.

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature /N. Alexander Nolte/	Date February 6, 2012
Name (Print/Typed) N. Alexander Nolte	Registration Number 45,689

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

EDMONDS NOLTE, PC
16815 ROYAL CREST DRIVE
SUITE 130
HOUSTON TX 77058

MAILED
MAR 13 2012
OFFICE OF PETITIONS

In re Application of
Thomas P. Taylor
Application No.: 12/756,898
Filed: April 8, 2010
Attorney Docket No.: TBSS-040
For: RETAINING WALL SOIL REINFORCING CONNECTOR AND METHOD

: DECISION ON REQUEST TO
: PARTICIPATE IN THE PATENT
: PROSECUTION HIGHWAY
: PROGRAM AND PETITION
: TO MAKE SPECIAL UNDER
: 37 CFR 1.102(a)

This is a decision on the request to participate in the PCT Patent Prosecution Highway (PCT-PPH) pilot program and the petition under 37 CFR 1.102(a), filed on February 6, 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, 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 Irvin Dingle at (571) 272-3210.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc.index.html.

This application will be forwarded to the examiner for action on the merits commensurate with this decision once this application's formality reviews have been completed.

David Bucci
Petition 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
555 West Fifth Street
Suite 3500
Los Angeles, CA 90013-1024

MAILED

MAY 18 2011

OFFICE OF PETITIONS

In re Application of	:	
Jeffrey Jon Zamowski, et al.	:	
Application No. 12/756,932	:	DECISION ON PETITION
Filed: April 8, 2010	:	TO WITHDRAW
Attorney Docket No. 577052000221	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed April 5, 2011.

The request is **NOT APPROVED** because it is moot.

A review of the file record indicates that the power of attorney to Morrison & Foerster, LLP has been revoked by the assignee of the patent application on April 19, 2011. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to Terri Johnson at 571-272-2991.

/Terri Johnson/
Terri Johnson
Petitions Examiner
Office of Petitions

cc: **CONNOLLY BOVE LODGE & HUTZ, LLP**
P.O. Box 2207
Wilmington, DE 19899

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MANOJ SACHDEV
585 LEIGHLAND DR.
WATERLOO ON
N2T 2K2
CANADA

MAILED
APR 08 2011
OFFICE OF PETITIONS

In re Application of
Sachdev, et al.
Application No. 12/757,033
Filed: 4 April, 2008
Attorney Docket No. (None)

DECISION

This is a decision on the petition filed on 16 February, 2011, for revival of an application abandoned due to unintentional delay pursuant to 37 C.F.R. §1.137(b) .

The petition pursuant to 37 C.F.R. §1.137(b) 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 C.F.R. §1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 C.F.R. §1.137(a)."

This is **not** a final agency action within the meaning of 5 U.S.C. §704.

As to the Allegations
of Unintentional Delay

The requirements of a grantable petition pursuant to 37 C.F.R. §1.137(b) are the petition and fee therefor, a reply, a proper statement and/or showing of unintentional delay under the regulation, and, where applicable, a terminal disclaimer and fee

Petitioner does not appear to have satisfied the requirements under the Rule.

Petitioners' attentions always are directed to the guidance in the Commentary at MPEP §711.03(c)(II).

BACKGROUND

Petitioner failed to reply timely and properly to the Notice to File Corrected Application Papers (drawings requirement) mailed on 27 April, 2010, with reply due absent extension of time on or before 27 June, 2010.

The application went abandoned by operation of law after midnight 27 June, 2010,

The Office mailed the Notice of Abandonment on 12 January, 2011.

On 16 February, 2011, Petitioner/co-inventor/applicant Manoj Sachdev filed, inter alia, a petition with fee, averring unintentional delay pursuant to 37 C.F.R. §1.137(b), with reply in the form of twelve (12) sheets of drawings—it is noted that: Petitioner did not mark the drawings as "Replacement Drawings"—and made the statement of unintentional delay. It appears that:

- the instant application is being prosecuted *pro se* by multiple applicants/co-inventors;
- the petition is signed by only one applicant; and
- there is no power of attorney/authorizing a single applicant to sign.

Petitioner's attentions are directed to the guidance in the Commentary at, *inter alia*, MPEP §402, *et seq*. In the absence of entry of a proper power of attorney, all applicants/co-inventors must sign papers submitted of record. In the absence of a proper signature, papers submitted are considered unsigned. (*See, inter alia*: the guidance in the Commentary at MPEP §714.01(a).)

Such does not constitute proper practice before the Office.

Petitioners' attentions always are directed to the guidance in the Commentary at MPEP §711.03(c) as to the showing regarding unavoidable delay and a petition pursuant to 37 C.F.R. §1.137(b).

Petitioner has failed to satisfy the requirements under the Rule and discussed above.

The availability of applications and application papers online to applicants/practitioners who diligently associate their Customer Number with the respective application(s) now provides an applicant/practitioner on-demand information as to events/transactions in an application.

Out of an abundance of caution, Petitioners always are reminded that those registered to practice and all others who make representations before the Office **must** inquire into the underlying facts

of representations made to the Office and support averments with the appropriate documentation–since all owe to the Office the continuing duty to disclose.[1]

STATUTES, REGULATIONS AND ANALYSIS

Congress has authorized the Commissioner to "revive an application if the delay is shown to the satisfaction of the Commissioner to have been "unavoidable." 35 U.S.C. §133 (1994).[2] The regulations at 37 C.F.R. §1.137(a) and (b) set forth the requirements for a Petitioner to revive a previously unavoidably or unintentionally, respectively, abandoned application under this congressional grant of authority.

Unintentional delays are those that do not satisfy the very strict statutory and regulatory requirements of unavoidable delay, and also, by definition, are not intentional.[3]))

Again, Petitioner's attentions are directed to the guidance in the Commentary at MPEP §711.03(c).

As to the Allegations of Unintentional Delay

The requirements of a grantable petition pursuant to 37 C.F.R. §1.137(b) are the petition and fee therefor, a reply, a proper statement and/or showing of unintentional delay under the regulation, and, where applicable, a terminal disclaimer and fee

As of this writing it appears that Petitioner has failed to satisfy the requirements under the Rule.

CONCLUSION

Accordingly, the petition under 37 C.F.R. §1.137(b) is **dismissed**.

Further correspondence with respect to this matter should be addressed as follows:

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[1] See supplement of 17 June, 1999. The Patent and Trademark Office is relying on petitioner's duty of candor and good faith and accepting a statement made by Petitioner. See Changes to Patent Practice and Procedure, 62 Fed. Reg. at 53160 and 53178, 1203 Off. Gaz. Pat. Office at 88 and 103 (responses to comments 64 and 109)(applicant obligated under 37 C.F.R. §10.18 to inquire into the underlying facts and circumstances when providing statements to the Patent and Trademark Office).

[2] 35 U.S.C. §133 provides:

35 U.S.C. §133 Time for prosecuting application.

Upon failure of the applicant to prosecute the application within six months after any action therein, of which notice has been given or mailed to the applicant, or within such shorter time, not less than thirty days, as fixed by the Commissioner in such action, the application shall be regarded as abandoned by the parties thereto, unless it be shown to the satisfaction of the Commissioner that such delay was unavoidable.

[3] Therefore, by example, an unintentional delay in the reply might occur if the reply and transmittal form are to be prepared for shipment by the US Postal Service, but other pressing matters distract one's attention and the mail is not timely deposited for shipment.

Application No. 12/757,033

By Mail: Mail Stop PETITION
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

By hand: U. S. Patent and Trademark Office
Customer Service Window, Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By facsimile: **(571) 273-8300**
Attn: Office of Petitions

Telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214—it is noted, however, that all practice before the Office is in writing (see: 37 C.F.R. §1.2[4]) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's action(s).

/John J. Gillon, Jr./
John J. Gillon, Jr.
Senior Attorney
Office of Petitions

[4] The regulations at 37 C.F.R. §1.2 provide:
§1.2 Business to be transacted in writing.
All business with the Patent and Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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MANOJ SACHDEV
585 LEIGHLAND DR.
WATERLOO ON
N2T 2K2
CANADA

MAILED

JUL 01 2011

OFFICE OF PETITIONS

In re Application of :
Sachdev, et al. :
Application No. 12/757,033 :
Filed: 4 April, 2008 :
Attorney Docket No. (None) :

DECISION

This is a decision on the petition filed on 16 May, 2011, for revival of an application abandoned due to unintentional delay pursuant to 37 C.F.R. §1.137(b) .

The petition pursuant to 37 C.F.R. §1.137(b) is **GRANTED**.

As to the Allegations
of Unintentional Delay

The requirements of a grantable petition pursuant to 37 C.F.R. §1.137(b) are the petition and fee therefor, a reply, a proper statement and/or showing of unintentional delay under the regulation, and, where applicable, a terminal disclaimer and fee

Petitioners' attentions always are directed to the guidance in the Commentary at MPEP §711.03(c)(II).

BACKGROUND

Petitioner failed to reply timely and properly to the Notice to File Corrected Application Papers (drawings requirement) mailed on 27 April, 2010, with reply due absent extension of time on or before 27 June, 2010.

The application went abandoned by operation of law after midnight 27 June, 2010,

The Office mailed the Notice of Abandonment on 12 January, 2011.

On 16 February, 2011, Petitioner/co-inventor/applicant Manoj Sachdev filed, *inter alia*, a petition with fee, averring unintentional delay pursuant to 37 C.F.R. §1.137(b), with reply in the form of twelve (12) sheets of drawings—it is noted that: Petitioner appeared not to have marked

the drawings as "Replacement Drawings"—and made the statement of unintentional delay. It appears that:

- the instant application is being prosecuted *pro se* by multiple applicants/co-inventors;
- the petition is signed by only one applicant; and
- there is no power of attorney authorizing a single applicant to sign.

The petition was dismissed on 8 April, 2011, for failure to satisfy the signature requirement—to wit: in the absence of entry of a proper power of attorney, all applicants/co-inventors must sign papers submitted of record. In the absence of a proper signature, papers submitted are considered unsigned.

On 16 May, 2011, Petitioners/co-inventors/applicants re-advanced the petition with fee, averring unintentional delay pursuant to 37 C.F.R. §1.137(b), with reply in the form of twelve (12) sheets of drawings—again it is noted that: Petitioners appeared not to have marked the drawings as "Replacement Drawings"—and made the statement of unintentional delay.

Petitioners' attentions always are directed to the guidance in the Commentary at MPEP §711.03(c) as to the showing regarding unintentional delay and a petition pursuant to 37 C.F.R. §1.137(b).

The availability of applications and application papers online to applicants/practitioners who diligently associate their Customer Number with the respective application(s) now provides an applicant/practitioner on-demand information as to events/transactions in an application.

Out of an abundance of caution, Petitioners always are reminded that those registered to practice and all others who make representations before the Office **must** inquire into the underlying facts of representations made to the Office and support averments with the appropriate documentation–since all owe to the Office the continuing duty to disclose.[1]

STATUTES, REGULATIONS AND ANALYSIS

Congress has authorized the Commissioner to "revive an application if the delay is shown to the satisfaction of the Commissioner to have been "unavoidable." 35 U.S.C. §133 (1994).[2]

---

[1] See supplement of 17 June, 1999. The Patent and Trademark Office is relying on petitioner's duty of candor and good faith and accepting a statement made by Petitioner. See Changes to Patent Practice and Procedure, 62 Fed. Reg. at 53160 and 53178, 1203 Off. Gaz. Pat. Office at 88 and 103 (responses to comments 64 and 109)(applicant obligated under 37 C.F.R. §10.18 to inquire into the underlying facts and circumstances when providing statements to the Patent and Trademark Office).

[2] 35 U.S.C. §133 provides:

35 U.S.C. §133 Time for prosecuting application.

The regulations at 37 C.F.R. §1.137(a) and (b) set forth the requirements for a Petitioner to revive a previously unavoidably or unintentionally, respectively, abandoned application under this congressional grant of authority.

Unintentional delays are those that do not satisfy the very strict statutory and regulatory requirements of unavoidable delay, and, by definition, are not intentional.[3]))

As to Allegations of
Unintentional Delay

The requirements of a grantable petition pursuant to 37 C.F.R. §1.137(b) are the petition and fee therefor, a reply, a proper statement of unintentional delay under the regulation, and, where applicable, a terminal disclaimer and fee.

It appears that the requirements under the rule have been satisfied.

CONCLUSION

Accordingly, the petition pursuant to 37 C.F.R. §1.137(b) is **granted**.

The instant application is released to the Office of Patent Application Processing (OPAP) for further processing in due course.

Petitioner may find it beneficial to view Private PAIR within a fortnight of the instant decision to ensure that the revival has been acknowledged by the OPAP in response to this decision. It is noted that all inquiries with regard to status need be directed to the OPAP where that change of status must be effected—that does not occur in the Office of Petitions.

Upon failure of the applicant to prosecute the application within six months after any action therein, of which notice has been given or mailed to the applicant, or within such shorter time, not less than thirty days, as fixed by the Commissioner in such action, the application shall be regarded as abandoned by the parties thereto, unless it be shown to the satisfaction of the Commissioner that such delay was unavoidable.

[3] Therefore, by example, an unintentional delay in the reply might occur if the reply and transmittal form are to be prepared for shipment by the US Postal Service, but other pressing matters distract one's attention and the mail is not timely deposited for shipment.

Telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214—it is noted, however, that all practice before the Office is in writing (see: 37 C.F.R. §1.2[4]) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's action(s).

/John J. Gillon, Jr./
John J. Gillon, Jr.
Senior Attorney
Office of Petitions

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