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K&L GATES LLP
3580 CARMEL MOUNTAIN ROAD
SUITE 200
SAN DIEGO CA 92130

MAILED

DEC 22 2010

OFFICE OF PETITIONS

In re Application of	:	
Harris et al.	:	
Application No. 12/806,356	:	ON PETITION
Filed: August 10, 2010		
Attorney Docket No. 3800096.00195 / 1412G	:	
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed November 3, 2010, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a statement by applicant's attorney that applicant is 65 years of age. Accordingly, the above-identified application has been accorded "special" status.

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

This matter is being referred to the Technology Center Art Unit 1614 for action on the merits commensurate with this decision.

Joan Olszewski
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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Decision Date : May 3,2011

In re Application of :

Roger Harris

Application No : 12806356

Filed : 10-Aug-2010

Attorney Docket No : 3800096.00195 / 1412G

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 May 3,2011

The request is **APPROVED**

The request was signed by Michelle Glasky Bergman (registration no. 54124) on behalf of all attorneys/agents associated with Customer Number 77202 . All attorneys/agents associated with Customer Number 77202 have been withdrawn.

Since there are no remaining attorneys of record, all future communications from the Office will be directed to the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71, with Customer number 32042 .

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	12806356
Filing Date	10-Aug-2010
First Named Inventor	Roger Harris
Art Unit	1629
Examiner Name	RAYMOND HENLEY III
Attorney Docket Number	3800096.00195 / 1412G
Title	Methods and compositions for increasing the anaerobic working capacity in tissues

◉ Please withdraw me as attorney or agent for the above identified patent application and the practitioners of record associated with Customer Number: 77202

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 address of the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71, associated with Customer Number: 32042

I am authorized to sign on behalf of myself and all withdrawing practitioners.

Signature	/Michelle Glasky Bergman/
Name	Michelle Glasky Bergman
Registration Number	54124

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Biometric Associates, L.P.
9475 Deereco Road, Suite 304
Timonium, MD 21093

MAILED

SEP 13 2010

OFFICE OF PETITIONS

In re Application of	:	
Douglas E. LOZLAY	:	
Application No. 12/806,362	:	DECISION ON PETITION
Filed: August 11, 2010	:	TO MAKE SPECIAL UNDER
Attorney Docket No.	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed August 11, 2010, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes the inventor's certification, attesting to his age. Accordingly, the above-identified application will be accorded "special" status.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-7253.

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 Office of Patent Application Processing commensurate with this decision.

/Monica A. Graves/
Petitions Examiner, Office of Petitions

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P.O. Box 1450
Alexandria, VA 22313-1450
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ANTHONY S. LALLI
132 ROMERO STREET #18
SANTA FE NM 87501

MAILED
SEP 09 2011
OFFICE OF PETITIONS

In re Application of	:	
Anthony S. Lalli	:	
Application No. 12/806,385	:	DECISION ON PETITION
Filed: August 12, 2010	:	TO MAKE SPECIAL UNDER
	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed August 26, 2011, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a copy of the applicant's driver's license showing that he is 65 years of age or older. Accordingly, the above-identified application has been accorded "special" status.

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

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

The application is being forwarded to the Technology Center Art Unit 3741 for action on the merits commensurate with this decision.

/Terri Johnson/
Terri Johnson
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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STEPHEN R. GREINER, ESQ.
GREINER LAW OFFICES
SUITE 300
6701 DEMOCRACY BOULEVARD
BETHESDA, MD 20817

MAILED
NOV 26 2010
OFFICE OF PETITIONS

In re Application of	:	
Tommy D. Ray	:	
Application No. 12/806,406	:	ON PETITION
Filing: August 12, 2010	:	
Attorney Docket No. 3108.07	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed October 20, 2010, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required.

The instant petition includes a statement by the applicant that he is at least 65 years of age. Accordingly, the above-identified application has been accorded "special" status.

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

This matter is being referred to the Technology Center Art Unit 3711 for action on the merits commensurate with this decision.

A. Kelley

Alicia Kelley
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

JUL 14 2011

OFFICE OF PETITIONS

GMEDELAWARE 2 LLC
2560 General Armistead Avenue
Audubon PA 19403

In re Application of	:	
Mark A. Reiley	:	
Application No. 12/806,410	:	DECISION ON PETITION
Filed: August 12, 2010	:	
Attorney Docket No. 742.101	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed June 28, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to properly reply in a timely manner to the non-final Office action mailed November 15, 2010, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on February 16, 2011. A Notice of Abandonment was mailed on May 26, 2011.

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

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 $1,110 extension of time fee submitted with the petition on June 28, 2011 was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credited to petitioner's deposit account.

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

This application is being referred to Technology Center AU 3733 for appropriate action by the Examiner in the normal course of business on the reply received June 28, 2011.

/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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Goodwin Procter LLP
Attn: Patent Administrator
135 Commonwealth Drive
Menlo Park CA 94025-1105

MAILED
FEB 08 2012
OFFICE OF PETITIONS

In re Application of :
Wilner et al. :
Application No. 12/806,415 : ON PETITION
Filed: 08/12/2010 :
Attorney Docket No. END 1074 :

This is in response to the Petition to Accept Color Drawings (37 C.F.R. § 1.84(a)(2)), filed in the United States Patent and Trademark Office (USPTO) on August 12, 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).

The petition does not comply with 37 CFR 1.84(a)(2)(iii) in that the present petition does not include an amendment to the specification contained on a separate paper (See 37 CFR 1.121(h), nor is the amendment in compliance with 37 CFR 1.121(b). Rather, the amendment is physically part of the petition and is therefore unacceptable.

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."

Petitioners assert that color is necessary to understand the drawings.

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. MPEP 608.02, Section IX, DRAWINGS SYMBOLS provide graphic symbols that should be used to indicate various materials where the material is an important feature of the invention.

As color drawings or photographs 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 2856.

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

MCDERMOTT WILL & EMERY LLP
600 13TH STREET, N.W.
WASHINGTON DC 20005-3096

MAILED
MAR 09 2012
OFFICE OF PETITIONS

In re Application of :
Oh et al. :
Application No. 12/806,426 : ON PETITION
Filed: 08/10/2010 :
Attorney Docket No. 075951-0254 :

This is in response to the Petition Under 37 C.F.R. § 1.84(a)(2) for Acceptance of Color Drawings, filed in the United States Patent and Trademark Office (USPTO) on August 10, 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.

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."

[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's argument has been considered, but is not persuasive. The Office has determined 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 such, color drawings or photographs are not necessary for an understanding of the invention sought to be patented. The petition is therefore 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 2858.

Telephone inquiries regarding this decision should be directed to Senior Petitions Attorney Douglas I. Wood at (571)272-3231.

Jose' G. Dees
Petitions Examiner
Office of Petitions

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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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ALBERT O COTA
5460 WHITE OAK AVE
SUITE A-331
ENCINO CA 91316

MAILED
OCT 18 2010
OFFICE OF PETITIONS

In re Application of
Patton et al.
Application No. 12/806,433
Filed: August 12, 2010
Attorney Docket No. 08PLI1542

ON PETITION

This is a decision on the petition under 37 CFR 1.102(c)(1), filed September 28, 2010, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a statement by applicant's attorney that applicant is 65 years of age and a Declaration from applicant that applicant is 65 years of age, and is also accompanied with a copy of applicant's California driver's license. Accordingly, the above-identified application has been accorded "special" status.

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

This matter is being referred to the Technology Center Art Unit 3724 for action on the merits commensurate with this decision.

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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MAILED

AUG 01 2011

OFFICE OF PETITIONS

Mitchell T. Wenger
1561 Craiglee Way
San Ramon CA 94582

In re Application of	:	
Mitchell T. Wenger, et al.	:	
Application No. 12/806,457	:	ON PETITION
Filed: August 13, 2010	:	
	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed July 15, 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 Corrected Application Papers of Nonprovisional Application (Notice), mailed September 20, 2010. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on November 21, 2010. The Notice of Abandonment was mailed May 12, 2011.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Director may require additional information. See MPEP 711.03(c)(II)(C) and (D). The instant petition lacks item(s) (1).

The statement of delay is not acceptable. 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.

Therefore, as the petition is not signed by all the inventors and the record herein fails to disclose that petitioner herein (Mitchell T. Wegner) was ever given a power of attorney to act on behalf of inventor Thomas A. Spargo, or that he is an assignee of the entire interest and has complied with the provisions of 37 CFR 3.73(b), the petition is considered to not contain a proper statement of unintentional delay.

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) 272-2991.

/Terri Johnson/
Terri Johnson
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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Mitchell T. Wenger
1561 Craiglee Way
San Ramon CA 94582

MAILED
AUG 29 2011
OFFICE OF PETITIONS

In re Application of Mitchell T. Wenger, et al. Application No. 12/806,457 Filed: August 13, 2010	: : : : :	DECISION ON PETITION

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

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Notice to File Corrected Application Papers, mailed September 2, 2010. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on November 3, 2010. The Notice of Abandonment was mailed May 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 a substitute specification and new oath/declaration, (2) the petition fee of $810, and (3) an adequate statement of unintentional delay.

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

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

/Terri Johnson/
Terri Johnson
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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MAI DE LTD
P. O. BOX 193
NORTHBOROUGH, MA 01532

MAILED
JUL 27 2011
OFFICE OF PETITIONS

In re Application of	:	
Huang et al.	:	
Application No. 12/806,466	:	DECISION ON PETITION
Filed: August 14, 2010	:	
Attorney Docket No. None	:	

This is a decision on the communication, filed June 17, 2011, which is being treated as a petition under 37 1.181 (no fee) requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is **DISMISSED**.

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

This application was held abandoned for failure to timely or properly respond to the Notice to File Missing Part of Nonprovisional Application mailed on August 31, 2010, which set a two (2) month shortened statutory period for reply. On May 26, 2011, the Office mailed a Notice of Abandonment.

Petitioner asserts that a response to the Notice was filed on April 22, 2011, which included the following papers: an Amendment cancelling multiple independent claims.

A review of the file record indicates that a response was received by the Office on April 22, 2011. However, the response cannot be considered as being timely filed since the Notice to File Missing Parts of Nonprovisional Application was mailed on August 31, 2010 providing a two (2) month statutory period for reply. Therefore, a proper reply must have been submitted on or before October 31, 2010, within the two month period for reply or by March 31, 2011 with purchase of a five (5) month extension of time, under the provisions of 37 CFR 1.136(a). The Notice of Incomplete Reply mailed on March 3, 2011, indicates that the time period for reply continues to run from the mail date of the Missing Parts Notice, specifically stating that the applicant is given two (2) months from the date of the Notice mailed on August 31, 2010, within which to file all required items and fees to avoid abandonment.

Accordingly, the abandonment is proper since the reply received on April 22, 2011 is not timely. The petition requesting withdrawal of the holding of abandonment cannot be granted.

ALTERNATIVE VENUE

Petitioner is strongly 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).

A grantable petition pursuant to 37 CFR 1.137(b) must be accompanied by:

> (1) The reply required to the outstanding Office action or notice, unless previously filed. In nonprovisional utility application abandoned for failure to respond to a non-final Office action, the required reply may be met by filing either (A) an argument or amendment under 37 CFR 1.111 or (B) a continuing application under 37 CFR 1.53(b).
>
> (2) The petition fee as set forth in 37 CFR 1.17(m), $810.00 for a small entity;
>
> (3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

A form for filing a petition to revive an unintentionally abandoned application accompanies this decision for petitioner's convenience. If petitioner desires to file a petition under 37 CFR 1.137(b) instead of filing a request for reconsideration, petitioner must complete the enclosed petition form (PTO/SB/64) and pay the $810.00 petition fee.

Petitioner may wish to consider hiring a registered patent attorney or agent to assist in the prosecution of this application. Additionally, petitioner is encouraged to contact the Inventors Assistance Center (IAC) by telephone at 800-786-9199 or 571-272-1000, Monday through Friday from 8:30 AM to 5:30 PM (EST). The IAC provides patent information and services to the public and is staffed by former Supervisory Patent Examiners and experienced Primary Examiners who answer general questions concerning patent examining policy and procedure.

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 Alicia Kelley-Collier at (571) 272-6059.

/Carl Friedman/
Carl Friedman
Petitions Examiner
Office of Petitions

Enclosures: Petition For Revival Of An Application For Patent Abandoned Unintentionally Under CFR 1.137(b); Form PTO/SB/64 and Privacy Act Statement.

UNITED STATES PATENT AND TRADEMARK OFFICE

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

JOHN E. SIMMS JR.
6803 YORK ROAD, SUITE 202
BALTIMORE MD 21212

MAILED

MAR 25 2011

OFFICE OF PETITIONS

In re Application of William Leon Walker, Jr. Application No. 12/806,476 Filed: August 13, 2010 Attorney Docket No. 10-112	: : : : :	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 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 will require the practitioner(s) to certify that he, she or they have: (1) given reasonable notice to the client, prior to the expiration of the reply period, which the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any replies that may be due and the time frame within which the client must respond, pursuant to 37 CFR 10.40 (c).

The request was signed by John E. Simms Jr. on behalf of all attorneys of record who are associated with Customer Number 34590.

All attorneys/agents associated with the Customer Number 34590 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 no outstanding Office action that requires a reply.

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

Joan Olszewski
Petitions Examiner
Office of Petitions

cc: William Leon Walker, Jr.
3332 Pouska Road
Abingdon, Maryland 21009

UNITED STATES 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. Painter, Esq.
Suite 2900
10250 Constellation Boulevard
Los Angeles CA 90067

MAILED

DEC 20 2010

OFFICE OF PETITIONS

In re Application of	:	DECISION ON PETITION
Christopher Aaron Inglehart	:	TO WITHDRAW
Application No. 12/806,517	:	FROM RECORD
Filed: August 16, 2010	:	
Attorney Docket No. **23594.001**	:	

This is a decision on the request to withdraw as attorney of record under 37 CFR § 1.36(b), filed November 23, 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 to 37 CFR 10.40.

The request was signed by Michael A. Painter on behalf of all attorneys of record who are associated with the above-identified application.

All attorneys/agents associated with the above-identified application have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

The correspondence address of record has been changed and all future correspondence will be directed to the first named inventor Christopher Aaron Inglehart at the address indicated below.

There is no outstanding Office action mailed that requires a reply from the applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-4584.

/JoAnne Burke/
JoAnne Burke
Petitions Examiner
Office of Petitions

cc: CHRISTOPHER AARON INGLEHART
624 Paseo de la Cuma
Santa Fe, New Mexico 87501

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MAILED
JUN 30 2011
OFFICE OF PETITIONS

Keshab K. Parhi
6600 Fountain Ln N
Maple Grove MN 55311

In re Application of	:	
Chen, et al.	:	
Application No. 12/806,538	:	ON PETITION
Filed: August 16, 2010	:	
Attorney Docket No.	:	

This is a decision on the petition under 37 CFR 1.137(b), June 6, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned on November 8, 2010, for failure to file a complete and timely response to the Notice to File Corrected Application Papers mailed September 7, 2010.

The replacement drawings filed June 6, 20111, are noted.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

KESHAB K. PARHI
6600 FOUNTAIN LN. N.
MAPLE GROVE, MN 55311

MAILED

JUL 05 2011

OFFICE OF PETITIONS

ON PETITION

In re Application of	:
Jie Chen et al	:
Application No. 12/806,556	:
Filed: August 16, 2010	:
Attorney Docket No.	:

This is a decision on the petition under 37 CFR 1.137(b), filed June 6, 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 Corrected Application Papers (Notice) mailed September 3, 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 November 4, 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.g

DAVID H. CHERVITZ
458 WHITESTONE FARM DRIVE
CHESTERFIELD, MO 63017

MAILED
MAR 14 2011
OFFICE OF PETITIONS

In re Application of
Terry L. Jackson
Application No. 12/806,567
Filed: August 16, 2010
Attorney Docket No. 24548-011

DECISION ON PETITION
TO MAKE SPECIAL UNDER
37 CFR 1.102(c)(1)

This is a decision on the petition under 37 CFR 1.102(c)(1), filed January 31, 2011, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED.**

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a statement from a registered practitioner that he has evidence that inventor Terry L. Jackson is over 65 years of age. 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 either the examination or status of the application should be directed to the Technology Center.

The matter is being referred to the Technology Center Art Unit 3772 for action on the merits commensurate with this decision.

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

PETNOTE LLC
2780 WILLOW BASKET LANE
LAS VEGAS NV 89135

MAILED
MAR 30 2012
OFFICE OF PETITIONS

In re Application of	:	
Gabriel Jakobson	:	
Application No. 12/806,606	:	ON PETITION
Filed: August 17, 2010	:	
Attorney Docket No. HONUOHANA1	:	

This is a decision on the petition to revive under 37 CFR 1.137(b), filed March 12, 2012.

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

The above application became abandoned for failure to timely file a reply to the non-final Office action mailed August 17, 2011. This Office set a shortened statutory period for reply of three months. No reply having been received, the application became abandoned on November 18, 2011. The Office mailed a Notice of Abandonment on February 27, 2012.

With the instant petition, petitioner has made the proper statement of unintentional delay, paid the petition fee, and submitted the required reply in the form of an Amendment.

The application is being forwarded to Group Art Unit 2162 for consideration of the Amendment, filed March 12, 2012.

Telephone inquiries related to this decision should be directed to the undersigned at (571)272-3207.

Cliff Congo
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

KEVIN WALLACE
51 PENN STREET
LAKE GROVE, NY 11755

In re Application of	:	
Kevin Stan Wallace	:	
Application No. 12/806,611	:	DECISION ON PETITION
Filed: August 17, 2010	:	
Attorney Docket No. None	:	

This is a decision on the petition filed July 16, 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 **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 reply to the Notice to File Missing Part of Nonprovisional Application mailed on September 8, 2010, which set a two (2) month shortened statutory period for reply. Accordingly, a reply was due on or before November 8, 2010, or April 8, 2011, with a five (5) month extension of time. On May 16, 2011, a Notice of Abandonment was mailed.

Petitioner asserts that a timely reply was deposited with the United States Postal Service on April 8, 2011 using certificate of mailing under 37 CFR 1.8(b), which included the following papers: a declaration, an abstract, replacement drawings and surcharge of $65 including a five (5) month extension of time. To support this assertion the petitioner has submitted a copy of the previously mailed correspondence.

A review of the file record indicates that a response to the Notice was received in the Office on April 21, 2011. Petitioner should note that in accordance with 37 CFR 1.8 Certificate of Mailing, each paper must have its own certificate of mailing or the certificate of mailing form (PTO/SB/92), must identify each paper being submitted. According, since the response lacked a proper certificate of mailing, it cannot be considered as being timely filed.

Accordingly, the abandonment for failure to timely file a reply to the Notice dated September 8, 2011, is proper.

ALTERNATIVE VENUE

Petitioner is strongly 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).

A grantable petition pursuant to 37 CFR 1.137(b) must be accompanied by:

> (1) The reply required to the outstanding Office action or notice, unless previously filed. In nonprovisional utility application abandoned for failure to respond to a non-final Office action, the required reply may be met by filing either (A) an argument or amendment under 37 CFR 1.111 or (B) a continuing application under 37 CFR 1.53(b).
> (2) The petition fee as set forth in 37 CFR 1.17(m), **$810.00 for a small entity**;
> (3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

A form for filing a petition to revive an unintentionally abandoned application accompanies this decision for petitioner's convenience. If petitioner desires to file a petition under 37 CFR 1.137(b) instead of filing a request for reconsideration, petitioner must complete the enclosed petition form (PTO/SB/64) and pay the $810.00 petition fee.

Petitioner may wish to consider hiring a registered patent attorney or agent to assist in the prosecution of this application. Additionally, petitioner is encouraged to contact the Inventors Assistance Center (IAC) by telephone at 800-786-9199 or 571-272-1000, Monday through Friday from 8:30 AM to 5:30 PM (EST). The IAC provides patent information and services to the public and is staffed by former Supervisory Patent Examiners and experienced Primary Examiners who answer general questions concerning patent examining policy and procedure. 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:	Customer Service Window Randolph Building 401 Dulany Street Alexandria, VA 22314
By Fax:	(571) 273-8300 Attn: Office of Petitions

Telephone inquiries related to this decision may be directed to Alicia Kelley-Collier at (571) 272-6059.

/Carl Friedman/
Carl Friedman
Petitions Examiner
Office of Petitions

Enclosures: Petition For Revival Of An Application For Patent Abandoned Unintentionally Under CFR 1.137(b); Form PTO/SB/64, Privacy Act Statement.

UNITED STATES PATENT AND TRADEMARK OFFICE

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

KEVIN WALLACE
51 PENN STREET
LAKE GROVE NY 11755

MAILED
SEP 09 2011
OFFICE OF PETITIONS

In re Application of	:	
Kevin Stan Wallace	:	
Application No. 12/806,611	:	DECISION ON PETITION
Filed: August 17, 2010	:	
Attorney Docket No. None	:	

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed August 29, 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 September 8, 2010. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were timely obtained. Accordingly, the above-identified application became abandoned on November 9, 2010. A Notice of Abandonment was mailed on May 16, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) an Oath or Declaration, the $65.00 Surcharge fee, Replacement Drawings, and an Abstract (all previously submitted July 16, 2011); (2) the petition fee of $810.00, and (3) a proper statement of unintentional delay.

Petitioner has submitted $1,175.00 towards the required petition fee of $810.00, thus creating a $365.00 overage. This amount will be refunded to petitioner via treasury check 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/
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
www.uspto.gov

MAILED

SEP 08 2010

OFFICE OF PETITIONS

Susan D. Betcher
PERKINS COIE LLP
P.O. Box 1208
Seattle WA 98111-1208

In re Application of	:	
Roy E. McAlister	:	
Application No. 12/806,633	:	DECISION ON PETITION
Filed: August 16, 2010	:	TO MAKE SPECIAL UNDER
Attorney Docket No. 695458026US	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed August 16, 2010, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a statement by an attorney on behalf of inventor Roy E. McAlister attesting to his age. The above-identified application has been accorded "special" status.

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

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

Upon completion of the pre-examination processing by the Office of Patent Application Processing, this application will be referred to Technology Center 1795 for action on the merits commensurate with this decision.

/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
www.uspto.gov

MAILED

SEP 22 2010

OFFICE OF PETITIONS

PERKINS COIE LLP
PATENT-SEA
P.O. BOX 1247
SEATTLE WA 98111-1247

In re Application of	:	
MCALISTER, Roy E.	:	
Application No. 12/806,634	:	DECISION ON PETITION
Filed: August 16, 2010	:	TO MAKE SPECIAL UNDER
Attorney Docket No. **695458003US**	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed August 16, 2010, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a statement by Roy Mcalister, 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 3679 for action on the merits commensurate with this decision.

/Tredelle D. Jackson/
Paralegal Specialist
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Paper No.

THE INVENTION SCIENCE FUND
CLARENCE T. TEGREENE
11235 SE 6TH STREET
SUITE 200
BELLEVUE WA 98004

MAILED
JAN 25 2011
OFFICE OF PETITIONS

In re Application of :
Amodei et al. :
Application No. 12/806,637 : DECISION ON PETITION
Filed: May 28, 2010 :
Atty Docket No. 1108-002-001B-:
000000 :

This is a decision on the "PETITION FOR CORRECTION OF FILING DATE UNDER 37 CFR 1.10(c)," filed September 28, 2010, requesting that the above-identified application be accorded a filing date of May 28, 2010, rather than the presently accorded filing date of August 17, 2010.

Petitioner maintains that on May 28, 2010, the application was filed by Express Mail No. EM 426403674 US with the U.S. Postal Service (USPS) in accordance with § 1.10(a). However, upon return to applicant, the Serial Number stamp placed by the Office on the return postcard was identical to a second case filed by Applicant on the same day (12/802,148). The petition includes copies of both return postcards.

In an effort to correct this error, on August 17, 2010, applicant resubmitted the application. No petition accompanied this resubmission. Accordingly, the application was treated as a new application assigned the '637 application number and accorded a filing date of August 17, 2010. In response, applicant files the instant petition, requesting the May 28, 2010 filing date. In support thereof, applicant submits a true

copy of the Express Mail mailing label originally used and the USPS Track & Confirm record for that mailing.

Paragraph (a) of 37 CFR 1.10 states that:

> Any correspondence received by the U.S. Patent and Trademark Office (USPTO) that was delivered by the "Express Mail Post Office to Addressee" service of the United States Postal Service (USPS) will be considered filed with the USPTO on the date of deposit with the USPS.
>
> (1) Any correspondence received by the Patent and Trademark Office (Office) that was delivered by the "Express Mail Post Office to Addressee" service of the United States Postal Service (USPS) will be considered filed in the Office on the date of deposit with the USPS.
>
> (2) The date of deposit with USPS is shown by the "date in" on the "Express Mail" label or other official USPS notation. If the USPS deposit date cannot be determined, the correspondence will be accorded the USPTO receipt date as the filing date. See § 1.6(a).

Paragraph (c) of 37 CFR 1.10 states that:

> Any person filing correspondence under this section that was received by the Office and delivered by the "Express Mail Post Office to Addressee" service of the USPS, who can show that there is a discrepancy between the filing date accorded by the Office to the correspondence and the date of deposit as shown by the "date-in" on the "Express Mail" mailing label or other official USPS notation, may petition the Director to accord the correspondence a filing date as of the "date-in" on the "Express Mail" mailing label or other official USPS notation, provided that:
>
> (1) The petition is filed promptly after the person becomes aware that the Office has accorded, or will accord, a filing date other than the USPS deposit date;
>
> (2) The number of the "Express Mail" mailing label was placed on the paper(s) or fee(s) that constitute the correspondence prior to the original mailing by "Express Mail;" and

(3) The petition includes a true copy of the "Express Mail" mailing label showing the "date-in," and of any other official notation by the USPS relied upon to show the date of deposit.

The instant petition was filed promptly within the meaning of § 1.10(c)(1). A review of the application papers presently accorded a filing date of August 17, 2010, reveals that "Express Mail" mailing label No. EM 426403674 US was placed on the application transmittal identifying the papers presently accorded a filing date of August 17, 2010, prior to the original mailing.

Further, a review of the "Express Mail Post Office to Addressee" mailing label reveals that the handwritten "date-in" thereon is May 28, 2010. Moreover, the label clearly bears a USPS date-stamp of May 28, 2010. Finally, a copy of the Official record of the USPS, the Track & Confirm record for this "Express Mail" package submitted by petitioner reveals that the USPS considered the package accepted at 9:37 am on May 28, 2010. This evidence is persuasive that the application as originally filed was deposited in the Express Mail post office to addressee service of the USPS on May 28, 2010.

For clarification on the unique facts of this case, the record makes clear that applicant's other application also filed on the same day was filed under a separate Express Mail mailing label number, i.e. EM 278537455 US. This is not the situation where an applicant errs in placing multiple applications in the same Express Mail mailing and then cannot show that one was misplaced by the Office. In fact, there is no evidence that the aberration that both were assigned the same application number was due to any noncompliance with 37 CFR 1.10 on the part of applicant. Rather, all evidence supports a conclusion that an undetermined error was made by the Office that caused the instant application to not be assigned a unique application number with a filing date of May 28, 2010, and consequently, this application as originally filed to be misplaced or lost in the Office.

In view thereof, the petition is **GRANTED**.

No petition fee is required and none has been charged.

Receipt of the change of correspondence address filed by attorney Haindfield on October 5, 2010 is acknowledged and made of record. As no §1.63 oath or declaration has been filed and attorney Haindfield filed the original application papers, attorney Haindfield may change the correspondence address of record despite there being no attorney of record (see 37 CFR 1.33).

The Office of Patent Application Processing has been advised of this decision. The application is, thereby, forwarded to the Office of Patent Application Processing for **correction of the filing date to May 28, 2010** and **issuance of a corrected filing receipt**. This decision in no way tolls the period for reply to the Notice to File Missing Parts of Application mailed September 13, 2010.

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

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

ROZSA LAW GROUP LC
18757 BURBANK BOULEVARD
SUITE 220
TARZANA CA 91356-3346

MAILED

OCT 26 2011

OFFICE OF PETITIONS

In re Application of	:	
Pettys et al.	:	
Application No. 12/806,642	:	DECISION GRANTING PETITION
Filed: August 18, 2010	:	UNDER 37 CFR 1.137(b)
Attorney Docket No. 49580.002	:	

This is a decision on the petition, filed October 7, 2011, which is being treated as a petition under 37 CFR 1.137(b) to revive the instant nonprovisional application for failure to timely notify the U.S. Patent and Trademark (USPTO) of the filing of an application in a foreign country, or under a multinational treaty that requires publication of applications eighteen months after filing. *See* 37 CFR 1.137(f).

The petition is **GRANTED**.

Petitioner states that the instant nonprovisional application is the subject of an application filed in an eighteen-month publication country on August 12, 2011. However, the USPTO was unintentionally not notified of this filing within 45 days subsequent to the filing of the subject application in an eighteen-month publication country.

In view of the above, this application became abandoned pursuant to 35 U.S.C. § 122(b)(2)(B)(iii) and 37 CFR 1.213(c) for failure to timely notify the Office of the filing of an application in a foreign country or under a multilateral international agreement that requires publication of applications 18 months after filing.

A petition to revive an application abandoned pursuant to 35 U.S.C. 122(b)(2)(B)(iii) for failure to notify the USPTO of a foreign filing must be accompanied by:

(1) the required reply which is met by the notification of such filing in a foreign country or under a multinational treaty;
(2) the petition fee as set forth in 37 CFR 1.17(m); and
(3) a statement that the entire delay in filing the required reply from the due date of the reply until the filing of a grantable petition was unintentional.

The instant petition has been found to be in compliance with 37 CFR 1.137(b). Accordingly, the failure to timely notify the USPTO of a foreign or international filing within 45 days after the date of filing of such foreign or international application as provided by 35 U.S.C. § 122(b)(2)(B)(iii) and 37 CFR 1.213(c) is accepted as having been unintentionally delayed.

The previous Request and Certification under 35 U.S.C. § 122(b)(2)(B)(i) has been rescinded. A Notice Regarding Rescission of Nonpublication Request which sets forth the projected publication date accompanies this decision on petition.

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

This application is being forwarded to Technology Center Art Unit 3711 for examination in due course.

/Joan Olszewski/
Joan Olszewski
Petitions Examiner
Office of Petitions

ATTACHMENT: Notice Regarding Rescission of Nonpublication Request

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
12/806,642	08/18/2010	Jeffrey C. Pettys	49580.002

CONFIRMATION NO. 3048

21907
ROZSA LAW GROUP LC
18757 BURBANK BOULEVARD
SUITE 220
TARZANA, CA 91356-3346

NONPUBLICATION RESCISSION LETTER

OC000000050585846

Date Mailed: 10/25/2011

Communication Regarding Rescission Of Nonpublication Request and/or Notice of Foreign Filing

Applicant's rescission of the previously-filed nonpublication request and/or notice of foreign filing is acknowledged. The paper has been reflected in the Patent and Trademark Office's (USPTO's) computer records so that the earliest possible projected publication date can be assigned.

The projected publication date is 02/23/2012.

If applicant rescinded the nonpublication request before or on the date of "foreign filing,"[1] then no notice of foreign filing is required.

If applicant foreign filed the application after filing the above application and before filing the rescission, and the rescission did not also include a notice of foreign filing, then a notice of foreign filing (not merely a rescission) is required to be filed within 45 days of the date of foreign filing. See 35 U.S.C. § 122(b)(2)(B)(iii), and Clarification of the United States Patent and Trademark Office's Interpretation of the Provisions of 35 U.S.C. § 122(b)(2)(B)(ii)-(iv), 1272 Off. Gaz. Pat. Office 22 (July 1, 2003).

If a notice of foreign filing is required and is not filed within 45 days of the date of foreign filing, then the application becomes abandoned pursuant to 35 U.S.C. § 122(b)(2)(B)(iii). In this situation, applicant should either file a petition to revive or notify the Office that the application is abandoned. See 37 CFR 1.137(f). Any such petition to revive will be forwarded to the Office of Petitions for a decision. Note that the filing of the petition will not operate to stay any period of reply that may be running against the application.

Questions regarding petitions to revive should be directed to the Office of Petitions at (571) 272-3282.

[1] Note, for purpose of this notice, that "foreign filing" means "filing an application directed to the same invention in another country, or under a multilateral international agreement, that requires publication of applications 18 months after filing".

/jolszewski/

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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Washington, D.C. 20231
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HICKMAN PALERMO TRUONG & BECKER, LLP
2055 GATEWAY PLACE
SUITE 550
SAN JOSE CA 95110

COPY MAILED
DEC 1 1 2008
OFFICE OF PETITIONS

In re Application of :
Paul Westbrook et al. :
Application No. 10/339,700 : ON PETITION
Filed: January 8, 2003 :
Attorney Docket No. 60097-0234 :

This is a decision on the petition filed October 3, 2008, under 37 CFR § 1.183 requesting waiver of 37 CFR § 1.64 as it relates to a concurrently filed petition under 37 CFR § 1.48(a)(2).

The petition under 37 CFR § 1.183 is **GRANTED**.
The petition under 37 CFR § 1.48 is **GRANTED**.

Petitioner seeks waiver of the rules such that the petition under 37 CFR 1.48 may be considered in the absence of the signatures on the required supplemental declaration of the originally named inventors. The application was filed naming Paul Westbrook, Howard Look, James Young, Stephen Lacy, and Timothy Davison and seeks under 37 CFR § 1.48(a) to amend the inventive entity by the addition of James M. Barton.

37 CFR § 1.48(a) requires that an amendment to the named inventive entity be accompanied by:

(1) a petition including a statement from *each person being added* and from each person being deleted as an inventor that the error occurred without deceptive intention on his or her part;
(2) an oath or declaration by each actual inventor or inventors as required by 37 CFR 1.63 or as permitted by 37 CFR 1.42, 1.43 or 1.47;
(3) the fee set forth in 37 CFR 1.17 (h); and
(4) the written consent of any existing assignee, if any of the originally named inventors has executed an assignment.

The declaration filed with the petition is signed by the added inventor with a statement that through error and without deceptive intent, the original application improperly set forth the inventorship. All of the original inventors have signed the supplemental declaration except joint inventor Davison.

KDW/MP
60097-0558

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HICKMAN PALERMO TRUONG & BECKER, LLP
2055 GATEWAY PLACE
SUITE 550
SAN JOSE CA 95110

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JUN 30 2009
OFFICE OF PETITIONS

JUL 7 8 2009

In re Application of :
Paul Westbrook et al. :
Application No. 12/360,102 :
Filed: January 26, 2009 : ON PETITION
Attorney Docket No. 60097-0558 :

This is in response to the request for reconsideration filed June 15, 2009 under 37 CFR 1.47(a)[1].

The petition is **GRANTED**.

The above-identified application was filed on January 26, 2009 without an Oath or Declaration. Accordingly, on February 20, 2009, a "Notice To File Missing Parts of Application" was mailed, requiring *inter alia* a properly executed oath or declaration. In response, on March 13, 2009, an oath or declaration executed by all joint inventors except Timothy Davison and a petition under 37 CFR 1.47(a) was filed. The petition argued that joint inventor Davison could not be found or reached after diligent effort or that he refused to join in the application. The petition was dismissed in a decision mailed April 20, 2009 because petitioner had not provided sufficient proof that a copy of the instant application (specification including claims, drawings, if any, and the Declaration) was sent or given to the non-signing inventor[2], only that "Previous efforts to reach Timothy Davison in parent application Serial No. 10/339,700, for purposes of signing a Supplemental Declaration in support of a Petition to Correct Inventorship Under 1.48(a) were unsuccessful."

In response to the decision dismissing the petition filed March 13, 2009, the request for reconsideration bears proof that a copy of the application was sent to joint inventor

---

[1] 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;
(4) a statement of the last known address of the non-signing inventor;

[2] MPEP 409.03(d).

DOCKETED
DATE:
7/6/09

Davison at his last known address via FEDEX, although undeliverable and that while additional efforts have been employed to locate the joint inventor, those efforts were also unsuccessful. The evidence is therefore sufficient to establish that a complete application was mailed to joint inventor Davison and that diligence as required by the regulation has been exercised.

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

This matter is being referred to Technology Center 2423 to be examined in due course.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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Charles E. Baxley, Esquire
90 John Street
Suite 403
New York, NY 10038

MAILED

APR 11 2011

OFFICE OF PETITIONS

In re Application of	:	
Olga Goulko	:	
Application No. 12/806,664	:	DECISION ON PETITION
Filed: August 18, 2010	:	TO WITHDRAW
Attorney Docket No. 18609 B	:	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 1, 2011.

The request is **moot because a revocation of power of attorney has been filed.**

A review of the file record indicates that the power of attorney to Charles E. Baxley, Esq., has been revoked by the applicant of the patent application on February 28, 2011. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

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

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: I. Zborosky
3 Courtyard Circle
Centerport, NY 11721

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LYNN E BARBER
P O BOX 16528
FORT WORTH, TX 76162

MAILED
NOV 10 2010
OFFICE OF PETITIONS

In re Application of	:	
Michael Cherkassky	:	
Application No. 12/806,668	:	ON PETITION
Filed: August 19, 2010	:	
Attorney Docket No. CHEM02	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed August 18, 2010, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required.

The instant petition includes a statement by the applicant's attorney that he is 65 years of age and a Declaration from applicant that he is 65 years of age. Accordingly, the above-identified application has been accorded "special" status.

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

This matter is being referred to the Technology Center Art Unit 1615 for action on the merits commensurate with this decision.

A. Kelley

Alicia Kelley
Petitions Examiner
Office of Petitions

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Alexandria, VA 22313-1450
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Herbert T. Landow
Apt 701
5 Riverside Drive
Binghamton NY 13905

MAILED

OCT 01 2010

OFFICE OF PETITIONS

In re Application of Herbert Trask Landow Application No. 12/806,727 Filed: August 19, 2010 Attorney Docket No.	DECISION ON PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(c)(1)

This is a decision on the petition under 37 CFR 1.102(c)(1), filed September 7, 2010 to make the above-identified application special based on applicant's age as set forth in MPEP § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a statement by the inventor. Accordingly, the above-identified application has been accorded "special" status.

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

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

The application is being forwarded to the Technology Center Art Unit 2833 for action on the merits commensurate with this decision.

/JoAnne Burke/
JoAnne Burke
Petitions Examiner
Office of Petitions

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DEC 13 2010

OFFICE OF PETITIONS

Thomas M. Freiburger
P.O. Box 1026
Tiburon CA 94920

In re Application of
Walsh, et al.
Application No. 12/806,743
Filed: August 18, 2010
Atty. Dkt. No.: 939P

: DECISION REFUSING STATUS UNDER
: 37 CFR 1.47(a)

This is a decision on the petition under 37 CFR 1.47(a), filed November 19, 2010.

Applicants are hereby given notice of incomplete reply to the Notice to File Missing Parts (Notice) mailed September 13, 2010. The reply submitted herewith lacks the required fees due as set forth in the Notice. The reply further lacks the required petition fee. The Office of Finance advises the undersigned that the credit card transaction associated with the instant reply was declined.

With respect to the petition under 37 CFR 1.47(a), submission of the petition fee is a prerequisite prior to treatment on the merits of any petition submitted pursuant to 37 CFR 1.47(a). The instant petition lacks the required petition fee, currently $200.00. Accordingly, a decision on the merits of the petition is not forthcoming.

Accordingly, the petition under 37 CFR 1.47(a) is **DISMISSED**.

Any request for reconsideration must be accompanied by a complete reply to the Notice, including all required fees.

Applicants are advised that no new period of time for reply is set by the instant decision. The time period for reply remains as set forth in the previously mailed Notice. Any and all requisite extensions of time under 37 CFR 1.136(a) apply. Failure to submit a complete reply within the time period set by the Notice mailed September 13, 2010 will result in abandonment of the application.

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) 272-3205. Any finance questions should be directed to the Office of Finance at (571) 272-6400.

/ALESIA M. BROWN/

Alesia M. Brown
Petitions Attorney
Office of Petitions

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MAR 08 2011

OFFICE OF PETITIONS

Thomas M. Freiburger
P.O. Box 1026
Tiburon CA 94920

In re Application of	:
Walsh, et al.	: DECISION REFUSING STATUS UNDER
Application No. 12/806,743	: 37 CFR 1.47(a)
Filed: August 18, 2010	:
Atty. Dkt. No.: 939P	:

This is a decision on the renewed petition under 37 CFR 1.47(a), filed January 18, 2011.

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

The above-identified application was filed August 18, 2010 without an executed oath or declaration. Accordingly, a Notice to File Missing Parts of Nonprovisional Application (Notice) was mailed September 13, 2010. The Notice required a surcharge and an executed oath or declaration.

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

The instant petition fails to satisfy requirement (1) set forth above. Petitioners have failed to establish that the non-signing inventor received a complete copy of the application papers (specification, including claims, drawings, and oath or declaration) and thereafter refused to execute an oath or declaration, or, that the non-signing inventor cannot be reached or located for presentation of the application papers.

The petition asserts that the application papers were forwarded to the non-signing inventor via email and that in response, the inventor indicated he refused to sign the declaration.

The petition is not accompanied by a copy of the email communication referenced in the petition. Accordingly, it cannot be established that the non-signing inventor received a complete copy of the application papers and thereafter refused to execute the declaration.

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 known address, typically a residential address.

Any renewed petition should be accompanied by evidence to establish that the non-signing inventor was sent a complete copy of the application papers (specification, claims, drawings, and oath or declaration) and thereafter refused to execute the declaration. Petitioners may wish to provide the Office copies of letters sent to the inventor indicating the enclosure of the application papers (specification, claims, drawings, and oath or declaration). If after the inventor receives the application papers and requests to execute the oath or declaration are refused, these facts should be set forth in a statement of facts signed by the person to whom the refusals were made and detailing with specificity the exact manner of the refusals. If a written refusal has been made, a copy of the written refusal should be included on renewed petition.

To the extent that petitioners continue to communicate with the inventor via email, any renewed petition must be accompanied by evidence which sufficiently establishes that the copy of the application papers forwarded to the inventor via email was in a form that could be read and comprehended by the intended recipient, and that it was in fact received, opened and read by the intended recipient.

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) 272-3205.

/ALESIA M. BROWN/

Alesia M. Brown
Attorney Advisor
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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Thomas M. Freiburger
P.O. Box 1026
Tiburon CA 94920

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MAY 20 2011
OFFICE OF PETITIONS

In re Application of	:
Walsh, et al.	: DECISION REFUSING STATUS
Application No. 12/806,743	: UNDER 37 CFR 1.47(a)
Filed: August 18, 2010	:
Atty. Dkt. No.: 939P	:

Papers filed on April 7, 2011 in response to a "Decision Refusing Status Under 37 CFR 1.47(a)," mailed March 8, 2011, included a Declaration signed by a previously non-signing inventor in compliance with 37 CFR 1.42 and 1.63.

The petition is **DISMISSED AS MOOT**.

In view of the joinder of the inventors, further consideration under § 1.47(a) is not necessary. This application does not have any Rule 1.47 status and no such status should appear on the record for this file. This application need not be returned to this Office for any further consideration under 37 CFR 1.47(a).

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

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

/ALESIA M. BROWN/

Alesia M. Brown
Attorney Advisor
Office of Petitions

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Matheson Keys Garsson & Kordzik PLLC
7004 Bee Cave Rd.
Bldg. 1, Suite 110
Austin TX 78746

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JUL 18 2011
OFFICE OF PETITIONS

In re Application of	:	
Wayne Wolf	:	
Application No. 12/806,778	:	DECISION ON PETITION
Filed: August 20, 2010	:	
Attorney Docket No. 3065-P002US	:	

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

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Notice to File Corrected Application Papers, mailed September 16, 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 November 17, 2010. The Notice of Abandonment was mailed May 24, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the replacement drawings, $65 surcharge, $110 examination fee (2) the petition fee of $810, and (3) an adequate statement of unintentional delay.

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

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

/Terri Johnson/
Terri Johnson
Petitions Examiner
Office of Petitions

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

MAILED

AUG 01 2011

OFFICE OF PETITIONS

In re Application :
Derk Pieter Brouwer :
Application No. 12/806,780 :
Filed: August 20, 2010 :
Attorney Docket No. DAVIDK 3.9-005 CIP :
CONT C

NOTICE

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28 filed July 5, 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. The petition is **GRANTED**.

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

Telephone inquiries related to this decision should be directed to the Kimberly Inabinet at (571) 272-4618.

/Kimberly Inabinet/
Kimberly Inabinet
Petitions Examiner
Office of Petitions

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MAILED
OCT 13 2010
OFFICE OF PETITIONS

MICHAEL WINFIELD GOLTRY
4000 N. CENTRAL AVENUE, SUITE 1220
PHOENIX AZ 85012

In re Application of	:	
Leonid Petrenko	:	
Application No. 12/806,804	:	DECISION ON PETITION
Filed: August 20, 2010	:	TO MAKE SPECIAL UNDER
Attorney Docket No. 4938-PA11	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed August 20, 2010, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a statement by an attorney on behalf of inventor Leonid Petrenko attesting to his age. The above-identified application has been accorded "special" status.

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

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

The application is being forwarded to the Technology Center Art Unit 2841 for action on the merits commensurate with this decision.

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions

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MAILED
FEB 10 2012
OFFICE OF PETITIONS

STEPHEN D. CARVER
SUITE 800
2024 ARKANSAS VALLEY DRIVE
LITTLE ROCK AR 72212-4147

In re Application of	:	
SEGAL, et al	:	
Application No. 12/806,862	:	DECISION ON PETITION
Filed: August 23, 2010	:	TO WITHDRAW
Attorney Docket No. 9875	:	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 23, 2012.

The request is **NOT APPROVED**.

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, UTIQUE, Inc., has not filed a proper Statement under 37 CFR 3.73(b) 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 23, 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: UTIQUE, INC.
2448 LARKIN STREET
SAN FRANCISCO CA 94109

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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LAWSON & PERSSON, P.C.
379 SOUTH MAIN ST., P.O. BOX 712
LACONIA, NH 03247

MAILED

OCT 18 2010

OFFICE OF PETITIONS

In re Application of	:	
David Mills	:	
Application No. 12/806,869	:	DECISION ON PETITION
Filed: August 23, 2010	:	TO MAKE SPECIAL UNDER
Attorney Docket No. 1684-001 CONT	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed August 23, 2010, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a statement from Inventor David Mills stating that he is over 65 years of age. 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 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 3671 for action on the merits commensurate with this decision.

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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ADAMS LAW OFFICE
2140 SHATTUCK AVE. SUITE 207
BERKELEY CA 94704

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JUL 26 2011
OFFICE OF PETITIONS

In re Application of Maung Tin-Wa Application No. 12/806,886 Filed: August 23, 2010 Attorney Docket No. 07TW03	: : : : :	DECISION ON PETITION TO WITHDRAW FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed July 11, 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 Sharon Adams on behalf of all attorneys of record who are associated with Customer Number 28042.

All attorneys/agents associated with the Customer Number 28042 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 19, 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/
Joan Olszewski
Petitions Examiner
Office of Petitions

cc: Maung Tin-Wa
30 Arroyo Way
San Francisco, CA 94127

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MAILED
JUN 13 2011
OFFICE OF PETITIONS

Mark J. Pandiscio
Pandiscio & Pandiscio, P.C.
470 Totten Pond Road
Waltham, MA 02451

In re Application of Frassica et al. :
Application No. 12/806,905 : Decision on Petition
Filing Date: August 24, 2010 :
Attorney Docket No. FA-72 CON :

This is a decision on the petition filed May 20, 2011, which is being treated as a petition under 37 CFR 1.181 requesting withdrawal of the Notice of Incomplete Reply mailed April 21, 2011.

The petition is **dismissed.**

Any request for reconsideration must be submitted within TWO (2) MONTHS from the mail date of this decision. No further petition fee is required for the request. Extensions of time under 37 CFR 1.136(a) are NOT permitted. The reconsideration request should include a cover letter titled "Renewed Petition under 37 CFR 1.181."

The Office mailed a Notice to File Missing Parts of Nonprovisional Application on September 16, 2010. The notice required the submission of several items including replacement drawings. The September 16, 2010 notice states,

> 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) 1-39 & 40-43.

Replacement drawings were filed March 21, 2011.

The Office mailed a Notice of Incomplete Reply on April 21, 2011. The notice states,

> 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) 1-34.

The petition requests withdrawal of the April 21, 2011 notice.

Discussion

The petition states, with emphasis added, "Applicants respectfully disagree with the Office of Data Management's indication that Figs. 1-34, as filed on March 16, 2011, are not *reasonably* free from erasures, alterations, overwriting, interlineations, folds and copy marks."

The September 16, 2010 notice stated the replacement drawings must be free, not just "reasonably" free, of alterations, overwriting, interlineations, folds and copy marks. Therefore, the replacement drawings were not a proper reply to the notice if any replacement drawing sheet included an alteration, overwriting, interlineation, fold, or copy mark.

Figures 1-34 of the drawings are set forth on twelve drawing sheets. All twelve sheets appear to include copy marks. Therefore, the replacement drawings did not comply with the requirements set forth in the notice.

Even if the notice had not explicitly stated drawings must be free from copy marks, the replacement drawings would be improper because the notice stated replacement drawings must comply with 37 CFR 1.84. The Office has recognized 37 CFR 1.84 requires drawings to be free of copy marks. Specifically, the Office has stated, with emphasis added,

> [T]he Office must not only determine whether drawings are of sufficient quality to create a publication (the patent application publication), but whether they are sufficient for the publication to be routinely used as a prior art document. Thus, the drawing sheets ... *must* comply with the following requirements of [37 CFR] 1.84.... Drawing sheets must be reasonably free from erasures and *must be free from* alterations, overwritings, interlineations, folds, and *copy marks.*[1]

37 CFR 1.84(l) states, with emphasis added, "*Every* line ... must be durable, clean, black ... and uniformly thick and well defined." At least three drawing sheets include lines which are not uniformly thick and well defined.

The sheet containing Figure 1 includes a horizontal line near the bottom of the page which is several inches long. The line is not uniformly thick and well defined.

The sheet containing Figures 5-7 includes a horizontal line near the bottom of the page which is several inches long. The line is not uniformly thick and well defined.

The sheet containing Figures 26-29 includes a vertical line near the left edge of the page which spans almost the entire vertical length of the page. The line is not uniformly thick and well defined.

[1] Changes to Implement Eighteen-Month Publication of Patent Applications, 65 Fed. Reg. 57024, 57026 (September 20, 2000).

In view of the prior discussion, the record is insufficient to prove every sheet of the replacement drawings did not include copy marks and complied with the requirements set forth in 37 CFR 1.84. Therefore, the petition is dismissed.

The instant application is abandoned because proper replacement drawings were not timely filed in response to the September 16, 2010 notice. Petitioner may wish to consider filing a petition to revive based on unintentional abandonment under 37 CFR 1.137(b). A grantable petition pursuant to 37 CFR 1.137(b) must be accompanied by the required reply (proper replacement drawings), the required petition fee ($810 for a small entity), and 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. A copy of a PDF "fillable" petition under 37 CFR 1.137(b) form can be found at: http://www.uspto.gov/web/forms/sb0064.pdf.

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

By Internet: A request for reconsideration may be filed electronically using EFS Web.[2] Document Code "PET.OP" should be used if the request is filed electronically.

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

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

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

The Office of Patent Application Processing ("OPAP") will be informed of the instant decision and OPAP will mail a Notice of Abandonment in due course.

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

Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
P.O. Box 1450
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Mark J. Pandiscio
Pandiscio & Pandiscio, P.C.
470 Totten Pond Road
Waltham, MA 02451

MAILED
AUG 24 2011
OFFICE OF PETITIONS

In re Application of Frassica et al. :
Application No. 12/806,905 : Decision on Petition
Filing Date: August 24, 2010 :
Attorney Docket No. FA-72 CON :

This is a decision on the petition under 37 CFR 1.137(b) filed August 5, 2011, which requests revival of the above-identified application.

The petition is **granted**.

The Office mailed a Notice to File Missing Parts of Nonprovisional Application on September 16, 2010. The notice required the submission of several items including replacement drawings. A request for a four-month extension of time, drawings, and other items were filed March 21, 2011. Unfortunately, the drawings filed March 21, 2011, were not acceptable. As a result, the application became abandoned on March 17, 2011.

The instant petition requests revival of the application.

A grantable petition under 37 CFR 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, and
(3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional.[1]

The petition satisfies the requirements of 37 CFR 1.137(b) in so far as petitioner has supplied (1) a reply in the form of replacement drawings, (2) the required petition fee of $1,620, and (3) the required statement of unintentional delay. Therefore, the petition is granted and the application is revived.

[1] A terminal disclaimer is also necessary if the application is a design application or if the application was filed on or before June 8, 1995.

The Office of Patent Application Processing ("OPAP") will be informed of the instant decision and OPAP will prepare the application for examination in due course.

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

Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MAILED
SEP 16 2011
OFFICE OF PETITIONS

Waters Technologies Corporation
34 MAPLE STREET - LG
MILFORD MA 01757

In re Application of	:	
Scott J. GEROMANOS et al.	:	ON PETITION
Application No. 12/806,937	:	
Filed: August 24, 2010	:	
Atty. Docket No.: WAA-393-PCT-US	:	

This is in response to the petition under 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 reply in a timely manner to the Notice to File Corrected Application Papers mailed September 14, 2010 (Notice), which set a shortened period for reply of two (2) months. No extension of time under the provisions of 37 CFR 1.136(a) was obtained. The application became abandoned November 15, 2010. A Notice of Abandonment was mailed May 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 a Response to the Notice mailed September 14, 2010, (2) a petition fee of $1620, and (3) a statement of unintentional delay. The response to the Notice is accepted as having been unintentionally delayed.

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 1.1379b) was unintentional. If the statement contained in the instant petition varies from the language required by 37 CFR 1.137(b)(3), the statement contained in the instant petition is being construed as the statement required by 37 CFR 1.137(b)(3) and petitioner must notify the Office if this is **not** a correct interpretation of the statement contained in the instant petition.

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

Application No. 12/806,937

The application will be referred to Office of Patent Application Processing for processing of the filed Response.

Ramesh Krishnamurthy

for Anthony Knight
Director
Office of Petitions

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

MARK RODGERS
1590 SAN ROQUE ROAD
SANTA BARBARA, CA 93105

MAILED

OCT 20 2010

OFFICE OF PETITIONS

In re Application of	:	
Keith Friedman and D. Erich Weerth	:	DECISION ACCORDING STATUS
Application No.: 12/807,043	:	UNDER 37 C.F.R. § 1.47(a)
Filed: August 25, 2010	:	
Attorney Docket No.: 0010804-1	:	

This is in response to the copy of the declaration and papers on petition under § 1.47 from the prior application submitted August 25, 2010.

This application is a continuation of prior application No. 12/148,522. In accordance with 37 CFR 1.63(d), petitioner has submitted a copy of the executed oath or declaration filed in the prior application and a copy of the decision mailed on February 5, 2009, granting a petition to accord § 1.47 status to the prior application.

Accordingly, this application is hereby accorded Rule 1.47(a) status.

As provided in Rule 1.47(c), this Office will forward notice of this application's filing to the non-signing inventors at the addresses given in the declaration. Notice of the filing of this application will not be published in the Official Gazette as notice regarding the filing of the prior application was given to the non-signing inventors.

This application is being referred to Technology Center AU 3641 for prosecution in due course.

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. D. ERICH WEERTH
444 DULCEY DRIVE
SAN JOSE, CA 95136

MAILED
OCT 20 2010
OFFICE OF PETITIONS

In re Application of :
Keith Friedman and D. Erich Weerth :
Application No.: 12/807,043 :
Filed: August 25, 2010 :
For BLAST PROTECTION SYSTEM :

LETTER

Dear Mr. Weerth:

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: MARK RODGERS
1590 SAN ROQUE ROAD
SANTA BARBARA, CA 93105

UNITED STATES PATENT AND TRADEMARK OFFICE

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

NICHOLAS COLUCCI
67 BACHE AVE.
STATEN ISLAND NY 10306

MAILED
SEP 27 2010
OFFICE OF PETITIONS

In re Application of	:	
Nicholas Colucci	:	
Application No. 12/807,063	:	DECISION ON PETITION
Filed: August 27, 2010	:	TO MAKE SPECIAL UNDER
	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed August 27, 2010, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a copy of the applicant's driver's license proving that he is 65 years of age or older. Accordingly, the above-identified application has been accorded "special" status.

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

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

The application is being forwarded to the Office of Patent Application Processing for action on the merits commensurate with this decision.

/Terri Johnson/
Terri Johnson
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:	12/807,089	Filing date:	August 27, 2010
First Named Inventor:	Martin Fornage		
Title of the Invention:	POWER LINE COMMUNICATIONS 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/US2010/046942

The international date of the corresponding PCT application(s) is/are: August 27, 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.

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.:	12/807,089
First Named Inventor:	Martin Fornage

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

☐ Is attached

☒ Has already been filed in the above-identified U.S. application on May 3, 2011 and May 9, 2011

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

☐ Are attached.

☒ Have already been filed in the above-identified U.S. application on May 3, 2011 and May 9, 2011

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1-20	1-20	Claims are no different

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

Signature /Raymond R. Moser, Jr./	Date May 11, 2011
Name (Print/Typed) Raymond R. Moser, Jr.	Registration Number 34,682

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.
12/807,089	08/27/2010	Martin Fornage	EE034	6189

54698 7590 05/25/2011
RAYMOND R. MOSER JR., ESQ.
MOSER IP LAW GROUP
1030 BROAD STREET
SUITE 203
SHREWSBURY, NJ 07702

EXAMINER
GHAYOUR, MOHAMMAD H

ART UNIT	PAPER NUMBER
2611	

MAIL DATE	DELIVERY MODE
05/25/2011	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

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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RAYMOND R. MOSER JR., ESQ.
MOSER IP LAW GROUP
1030 BROAD STREET
SUITE 203
SHREWSBURY NJ 07702

In re Application of	:	
FORNAGE, MARTIN	:	DECISION ON REQUEST TO
Application No. **12/807,089**	:	PARTICIPATE IN PATENT
Filed: **August 27, 2010**	:	PROSECUTION HIGHWAY
Attorney Docket No. **EE034**	:	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 May 11, 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

UNITED STATES PATENT AND TRADEMARK OFFICE

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Francis Law Group
1942 Emabarcadero
Oakland CA 94606

MAILED

OCT 12 2010

OFFICE OF PETITIONS

In re Application of	:	
Eniko Todorov Enikov, et al.	:	
Application No. 12/807,101	:	DECISION ON PETITION
Filed: August 27, 2010	:	TO MAKE SPECIAL UNDER
Attorney Docket No. EP-02-005U	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed September 27, 2010, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a statement from the attorney of record declaring he/she is in possession of such evidence, and will retain such in the application file record, showing that the inventor Gholam A. Peyman is 65 years of age or older. Accordingly, the above-identified application has been accorded "special" status.

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

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

The application is being forwarded to the Technology Center Art Unit 3736 for action on the merits commensurate with this decision.

/Terri Johnson/
Terri Johnson
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MAILED

OCT 08 2010

OFFICE OF PETITIONS

JOSEPH P. CURTIN
1469 N.W. MORGAN LANE
PORTLAND OR 97229

In re Application of	:	
Bernard T. WINDAUER, et al	:	
Application No. 12/807,118	:	DECISION ON PETITION
Filed: August 27, 2010	:	TO MAKE SPECIAL UNDER
Attorney Docket No. 133.0007US	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed August 27, 2010, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes declaration statements signed by Applicants Joseph P. Curtin and Ted C. Almgren. Accordingly, the above-identified application has been accorded "special" status.

This application is being referred back to the Office of Data Management for processing. This application will be accorded "special" status when pre-examination processing is done.

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

All other inquiries should be directed to the Office of Data Management at (571) 272-4000.

/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

Anthony Colesanti
19 Tobin Lane
Bristol RI 02809

MAILED
AUG 11 2011
OFFICE OF PETITIONS

In re Application of	:	
Anthony Colesanti	:	
Application No. 12/807,128	:	DECISION ON PETITION
Filed: August 27, 2010	:	
Attorney Docket No. Colesanti - 2010	:	

This is a decision on the petition, filed July 7, 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 respond to the Notice to File Corrected Application Papers mailed September 16, 2010, which set a two (2) month shortened statutory period for reply. Accordingly, a reply was due on or before November 17, 2010. A Notice of Abandonment was mailed May 24, 2011.

Petitioner states that a timely reply was mailed via certificate of mailing on November 16, 2010, which included the following papers: substitute specification, claims, abstract and drawings. Petitioner has submitted a copy of the previously mailed correspondence, which bears a certificate of mailing dated November 16, 2010, 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 Notice File Corrected Application Papers of September 16, 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 November 16, 2010.

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 with petition.

/ Ramesh Krishnamurthy/
Ramesh Krishnamurthy
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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TUROCY & WATSON, LLP
127 PUBLIC SQUARE
57TH FLOOR, KEY TOWER
CLEVELAND OH 44114

MAILED
OCT 07 2011
OFFICE OF PETITIONS

In re Application of	:	
Naoko Ono et al	:	
Application No. 12/807,160	:	DECISION GRANTING PETITION
Filed: March 6, 2009	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. NCORP156US	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed October 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 September 19, 2011 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

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

This application is being referred to Technology Center AU 2817 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.*

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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LADAS & PARRY LLP
224 SOUTH MICHIGAN AVENUE
SUITE 1600
CHICAGO IL 60604

MAILED
FEB 09 2012
OFFICE OF PETITIONS

In re Application of	:	
Lim et al.	:	
Application No. 12/807,176	:	ON PETITION
Filed: 08/30/2010	:	
Attorney Docket No. CU-8565 BWH/LHC	:	

This is in response to the PETITION TO ACCEPT COLOR PHOTOGRAPHS, filed in the United States Patent and Trademark Office (USPTO) on August 30, 2010, which is treated as a petition under 37 C.F.R. §1.84(a)(2).

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).

The petition does not comply with 37 CFR 1.84(a)(2)(iii) in that the present petition does not include an amendment to the specification contained on a separate paper (See 37 CFR 1.121(h), nor is the amendment in compliance with 37 CFR 1.121(b). Rather, the amendment is physically part of the petition and is therefore unacceptable.

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."

Petitioners state, *inter alia*, that color photographs are the only practical medium by which to disclose the subject matter sought 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 drawings or photographs are not required for an understanding of the invention sought to be patented, 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 2821.

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

DWood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

ROZSA LAW GROUP LC
18757 BURBANK BOULEVARD
SUITE 220
TARZANA CA 91356-3346

MAILED

SEP 06 2011

OFFICE OF PETITIONS

In re Application of	:	
Ryan Cyr	:	
Application No. 12/807,212	:	DECISION ON PETITION
Filed: August 31, 2010	:	
Attorney Docket No. 24180 . 308	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed June 28, 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 Corrected Application Papers (Notice) mailed September 20, 2010, which set a shortened statutory period for reply of two (2) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on November 23, 2010. A Notice of Abandonment was mailed on May 26, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) Replacement drawings, (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

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

ARGON
4968 TAMIAMI TRAIL NORTH
NAPLES, FL 34103

MAILED
DEC 10 2010
OFFICE OF PETITIONS

In re Application of	:	
Levy et al.	:	
Application No. 12/807,228	:	ON PETITION
Filing Date: September 1, 2010	:	
Attorney Docket No. None	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed September 1, 2010, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required.

The instant petition includes a statement (PTO/SB/130 form) by the applicant that he is 65 years of age or more. Accordingly, the above-identified application has been accorded "special" status.

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

This matter is being referred to the Technology Center Art Unit 3749 for action on the merits commensurate with this decision.

A Kelley

Alicia Kelley
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

ROBERT O. STUART
5951 CAMELBACK COURT
INDIANAPOLIS, IN 46250

MAILED

JAN 10 2011

OFFICE OF PETITIONS

In re Application of	:	
Robert O. Stuart et al	:	
Application No. 12/807,235	:	DECISION ON PETITION
Filed: August 31, 2010	:	TO MAKE SPECIAL UNDER
Attorney Docket No. MESA.3	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed December 7, 2010, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a statement from inventor Robert O. Stuart stating that he is over 65 years of age. 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 either the examination or status of the application should be directed to the Technology Center.

This matter is being referred to the Technology Center Art Unit 2166 for action on the merits commensurate with this decision.

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

JOHN LEZDEY
2401 WEST BAY DRIVE, SUITE 118
LARGO FL 33770

MAILED

OCT 20 2010

OFFICE OF PETITIONS

In re Application of	:	
SMITH, W. Novis et al.	:	
Application No. 12/807,275	:	DECISION ON PETITION
Filed: September 01, 2010	:	TO MAKE SPECIAL UNDER
Attorney Docket No. **1111-32**	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed September 01, 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 attesting that W. Novis Smith is over 65 years of age. Accordingly, the above-identified application has been accorded "special" status.

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

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

This application is being referred to the Office of Patent Application Processing. This application will be accorded "special" status when pre-examination processing is done.

Michelle R. Eason

Michelle R. Eason
Paralegal Specialist
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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P.O. Box 1450
Alexandria, VA 22313-1450
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DAVID A. FRIJOUF , ESQUIRE
FRIJOUF, RUST & PYLE, P.A.
201 EAST DAVIS BOULEVARD
TAMPA FL 33606

MAILED
JUL 13 2011
OFFICE OF PETITIONS

In re Application of	:	
Bernstein et al.	:	
Application No. 12/807,289	:	DECISION ON PETITION
Filed: August 31, 2010	:	UNDER 37 CFR 1.137(b)
Attorney Docket No. 2010-0163	:	

This is a decision on the petition, filed June 20, 2011, which is being treated as a petition under 37 CFR 1.137(b) to revive the instant nonprovisional application for failure to timely notify the U.S. Patent and Trademark (USPTO) of the filing of an application in a foreign country, or under a multinational treaty that requires publication of applications eighteen months after filing. *See* 37 CFR 1.137(f).

The petition is **GRANTED**.

Petitioner states that the instant nonprovisional application is the subject of an application filed in an eighteen-month publication country on August 31, 2010. However, the USPTO was unintentionally not notified of this filing within 45 days subsequent to the filing of the subject application in an eighteen-month publication country.

In view of the above, this application became abandoned pursuant to 35 U.S.C. § 122(b)(2)(B)(iii) and 37 CFR 1.213(c) for failure to timely notify the Office of the filing of an application in a foreign country or under a multilateral international agreement that requires publication of applications 18 months after filing.

A petition to revive an application abandoned pursuant to 35 U.S.C. 122(b)(2)(B)(iii) for failure to notify the USPTO of a foreign filing must be accompanied by:

> (1) the required reply which is met by the notification of such filing in a foreign country or under a multinational treaty;
> (2) the petition fee as set forth in 37 CFR 1.17(m); and
> (3) a statement that the entire delay in filing the required reply from the due date of the reply until the filing of a grantable petition was unintentional.

The instant petition has been found to be in compliance with 37 CFR 1.137(b). Accordingly, the failure to timely notify the USPTO of a foreign or international filing within 45 days after the date of filing of such foreign or international application as provided by 35 U.S.C. § 122(b)(2)(B)(iii) and 37 CFR 1.213(c) is accepted as having been unintentionally delayed.

The previous Request and Certification under 35 U.S.C. § 122(b)(2)(B)(i) has been rescinded. A Notice Regarding Rescission of Nonpublication Request was mailed on March 24, 2011 (copy enclosed).

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

This application is being referred to Technology Center Art Unit 3788 for examination in due course.

/Joan Olszewski/
Joan Olszewski
Petitions Examiner
Office of Petitions

Enclosure: Notice Regarding Rescission of Nonpublication Request

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
12/807,289	08/31/2010	Bruce Bernstein	2010-0163

CONFIRMATION NO. 2638

NONPUBLICATION RESCISSION LETTER

David A. Frijouf , Esquire
Frijouf, Rust & Pyle, P.A.
201 East Davis Boulevard
Tampa, FL 33606

OC000000046741585

Date Mailed: 03/24/2011

Communication Regarding Rescission Of Nonpublication Request and/or Notice of Foreign Filing

Applicant's rescission of the previously-filed nonpublication request and/or notice of foreign filing is acknowledged. The paper has been reflected in the Patent and Trademark Office's (USPTO's) computer records so that the earliest possible projected publication date can be assigned.

The projected publication date is 06/30/2011.

If applicant rescinded the nonpublication request before or on the date of "foreign filing,"[1] then no notice of foreign filing is required.

If applicant foreign filed the application after filing the above application and before filing the rescission, and the rescission did not also include a notice of foreign filing, then a notice of foreign filing (not merely a rescission) is required to be filed within 45 days of the date of foreign filing. See 35 U.S.C. § 122(b)(2)(B)(iii), and Clarification of the United States Patent and Trademark Office's Interpretation of the Provisions of 35 U.S.C. § 122(b)(2)(B)(ii)-(iv), 1272 Off. Gaz. Pat. Office 22 (July 1, 2003).

If a notice of foreign filing is required and is not filed within 45 days of the date of foreign filing, then the application becomes abandoned pursuant to 35 U.S.C. § 122(b)(2)(B)(iii). In this situation, applicant should either file a petition to revive or notify the Office that the application is abandoned. See 37 CFR 1.137(f). Any such petition to revive will be forwarded to the Office of Petitions for a decision. Note that the filing of the petition will not operate to stay any period of reply that may be running against the application.

Questions regarding petitions to revive should be directed to the Office of Petitions at (571) 272-3282.

[1] Note, for purpose of this notice, that "foreign filing" means "filing an application directed to the same invention in another country, or under a multilateral international agreement, that requires publication of applications 18 months after filing".

/tjkoontz/

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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P.O. Box 1450
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SEYFARTH SHAW LLP
131 S. DEARBORN ST., SUITE 2400
CHICAGO IL 60603-5803

MAILED

MAR 24 2011

OFFICE OF PETITIONS

In re Application of
Mikkel Shield et al.
Application No. 12/807,293
Filed: August 31, 2010
Attorney Docket No. 69497-000003

: DECISION ACCORDING STATUS
: UNDER 37 CFR 1.47(a)

This is in response to the petition filed February 18, 2011 under 37 CFR 1.47(a).

The petition is **GRANTED**.

The above-identified application was filed on August 31, 2010 with an unexecuted Oath or Declaration. Accordingly, a Notice to File Missing Parts was mailed September 21, 2010 requiring, *inter alia*, an executed oath or declaration and a surcharge for its late filing.

In response thereof, the instant petition, seeking status under 37 CFR 1.47 was filed with a Declaration signed only by joint inventor Shield and with a three month extension of time . Petitioners claim that joint inventor Pavesich has refused to join the above-referenced application for patent.

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 sent to the non-signing inventor at his last known address and that to date, he has not provided the petitioners with an executed oath or declaration.

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.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

John A. Parrish
Law Offices of John A. Parrish
Suite 300
Two Bala Plaza
Bala Cynwyd PA 19004

MAILED
SEP 06 2011
OFFICE OF PETITIONS

In re Application of	:	
Joel SCHECTER	:	ON PETITION
Application No. 12/807,300	:	
Filed: September 1, 2010	:	

This is in response to the petition under 37 CFR 1.137(b), filed August 15, 2011.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts mailed September 22, 2010 (Notice), which set a shortened period for reply of two (2) months. No extension of time under the provisions of 37 CFR 1.136(a) was obtained. The application became abandoned November 23, 2010. A Notice of Abandonment was mailed May 26, 2011.

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 Notice mailed September 22, 2010, (2) a petition fee of $810, and (3) a statement of unintentional delay. The reply to the Notice is accepted as being unintentionally delayed.

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. If the statement contained in the instant petition varies from the language required by 37 CFR 1.137(b)(3), the statement contained in the instant petition is being construed as the statement required by 37 CFR 1.137(b)(3) and petitioner must notify the Office if this is **not** a correct interpretation of the statement contained in the instant petition.

Telephone inquires regarding this decision should be directed to Robert DeWitty, Petitions Attorney, Office of Petitions (571-272-8427).

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

Ramesh Krishnamurthy

for Anthony Knight
Director
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

ED SAWYER
TERRY HOSKING
SBE INC.
131 S. MAIN ST.
BARRE VT 05641

MAILED

AUG 01 2011

OFFICE OF PETITIONS

In re Application of :
Terry Hosking :
Application No. 12/807,310 : ON PETITION
Filed: October 30, 2008 :
Attorney Docket No. None :

This is a decision in response to the communication filed June 17, 2011, which is being treated as a petition to withdraw the holding of abandonment under 37 CFR 1.181 (no fee) in the above-identified application.

The petition under 1.181 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).

The application is held abandoned for failure to timely file a reply Notice to File Missing Parts of Nonprovisional Application mailed September 10, 2010, which set a shortened statutory period for reply of two (2) months. A Notice of Abandonment was mailed May 19, 2011.

In the present petition, petitioner requests that the Office withdraw the holding of abandonment due to nonreceipt of the Notice to File Missing Parts of Nonprovisional Application (Notice). Specifically, petitioner asserts that the Notice mailed on September 10, 2010, was not received.

Although the sole inventor herein Terry Hosking signed the petition along with Ed Sawyer, a review of the file record does not indicate that Ed Sawyer was ever given a power of attorney to act on behalf of the inventor, or that he is an assignee of the entire interest and has complied with the provisions of 37 CFR 3.73(b). Therefore, petitioner's attention is directed to 37 CFR 1.33(b) Amendments and other papers, except for written assertions pursuant to § 1.27(c)(2)(ii) of this part, filed in the application must be signed by:(1) A patent practitioner of record appointed in compliance with § 1.32(b);(2) A patent practitioner not of record who acts in a representative capacity under the provisions of § 1.34;(3) An assignee as provided for under § 3.71(b) of this chapter; or (4) All of the applicants (§ 1.41(b)) for patent, unless there is an assignee of the entire interest and such assignee has taken action in the application in accordance with § 3.71 of this chapter.

DISCUSSION OF PETITION TO WITHDRAW THE HOLDING OF ABANDONMENT

A review of the record indicates no irregularity in the mailing of the Notice to File Missing Parts of Nonprovisional Application, and in the absence of any irregularity in the mailing, there is a strong presumption that the Notice was properly mailed to the address of record.

As petitioner is a pro-se applicant, the Office understands that petitioner may not keep a formal docket record system for his correspondence. Nevertheless, petitioner must provide some sort of showing explaining the manner in which petitioner receives mail from the USPTO, maintains files for patent matters, and treats mail received for such matter. Specifically, petitioner must explain the system for keeping track of patent matters - where petitioner keeps the correspondence; where he writes down due dates; how he knows replies are due, etc. In essence, petitioner must explain how he reminds herself of response due dates and show that the due date for the Notice of September 10, 2010, was not entered into that system. Petitioner should include any available documentary evidence of the mail received, covering a reasonable period after September 10, 2010, to demonstrate nonreceipt of the Notice. Petitioner should also provide the USPTO with copies of any records or other methods, which could serve as a reminder of the due date for a response to a Notice, and where petitioner would have entered the receipt date of the Notice had petitioner received it (for example, a copy of the outside of a file or a calendar maintained by petitioner), if these documents are available. Furthermore, petitioner must include a statement from herself, or any other person at the address who may have handled the Notice, indicating that a search was conducted of the location where the correspondence from the USPTO would have been kept; however, the Notice was not found. Lastly, petitioner must state that he was, in fact, residing at the correspondence address of record for a reasonable time after September 10, 2010; the period when he would have received the Notice.

In the present petition, the petitioner did not submit any statements, documentary evidence, or an explanation of her method for tracking due dates for filing responses to communications from the USPTO to show he did not receive the Notice. Therefore, the petition to withdraw the holding of abandonment is **dismissed**.

ALTERNATIVE VENUE

Petitioner is strongly 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).

A grantable petition pursuant to 37 CFR 1.137(b) must be accompanied by:

> (1) The reply required to the outstanding Office action or notice, unless previously filed. In nonprovisional utility application abandoned for failure to respond to a non-final Office action, the required reply may be met by filing either (A) an argument or amendment under 37 CFR 1.111 or (B) a continuing application under 37 CFR 1.53(b).
>
> (2) The petition fee as set forth in 37 CFR 1.17(m), **$810.00 for a small entity**;
>
> (3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

A form for filing a petition to revive an unintentionally abandoned application accompanies this decision for petitioner's convenience. If petitioner desires to file a petition under 37 CFR 1.137(b)

instead of filing a request for reconsideration, petitioner must complete the enclosed petition form (PTO/SB/64) and pay the $810.00 petition fee.

Petitioner may wish to consider hiring a registered patent attorney or agent to assist in the prosecution of this application. Additionally, petitioner is encouraged to contact the Inventors Assistance Center (IAC) by telephone at 800-786-9199 or 571-272-1000, Monday through Friday from 8:30 AM to 5:30 PM (EST). The IAC provides patent information and services to the public and is staffed by former Supervisory Patent Examiners and experienced Primary Examiners who answer general questions concerning patent examining policy and procedure.
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: Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

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

Telephone inquiries related to this decision may be directed to Alicia Kelley-Collier at (571) 272-6059.

/Carl Friedman/
Carl Friedman
Petitions Examiner
Office of Petitions

Enclosures: Petition For Revival Of An Application For Patent Abandoned Unintentionally Under CFR 1.137(b); Form PTO/SB/64, Privacy Act Statement.

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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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ED SAWYER
TERRY HOSKING
SBE INC.
131 S. MAIN ST.
BARRE, VT 05641

MAILED
SEP 28 2011
OFFICE OF PETITIONS

In re Application of	:	
Terry Hosking	:	
Application No. 12/807,310	:	ON PETITION
Filed: October 30, 2008	:	
Attorney Docket No.	:	

This is a decision on the petition under 37 CFR 1.137(b), filed September 14, 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 September 10, 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 December 11, 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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LAWRENCE E. BODKIN, SR.
1149 MOLOKAI ROAD
JACKSONVILLE, FL 32216

MAILED

SEP 21 2010

OFFICE OF PETITIONS

In re Application of	:	
Bodkin, Lawrence E. Sr.	:	
Application No. 12/807,346	:	ON PETITION
Filed: September 1, 2010	:	
Title: Protected Power Cord	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed September 1, 2010, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required.

The instant petition includes a statement from the applicant. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-3206. All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

This matter is being referred to the Office of Patent Application Processing for further pre-examination processing. Thereafter, the application will be referred to Technology Center Art Unit 2836 for action on the merits commensurate with this decision.

Liana Walsh
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/807,378	09/03/2010	Ming C. Hao	201000716-1	8509

22879 7590 01/06/2011
HEWLETT-PACKARD COMPANY
Intellectual Property Administration
3404 E. Harmony Road
Mail Stop 35
FORT COLLINS, CO 80528

EXAMINER

ART UNIT	PAPER NUMBER
2178	

NOTIFICATION DATE	DELIVERY MODE
01/06/2011	ELECTRONIC

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

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

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

JERRY.SHORMA@HP.COM
ipa.mail@hp.com
laura.m.clark@hp.com

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

In re Application of:
HAO, Ming et al.
Application No. 12/807,378
Filed: September 3, 2010
For: **VISUAL REPRESENTATION OF A CELL-BASED CALENDAR TRANSPARENTLY OVERLAID WITH EVENT VISUAL INDICATORS FOR MINING DATA RECORDS**

DECISION ON PETITION UNDER 37 C.F.R. § 1.84(a)(2) TO ACCEPT COLOR DRAWINGS

This is a decision on the petition under 37 C.F.R. § 1.84(a)(2), filed on September 3, 2010, requesting acceptance of color drawings.

The petition requests that the color drawings of Figures 2-5 be accepted in lieu of black and white drawings.

A grantable petition under 37 C.F.R. § 1.84(a)(2) must be accompanied by a fee set forth under 37 C.F.R. § 1.17(h), 3 (three) sets of the color drawings in question, and the specification must contain, or be amended to contain, the following language as the first paragraph in that portion of the specification relating to 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 drawings will be provided by the U.S. Patent and Trademark Office upon request and payment of the necessary fee."

The petition was filed with the required fee and was filed with three (3) copies of color drawings of Figures 2-5. Paragraph [0002] of the specification contains the required notification described above.

Accordingly, the petition is **GRANTED**.

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

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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MAILED
OCT 08 2010
OFFICE OF PETITIONS

MICHAEL J. COLITZ, JR.
640 DOUGLAS AVENUE
DUNEDIN FL 34698

In re Application of	:	
Gretchen A. FERRELL, et al	:	
Application No. 12/807,381	:	DECISION ON PETITION
Filed: September 3, 2010	:	TO MAKE SPECIAL UNDER
Attorney Docket No. FJ 13/01	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed September 3, 2010, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a copy of Applicant William Marcus Ferrell drivers license. Accordingly, the above-identified application has been accorded "special" status.

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

All other inquires should be directed to the Office of Data Management at (571) 272-4000.

This application is being referred back to the Office of Data Management for processing. This application will be accorded "special" status when pre-examination processing is done.

/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
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MARCUS G. THEODORE, PC
466 SOUTH 500 EAST
SALT LAKE CITY UT 84102

MAILED

OCT 22 2010

OFFICE OF PETITIONS

In re Application of

Richard W. SCHANZ, et al
Application No. 12/807,386
Filed: September 3, 2010
Attorney Docket No. URETHRA STENT

DECISION ON PETITION
TO MAKE SPECIAL UNDER
37 CFR 1.102(c)(1)

This is a decision on the petition under 37 CFR 1.102(c)(1), filed September 30, 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 made by registered attorney Marcus G. Theodore, which will be treated as the result of the attorney having evidence that at least one of the applicants is 65 years of age or more. In the event that such evidence is not with the attorney, the Office should be notified immediately. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to 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 3734 for action on the merits commensurate with this decision.

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

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Commissioner for Patents
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P.O. Box 1450
Alexandria, VA 22313-1450
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BRADLEY P. HEISLER
HEISLER & ASSOCIATES
3017 DOUGLAS BOULEVARD, SUTIE 300
ROSEVILLE CA 95661

MAILED
MAY 06 2011
OFFICE OF PETITIONS

In re Application of	:	
Robert c. Lenney et al.	:	DECISION ON PETITION
Application No. 12/807,394	:	TO WITHDRAW
Filed: September 3, 2010	:	FROM RECORD
Attorney Docket No. **09076.001**	:	

This is a decision on the request to withdraw as attorney of record under 37 CFR § 1.36, filed April 19, 2011.

The request is **NOT APPROVED**.

The request cannot be approved because the attorney cannot withdraw attorneys' individually when the power of attorney was originally granted by Customer Number in the Power of Attorney filed October 18, 2010.

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

Telephone inquires concerning this decision should be directed to the undersigned at (571) 272-4584.

JoAnne Burke
Petitions Examiner
Office of Petitions

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Alexandria, VA 22313-1450
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MAY 27 2011
OFFICE OF PETITIONS

BRADLEY P. HEISLER
HEISLER & ASSOCIATES
3017 DOUGLAS BOULEVARD, SUTIE 300
ROSEVILLE CA 95661

In re Application of	:	
Robert C. Lenney et al.	:	DECISION ON PETITION
Application No. 12/807,394	:	TO WITHDRAW
Filed: September 3, 2010	:	FROM RECORD
Attorney Docket No. **09076.001**	:	

This is a decision on the request to withdraw as attorney of record under 37 CFR § 1.36, filed May 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 to 37 CFR 10.40.

The request was signed by Bradley Heisler on behalf of all attorneys of record who are associated with Customer Number 41689.

All attorneys/agents associated with Customer Number 41689 have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

The correspondence address of record has been changed and all future correspondence will be directed to the first named inventor Robert C. Lenney at the address indicated below.

There is no outstanding Office action mailed that requires a reply from the applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-4584.

JoAnne Burke
Petitions Examiner
Office of Petitions

cc: Robert C. Lenney
P.O. Box 3307
Rocklin, CA 95677

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/807,394	09/03/2010	Robert C. Lenney	09076.001

CONFIRMATION NO. 3932

POWER OF ATTORNEY NOTICE

41689
BRADLEY P. HEISLER
HEISLER & ASSOCIATES
3017 DOUGLAS BOULEVARD, SUTIE 300
ROSEVILLE, CA 95661

OC000000047929291

Date Mailed: 05/27/2011

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 05/24/2011.

- 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.

/jlburke/

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 Patent and Trademark Office
P.O. Box 1450
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Rashida A. Karmali
23rd Floor
99 Wall Street
New York NY 10005

MAILED

NOV 30 2011

OFFICE OF PETITIONS

In re Application of :
Karmali :
Application No. 12/807,415 : ON PETITION
Filing Date: September 3, 2010 :
Attorney Docket No.: 134.010 :

This is a decision on the petition captioned, "PETITION TO FFILE [sic] DRAWINGS UNDER 35 USC 113) [sic]," requesting the application be accorded a filing date of September 3, 2010, including the four drawing figures filed with the petition on May 31, 2011.

The petition is **dismissed**.

The application was filed on September 3, 2010. Figures 1-6 were referenced in the Brief Description of Figures in the specification. Figures 1-6 were present on September 3, 2010.

However, on September 24, 2010, the Office of Patent Application Processing mailed a Notice to File Corrected Application Papers ("Notice"), noting that a filing date had been accorded the application; however, replacement drawings were required. The Notice set a two-month period for reply, with extensions of time available under 37 CFR §1.136(a).

In response to the Notice, applicant filed replacement sheets of Figures 1-6 on October 19, 2010.

The present petition was filed on May 31, 2011. Petitioner states the enclosed four drawings were inadvertently omitted in the above-identified application at filing on April 25, 2011. It is noted the above-identified application was **not** filed on April 25, 2011. A search of Office records by inventor name did not yield any results for an application filed by Inventor Rashida A. Karmali on April 25, 2011.

It appears applicant wishes to add four drawings to the present application. A comparison of the four drawings filed with the present petition and the drawings filed on September 3, 2010 and October 19, 2010 reveals that the four drawings are different than the previously submitted two sets of drawings.

Applicant is advised that a petition is not necessary in this instance to add the omitted figures, if the drawings are present in Application No. 12/584,448, filed September 4, 2009. Applicant

properly claimed benefit under 37 CFR 1.78 of Application No. 12/584,448, filed September 4, 2009, when applicant filed the present application.

37 CFR 1.57(a) provides a method whereby an applicant may amend an application to include an inadvertently omitted portion of the specification or drawing(s) that is found in a prior-filed application, as long as the application contained a proper claim for benefit to the prior-filed application when the application was filed.

Where a filing date has been accorded an application, a petition is not necessary to add the omitted portion of the specification or drawing(s). 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)." 37 CFR 1.57(a)(3)

Since this application has been accorded a filing date, applicant may file an amendment to add the omitted figures. A petition under 37 CFR 1.57(a) is not necessary. The examiner of record will decide whether the amendment is proper or not. It is noted that applicant has not filed a formal amendment requesting addition of replacement Figures 1-4.

In view of the fact that the petition was not necessitated by an error on the part of this Office, the petition fee will not be refunded.

The application will be returned to Technology Center G.A.U. 1624 for examination in due course.

Telephone inquiries concerning this matter should be directed to Senior Petitions Attorney Shirene Willis Brantley at (571) 272-3230.

Anthony Knight
Director
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/807,415	09/03/2010	Rashida A. Karmali	134.010	4003

7590 01/06/2012

Rashida A. Karmali
23rd Floor
99 Wall Street
New York, NY 10005

EXAMINER
PAGANO, ALEXANDER R

ART UNIT	PAPER NUMBER
1624	

MAIL DATE	DELIVERY MODE
01/06/2012	PAPER

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

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

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JAN 06 2012

Rashida A. Karmali
23rd Floor
99 Wall Street
New York NY 10005

In re Application of:
Rashida A. Karmali
Serial No.: 12/807,415
Filed: September 3, 2010
Docket: **134.010**
Title: **NOVEL COMPOSITIONS AND PROCESSES FOR PREPARING 5-AMINO OR SUBSTITUTED AMINO 1,2,3-TRIAZOLES AND TRIAZOLE OROTATE FORMULATIONS**

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 March 2, 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 March 2, 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

UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. Box 1450
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PHILIP JARVINEN
15 FAIRWAY DRIVE
AMHERST NH 03031

MAILED
OCT 08 2010
OFFICE OF PETITIONS

In re Application of	:	
Philip JARVINEN	:	
Application No. 12/807,428	:	DECISION ON PETITION
Filed: September 3, 2010	:	TO MAKE SPECIAL UNDER
Attorney Docket No.	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed September 3, 2010, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a statement signed by the applicant. Accordingly, the above-identified application has been accorded "special" status.

This application is being referred back to the Office of Data Management for processing. This application will be accorded "special" status when pre-examination processing is done.

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

All other inquiries should be directed to the Office of Data Management at (571) 272-4000.

/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

INTEGRAL DOCKET
304 INDIAN TRACE, #750
WESTON, FL 33326

MAILED

OCT 24 2011

OFFICE OF PETITIONS

In re Application of
Thomas Aisenbrey
Application No. 12/807,446
Filed: September 7, 2010
Attorney Docket No. 2200-0013-01

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 29, 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.

Petitioner should not that the Office will no longer accept address changes to a new practitioner of a law firm file with a Request to Withdraw, absent the filing of a power of attorney to the new representative. The Office will either change the correspondence address of record to the most current address information provided for the assignee of the entire interest who properly became of record under 37 CFR 3071 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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INTEGRAL DOCKET
304 INDIAN TRACE, #750
WESTON, FL 33326

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NOV 04 2011

OFFICE OF PETITIONS

In re Application of
Thomas Aisenbrey
Application No. 12/807,447
Filed: September 7, 2010
Attorney Docket No. 2200-0048-01

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 29, 2011.

The request is **DISMISSED** as moot.

A review of the file record indicates that the power of attorney to Integral Docket has been revoked by the assignee of the patent application on October 12, 2011. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

Telephone inquires concerning this decision should be directed to undersigned at 571-272- 1642.

/AMW/
April M. Wise
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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Paper No.

MAILED

AUG 12 2011

OFFICE OF PETITIONS

William G. Bentz
304 Indian Trace #302
Weston FL 33326

In re Application of :
William George Bentz : DECISION ON PETITION
Application No. 12/807,456 :
Filed: September 3, 2010 :
Atty Docket No. 001000.021 :

This is a decision on the "PETITION TO WITHDRAW NOTICE OF ABANDONMENT UNDER 37 CFR § 1.181(a)" filed July 26, 2011.

The petition is **DISMISSED AS MOOT**.

The above-identified application became abandoned for failure to file a reply to the NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION mailed October 1, 2010. This Office action set a two-month time limit for reply, with extensions of time obtainable under §1.136(a). No reply timely filed and no extension of time obtained, the application became abandoned effective December 2, 2010. A courtesy Notice of Abandonment was mailed on June 27, 2011.

In response, applicant filed the instant petition to withdraw the holding of abandonment. Consideration of petitioner's arguments is unnecessary. The matter was referred to the Office of Data Management and upon review, the notice of abandonment was withdrawn and the application was returned to pending status (*See* notice mailed August 8, 2011).

The application will be examined in due course.

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

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : **10/05/11**

TO SPE OF : ART UNIT: **1641 Attn: SHIBUYA MARK L (SPE)**

SUBJECT : Request for Certificate of Correction for Appl. No.: 12/807513 Patent No.: 7993858

CofC mailroom date: 09/27/2011

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

FOR IFW FILES:

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

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

FOR PAPER FILES:

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

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

Note: **Should the requested changes to the Claims be made or not**

Tasneem Siddiqui
Certificates of Correction Branch
703-756-1814 & 703-756-1593

Thank You For Your Assistance

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

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

Comments: Changes Approved LVC 10/6/11

SPE **Art Unit**

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 10/05/11

TO SPE OF : ART UNIT: 1641 Attn: SHIBUYA MARK L (SPE)

SUBJECT : Request for Certificate of Correction for Appl. No.: 12/807513 Patent No.: 7993858

CofC mailroom date: 09/27/2011

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

FOR IFW FILES:

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

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

FOR PAPER FILES:

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

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

Note: Should the requested changes to the Claims be made or not

Tasneem Siddiqui
Certificates of Correction Branch
703-756-1814 & 703-756-1593

Thank You For Your Assistance

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

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

Comments: Changes Approved.

/Mark Shibuya/ SPE

1641 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

ENZO BIOCHEM, INC.
527 MADISON AVENUE (9TH FLOOR)
NEW YORK NY 10022

MAILED
JUL 11 2011
OFFICE OF PETITIONS

In re Application of	:	
Ilan, et al.	:	DECISION ON PETITION
Application No. 12/807,514	:	
Filed/Deposited: 7 September, 2010	:	
Attorney Docket No. ENZ-71(CIP)	:	

This is a decision on the petition filed on 27 June, 2011, pursuant to 37 C.F.R. §1.47.

NOTE:

Petitioner appears to have ignored almost all of the requirements under the Rule, as discussed below.

Petitioner appears to have ignored the guidance in the Commentary at MPEP §409.03, and §409.03(a) in this regard.

The petition as considered pursuant to 37 C.F.R. §1.47(a) is **DISMISSED**.

Rule 47 applicant is given TWO (2) MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Pursuant to 37 C.F.R. §1.47(a)," and should only address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventor. **FAILURE TO RESPOND WILL RESULT IN ABANDONMENT OF THE APPLICATION.** Any extensions of time will be governed by 37 C.F.R. §1.136(a).

This is **not** a final agency action within the meaning of 5 U.S.C. §704.

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

to ascertain the validity of the address set forth as the reasonably believed to be last known/current/valid address.

Petitioner does not seem to have worked through the requirements of the petition, as set forth above, in satisfaction of those requirements. (*See, generally:* MPEP §409.03, and §409.03(a)—the applicable statute (35 U.S.C.§ 116).

In particular, Petitioner has not as of this writing satisfied the requirement(s) of the petition as listed above and discussed below.

Petitioners always are reminded that for transmission by Email of any document to be accepted by the Office, written acknowledgment of receipt and readability of the message and all applicable attachments of required materials must be provided.

BACKGROUND

The record reflects as follows:

The application was deposited on 7 September, 2010, without, *inter alia*, a fully executed oath/declaration. It is noted that a partially executed oath/declaration as to inventor Ilan, but a stamped statement over what should have been the signature making both unreadable and no clarity as to the residence/nationality information, and as to the apparently with an un-translated statement in Hebrew, an "X" in the place of the signature, though undated.

On 27 January, 2011, the Office mailed a Notice of Missing Parts requiring, *inter alia*, a fully executed oath/declaration.

On 27 June, 2011, Petitioner Elie Gendloff (Reg. No. 44,704) filed, *inter alia*, a request and fee for extension of time, a petition pursuant to the regulations at 37 C.F.R. §1.47, with an oath/declaration executed by co-inventor Ilan—but again with the signature overstamped and this time multiple times with the stamp and the signature illegible—for himself and on behalf of non-signing co-inventor Eran Elinav (Mr. Elinav), with a statement by Petitioner, however, a review of the papers submitted, evidenced only Email transmittal, without any showing of receipt and readability of the message and the attachments and reply thereto by the non-signing inventor, with Petitioner's failure to state over his signature and registration number the valid/current/reasonably believed to be last known mailing address for the non-signing inventor with transmittal of the entire application (description, claims, abstract, drawings) to the non-signing inventor. There also is no demonstration as to any diligence employed in an effort to ascertain a valid/current/reasonably believed to be last known address for the non-signing inventor. Thus there is at this writing insufficient showing of the requirement that the entire application—description, claims, abstract and drawing—was transmitted to

valid/current/reasonably believed to be last known addresses for the non-signing inventor with his refusal to sign/join.

Petitioners always are reminded:

- *for transmission by Email of any document to be accepted by the Office, written acknowledgment of receipt and readability of the message and all applicable attachments of required materials must be provided; and*

- *of the duties of candor to—with requirement for diligent inquiry before—the Office and to satisfy the Rules of Practice and the guidance in the Commentary at MPEP §409.03, and §409.03(a), et seq.*

Out of an abundance of caution, Petitioner should step through the requirements of a grantable petition under 37 C.F.R. §1.47(a) (i.e., (1) petition and fee; (2) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification: description, claims and drawings); (3) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116; and (4) a statement of the last known address of the non-signing inventor(s)—with diligence in the effort to ascertain the validity of the address set forth as the reasonably believed to be last known/current/valid address) and satisfy himself that he has complied with these requirements on submission of any renewed petition. (*See also*: the guidance in the Commentary at MPEP §409.03, and §409.03(a), et seq.)

Again, Petitioner has not worked through the requirements of the petition.

Thus, the present incompleteness of the record makes granting of the instant petition inappropriate.

The availability of applications and application papers online to applicants/practitioners who diligently associate their Customer Number with the respective application(s) now provides an applicant/practitioner on-demand information as to events/transactions in an application. Thus, now if one wishes to know the progress in and/or status of an application or the accuracy of the data therein, one need only look at the file online.

Out of an abundance of caution, Petitioners always are reminded that those registered to practice *and* all others who make representations before the Office must inquire into the underlying facts of representations made to the Office and support averments with the appropriate documentation–since all owe to the Office the continuing duty to disclose.[1]

---

[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.

The instant petition pursuant to 37 C.F.R. §1.47(a) is **dismissed**.

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

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

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

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

While telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214—it is noted, however, that all practice before the Office is in writing (see: 37 C.F.R. §1.2[2]) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's action(s).

/John J. Gillon, Jr./
John J. Gillon, Jr.
Senior Attorney
Office of Petitions

[2] The regulations at 37 C.F.R. §1.2 provide:
§1.2 Business to be transacted in writing.
All business with the Patent and Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. Box 1450
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ENZO BIOCHEM, INC.
527 MADISON AVENUE (9TH FLOOR)
NEW YORK NY 10022

MAILED

SEP 19 2011

OFFICE OF PETITIONS

In re Application of	:	
Ilan, et al.	:	DECISION ON PETITION
Application No. 12/807,514	:	
Filed/Deposited: 7 September, 2010	:	
Attorney Docket No. ENZ-71(CIP)	:	

This is a decision on the petition filed on 12 September, 2011, pursuant to 37 C.F.R. §1.47.

The petition as considered pursuant to 37 C.F.R. §1.47(a) is **GRANTED**.

A grantable petition pursuant to 37 C.F.R. §1.47(a) requires: (1) petition and fee; (2) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification: description, claims and drawings); (3) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116; and (4) a statement of the last known address of the non-signing inventor(s)—with diligence in the effort to ascertain the validity of the address set forth as the reasonably believed to be last known/current/valid address.

Petitioners always are reminded that for transmission by Email of any document to be accepted by the Office, written acknowledgment of receipt and readability of the message and all applicable attachments of required materials must be provided.

BACKGROUND

The record reflects as follows:

The application was deposited on 7 September, 2010, without, *inter alia*, a fully executed oath/declaration. It is noted that a partially executed oath/declaration as to inventor Ilan, but a stamped statement over what should have been the signature making both unreadable and no clarity as to the residence/nationality information, and as to the apparently with an un-translated statement in Hebrew, an "X" in the place of the signature, though undated.

On 27 January, 2011, the Office mailed a Notice of Missing Parts requiring, *inter alia*, a fully executed oath/declaration.

On 27 June, 2011, Petitioner Elie Gendloff (Reg. No. 44,704) filed, *inter alia*, a request and fee for extension of time, a petition pursuant to the regulations at 37 C.F.R. §1.47, with an oath/declaration executed by co-inventor Ilan—but again with the signature over-stamped and this time multiple times with the stamp and the signature illegible—for himself and on behalf of non-signing co-inventor Eran Elinav (Mr. Elinav), with a statement by Petitioner, however, a review of the papers submitted, evidenced only Email transmittal, without any showing of receipt and readability of the message and the attachments and reply thereto by the non-signing inventor, with Petitioner's failure to state over his signature and registration number the valid/current/reasonably believed to be last known mailing address for the non-signing inventor with transmittal of the entire application (description, claims, abstract, drawings) to the non-signing inventor. There also was no demonstration as to any diligence employed in an effort to ascertain a valid/current/reasonably believed to be last known address for the non-signing inventor. Thus there is at this writing insufficient showing of the requirement that the entire application—description, claims, abstract and drawing—was transmitted to valid/current/reasonably believed to be last known addresses for the non-signing inventor with his refusal to sign/join. The petition was dismissed on 11 July, 2011.

On Monday, 12 September, 2011, Petitioner re-advanced his petition with a showing consistent with the regulations at 37 C.F.R. §1.47 and the guidance in the Commentary at MPEP §409.03, and §409.03(a), et seq., including a showing of transmittal of the entire application (description, claims, abstract, drawings) to the non-signing inventor by Petitioner with a copy of transmittal correspondence and return-receipt evidence of the attempt to deliver the entire application (description, claims, abstract, drawings) to the non -signing inventor, and that the materials were delivered to the non-signing inventor and thereafter failed to sign/join, and so constructively refused to sign/join. Therefore, it appears that Petitioner provided a showing satisfying the requirements under the Rule to wit: showing/proof that the non-signing inventor actually and/or constructively refused to sign the oath or declaration after having been presented with the application papers (specification: description, claims and drawings); an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116; and a statement of the last known address of the non-signing inventor(s)—with diligence in the effort to ascertain the validity of the address set forth as the reasonably believed to be last known/current/valid address. Thus, Petitioner sought to satisfy the requirements pursuant to the Rule and the guidance in the Commentary at MPEP §409.03, and §409.03(a) et seq.), and provide a showing that the non-signing inventors could not be found/refused to sign after diligent effort.

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]

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. §11.18, formerly §10.18 to inquire into the underlying facts and circumstances when providing statements to the Patent and Trademark Office).

[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

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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ERAN ELINAV
MYSM SCHOOL OF MEDICINE
—TAC S560
300 CEDAR STREET
NEW HAVEN, CT 06519-1612

MAILED

SEP 19 2011

OFFICE OF PETITIONS

In re Application of	:	
Ilan, et al.	:	COMMUNICATION
Application No. 12/807,514	:	
Filed/Deposited: 7 September, 2010	:	
Attorney Docket No. ENZ-71(CIP)	:	

Dear Eran Elivav:

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/your action(s) and/or inactions. 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:
ENZO BIOCHEM, INC.
527 MADISON AVENUE (9TH FLOOR)
NEW YORK NY 10022

[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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MAILED
MAR 25 2011
OFFICE OF PETITIONS

MASUVALLEY & PARTNERS
8765 AERO DRIVE
SUITE 312
SAN DIEGO CA 92123

In re Application of	:	
KOIKE, et al	:	
Application No. 12/807,528	:	DECISION ON PETITION
Filed: September 7, 2010	:	TO MAKE SPECIAL UNDER
Attorney Docket No. 13024-315US	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed January 31, 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 made by registered attorney Shirin Bozorgui, which will be treated as the result of the attorney having evidence that at least one of the applicants is 65 years of age or more. In the event that such evidence is not with the attorney, the Office should be notified immediately. Accordingly, the above-identified application has been accorded "special" status.

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

All other inquiries concerning either the examination or status of the application should be directed to Technology Center 2811 at (571) 272-2800.

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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ARENT FOX LLP
555 WEST FIFTH STREET
48TH FLOOR
LOS ANGELES, CA 90013

MAILED

FEB 10 2012

OFFICE OF PETITIONS

In re Application of	:	
Adam Harvey	:	
Application No. 12/807,530	:	DECISION ON PETITION
Filed: September 7, 2010	:	UNDER 37 CFR 1.78(a)(6)
Attorney Docket No.: 031813.00002	:	

This is a decision on the petition, filed January 11, 2012, which is being treated as a petition under 37 CFR 1.78(a)(6), to accept an unintentionally delayed claim under 35 U.S.C. § 119(e) for the benefit of priority to a prior-filed provisional application.

The petition is **DISMISSED.**

A petition under 37 CFR 1.78(a)(6) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after expiration of the period specified in 37 CFR 1.78(a)(5)(ii) and must be filed during the pendency of the nonprovisional application. In addition, the petition must be accompanied by:

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

This pending nonprovisional application was filed on September 7, 2010[1], within twelve months of the filing date of the prior-filed provisional application, Application No. 61/239,786, which was filed on September 4, 2009, and for which priority is claimed. A reference to the prior-filed provisional application has been included in an amendment to the first sentence of the specification following the title.

However, the amendment is not acceptable as drafted since it improperly incorporates by reference the prior-filed application. An incorporation by reference statement added after an

[1] September 7, 2010 was the next business day, as September 4, 2010 was a Saturday and September 6, 2010 was a federal holiday.

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. § 119(e) after the filing date of the application, the amendment would not be proper. When a benefit claim under 35 U.S.C. § 119(e) 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).

Accordingly, before the petition under 37 CFR 1.78(a)(6) can be granted, a renewed petition under 37 CFR 1.78(a)(6) and either an Application Data Sheet or a substitute amendment (complying with 37 CFR 1.121 and 37 CFR 1.76(b)(5)) deleting the incorporation by reference statement, are required.

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

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

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

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

By internet: EFS-Web[2]

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

/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)

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ARENT FOX LLP
555 WEST FIFTH STREET
48TH FLOOR
LOS ANGELES, CA 90013

MAILED
MAR 15 2012
OFFICE OF PETITIONS

In re Application of	:	
Adam Harvey	:	
Application No. 12/807,530	:	DECISION ON PETITION
Filed: September 7, 2010	:	UNDER 37 CFR 1.78(a)(6)
Attorney Docket No.: 050176B1	:	

This is a decision on the renewed petition, filed February 24, 2012, under 37 CFR 1.78(a)(6) to accept an unintentionally delayed claim under 35 U.S.C. §119(e) for the benefit of the prior-filed provisional application set forth in the concurrently filed amendment.

The petition is **GRANTED**.

A petition under 37 CFR 1.78(a)(6) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after expiration of the period specified in 37 CFR 1.78(a)(5)(ii) and must be filed during the pendency of the nonprovisional application. In addition, the petition must be accompanied by:

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

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 non-provisional 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.

All of the above requirements having been satisfied, the late claim for priority under 35 U.S.C. § 119(e) is accepted as being unintentionally delayed.

The granting of the petition to accept the delayed benefit claim to the prior-filed application under 37 CFR 1.78(a)(6) should not be construed as meaning that this application is entitled to the benefit of the filing date of the prior-filed application. In order for this application to be entitled to the benefit of the prior-filed application, all other requirements under 35 U.S.C. §119(e) and 37 CFR 1.78(a)(4) and (a)(5) must be met. Similarly, the fact that the corrected Filing Receipt accompanying this decision on petition includes the prior-filed application should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed application noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether the application is entitled to the benefit of the earlier filing date.

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

Any inquiries concerning this decision may be directed to the undersigned at (571) 272-3204. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

The application is being forwarded to Technology Center AU 2821 for consideration by the examiner of the claim under 35 U.S.C. §119(e) for the benefit of priority to the prior-filed provisional application.

/SDB/

Sherry D. Brinkley
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
12/807,530	09/07/2010	2821	610	031813.00002	1	1

CONFIRMATION NO. 5834

CORRECTED FILING RECEIPT

68543
Arent Fox LLP
555 West Fifth Street
48th Floor
Los Angeles, CA 90013

OC000000053117617

Date Mailed: 03/14/2012

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

Applicant(s)

Adam Harvey, Brooklyn, NY;

Power of Attorney: The patent practitioners associated with Customer Number 68543

Domestic Priority data as claimed by applicant

This appln claims benefit of 61/239,786 09/04/2009

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.)

Permission to Access - A proper **Authorization to Permit Access to Application by Participating Offices** (PTO/SB/39 or its equivalent) has been received by the USPTO.

If Required, Foreign Filing License Granted: 10/01/2010

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 12/807,530**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No
**** SMALL ENTITY ****

Title

Anti-paparazzi/identity protection system

Preliminary Class

315

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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DAN M. DELAROSA, ESQ.
SUITE 24C
300 EAST 77TH STREET
NEW YORK, NY 10075

MAILED

JAN 03 2011

OFFICE OF PETITIONS

In re Application of	:	
Young et al.	:	
Application No. 12/807,597	:	ON PETITION
Filed: September 9, 2010	:	
Attorney Docket No. P-0306US	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed December 14, 2010, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required.

The instant petition includes a statement by the applicant's attorney that the applicant is at least 65 years of age and is also accompanied with a Declaration from applicant that he is over 65 years of age. Accordingly, the above-identified application has been accorded "special" status.

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

This matter is being referred to the Technology Center Art Unit 1767 for action on the merits commensurate with this decision.

A. Kelley

Alicia Kelley
Petitions Examiner
Office of Petitions

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MAILED
MAR 12 2012
OFFICE OF PETITIONS

SHIMON SHMUELI
609 GIBSON DRIVE
VIENNA VA 22180

In re Application of
Mills et al.
Application No. 12/807,599
Filed: September 9, 2010
Attorney Dkt. No.: 15348US05
For: MUSCLE-BASED GRAFTS/IMPLANTS

ON PETITION

This is in response to the papers filed December 6, 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).

This above-identified application became abandoned for failure to timely file a response to the non-final Office Action, which was mailed on May 27, 2011. The non-final Office Action set a three (3) month shortened statutory period for reply. Accordingly, this application became abandoned on August 28, 2011. This decision precedes the mailing of a Notice of Abandonment.

Petitioner contends that the non-final Office action of May 27, 2011 was not received because it was mailed to the incorrect address. Petitioner states that a request to change the correspondence address was submitted on May 9, 2011. Thus, petitioner argues the May 27, 2011 Office action was not received. As such petitioner has requested the re-mailing of the Office action set with a new reply period.

Petitioner's argument has been considered but has been determined to be unpersuasive. A review of the record shows that the Office action which was mailed on May 27, 2011 to the correspondence address of record. Although a request to change the correspondence address of record was submitted on May 9, 2011, the request was not submitted by an attorney of record. A review of the record shows that attorney Sarah Kofflin has not been authorized to prosecute the instant application. As such an attorney or agent acting in a representative capacity pursuant to 37 CFR 1.34, may not sign a change of correspondence address where an executed declaration has been filed. See MPEP 402.

In view of the above, the Office action was mailed to the correct correspondence address of record. The application was properly abandoned.

ALTERNATIVE VENUE

Petitioner may wish to file a petition under 37 CFR 1.137(b) to revive an unintentionally abandoned application.

The address given on the petition differs from the address of record. If appropriate, a change of address should be filed in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address given on the petition. However, the Office will mail all future correspondence solely to the address of record.

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
Attorney Advisor
Office of Petitions

Cc: McAndrews, Held & Malloy, Ltd.
500 W. Madison Street, 34th Floor
Chicago, Il 60661

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/807,605	09/09/2010	Asahi Kondou	4041P-000168/US	4874

EXAMINER
BARKER, MATTHEW M

ART UNIT	PAPER NUMBER
3662	

MAIL DATE	DELIVERY MODE
12/21/2011	PAPER

7590 12/21/2011
HARNESS, DICKEY & PIERCE, P.L.C.
P.O. BOX 828
BLOOMFIELD HILLS, MI 48303

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

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

The petition is granted.

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

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

Betty Powell

Patent Publication Branch
Office of Data Management

FORM PET651G (Rev. 08/07)

UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. Box 1450
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In re Application of
Assad S. Sawaya

Application No. 12807637

Filed: September 9,2010

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 29-NOV-2010 to make the above-identified application special based on applicant's age as set forth in MPEP § 708.02, Section IV.

The petition is **GRANTED**.

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

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

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

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

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Alan R. Loudermilk
Loudermilk & Associates
511 N. Washington Avenue
Marshall TX 75670

MAILED
APR 22 2011
OFFICE OF PETITIONS

In re Application of :
Krumel :
Application No. 12/807,641 : ON PETITION
Filed: September 10, 2010 :
Attorney Docket No. 802-001C :
For: REAL TIME FIREWALL/DATA
PROTECTION SYSTEMS AND METHODS

This is a decision on the petition, filed March 24, 2011, requesting, in effect, withdrawal of the Notice of to File Missing Parts of Nonprovisional Application (Notice), mailed October 20, 2010, insofar as it alleges Figure 5 was omitted when the application was filed. The petition will be treated under 37 CFR 1.53(e).

The petition under 37 CFR 1.53(e) is **GRANTED**.

The application was filed on September 10, 2010. On October 20, 2010, the Office of Patent Application Processing mailed a Notice informing applicant that Figure 5 appeared to have been omitted from the application filed on September 10, 2010.

In response to the Notice, petitioner filed the present petition. Petitioner requests that Figure 5 be accorded a filing date of September 10, 2010 on the basis that it was received in the Patent and Trademark Office (PTO) on September 10, 2010.

In support, the petition is accompanied by a copy of applicant's itemized postcard receipt showing a Patent Office generated barcode citing September 10, 2010 as the date of receipt of papers assigned Application No. 12/807,641. The postcard lists that the filing included, *inter alia*, 14 sheets of drawings. A review of the application file reveals that there are 13 pages present, depicting Figures 1a, 1b, 2, 3, 4, 6, 7, 8, 9, 10, 11, 12, and 13.

The return postcard constitutes *prima facie* evidence that 14 sheets of drawings, including missing Figure 5, were filed on September 10, 2010. MPEP 503. Accordingly, the request is granted.

Pursuant to petitioner's request, the $400.00 fee submitted with the instant petition will be refunded to petitioner's deposit account.

The application is being returned to Office of Patent Application Processing for further pre-examination processing, with a filing date of **September 10, 2010,** adding the copy of Figure 5 supplied with the present petition to the drawings for the application.

Any inquiries pertaining to 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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JUN 17 2011

OFFICE OF PETITIONS

RICHARD K THOMSON, ATTORNEY
7691 FAIRLANE DRIVE
FAIRVIEW PA 16415

In re Application of :
Allen : DECISION ON PETITION
Application No. 12/807,655 :
Filed: September 10, 2010 :
Atty. Dkt. No.: AD#-263C :

This is a decision on the petition under 37 CFR 1.137(b), filed June 1, 2011.

The petition is **GRANTED**.

This application became abandoned April 27, 2011 for failure to timely reply to the Notice of Allowance and Issue Fee Due (Notice) mailed January 26, 2011. The Notice set a three (3) month statutory period of time for reply. Notice of Abandonment was mailed May 11, 2011.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Director may require additional information. See MPEP 711.03(c)(II)(C) and (D).

The instant petition has been carefully reviewed and found in compliance with the requirements set forth above.

In view thereof, this application is being forwarded to the Office of Data Management for further processing.

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

/ALESIA M. BROWN/

Alesia M. Brown
Attorney Advisor
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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CLARENCE EDWARD FRYE
301 MOORE DRIVE
BLOUNTVILLE, TN 37617

MAILED

OCT 18 2010

OFFICE OF PETITIONS

In re Application of

Clarence Edward Frye
Application No. 12/807,672
Filed: September 10, 2010
Attorney Docket No.

DECISION ON PETITION
TO MAKE SPECIAL UNDER
37 CFR 1.102(c)(1)

This is a decision on the petition under 37 CFR 1.102(c)(1), filed September 10, 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. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to undersigned at 571-272-1642.

All other inquiries concerning either the examination or status of the application should be directed to the Office of Patent Application Processing at their hotline 571-272-4000.

The application is being referred back to the Office of Patent Application Processing to await a reply to the Notice to File Missing Parts of Non-provisional Application mailed October 7, 2010. This application will be accorded "special" status once pre-examination processing is complete.

/AMW/
April M. Wise
Petitions Examiner
Office of Petitions

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CLIFFORD G. FRAYNE
136 DRUM POINT RD
SUITE 7A
BRICK NJ 08723

MAILED
OCT 26 2010
OFFICE OF PETITIONS

In re Application of	:	
Scott CROCE	:	
Application No. 12/807,676	:	DECISION ON PETITION
Filed: September 13, 2010	:	TO MAKE SPECIAL UNDER
Attorney Docket No. 967-001	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed September 30, 2010, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a declaration statement signed by the applicant and a copy of applicant's passport. Accordingly, the above-identified application has been accorded "special" status.

This application is being referred back to the Office of Data Management for further processing. This application will be accorded "special" status when pre-examination processing is done.

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

All other inquiries should be directed to the Office of Data Management at (571) 272-4000.

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

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P.O. Box 1450
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MAR 08 2011

OFFICE OF PETITIONS

MEDTRONIC, INC.
710 MEDTRONIC PARKWAY NE
MINNEAPOLIS MN 55432-9924

In re Application of	:	
Maik Gollasch	:	
Application No. 12/807,706	:	ON PETITION
Filed: September 11, 2010	:	
Attorney Docket No. P0028935.08	:	

This is a decision on the petition filed January 26, 2011 under 37 C.F.R. §l.10(c) to correct the filing date to September 11, 2010 rather than the presently accorded filing date of September 10, 2010.

Petitioner alleges that the application was deposited in Express Mail service on September 11, 2010. In support, petitioner supplies a copy of Express Mail Label No. EB 513252505US the same Express Mail number found on the transmittal sheet accompanying the original application papers located in the official file), a copy of a USPS cash register receipt and information from the Track & Confirm Database, both of which corresponds to the Express Mail Customer Label. The "date-in" on the Express Mail Label is September 11, 2010.

In view of the above, the petition is **GRANTED** and since no fee is due, none will be charged to petitioner's deposit account.

The application is being forwarded to the Office of Initial Patent Examination for correction of the **filing date to September 11, 2010** and for issuance of a corrected filing receipt.

Telephone inquiries related to this matter should be directed to the undersigned Petitions Attorney at (571) 272-3212.

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Kenneth Watov
WATOV & KIPNES, P.C.
P.O. Box 247
Princeton Junction, NJ 08550

MAILED

OCT 05 2010

OFFICE OF PETITIONS

In re Application of	:	
Christopher F. Lumpkin	:	
Application No. 12/807,714	:	DECISION ON PETITION
Filed: September 13, 2010	:	TO MAKE SPECIAL UNDER
Attorney Docket No. 1288109.DIV	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed September 13, 2010, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a statement from the attorney declaring that he is in possession, and will retain such in the application file record, proving the applicant John E. Richmond is 65 years of age or older. Accordingly, the above-identified application has been accorded "special" status.

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

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

The application is being forwarded to the Technology Center Art Unit 3761 for action on the merits commensurate with this decision.

/Terri Johnson/
Terri Johnson
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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King & Partners, PLC
170 College Avenue
SUITE 230
HOLLAND MI 49423

MAILED

OCT 05 2010

OFFICE OF PETITIONS

In re Application of	:	
Scott Neil Beck, et al.	:	
Application No. 12/807,716	:	DECISION ON PETITION
Filed: September 13, 2010	:	TO MAKE SPECIAL UNDER
Attorney Docket No. ENV-091039	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed September 13, 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 copy of the applicant, David Stephen Toback's driver's license proving that he is 65 years of age or older. Accordingly, the above-identified application has been accorded "special" status.

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

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

The application is being forwarded to the Technology Center Art Unit 2614 for action on the merits commensurate with this decision.

/Terri Johnson/
Terri Johnson
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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Alexandria, VA 22313-1450
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NIXON PEABODY LLP - PATENT GROUP
1100 CLINTON SQUARE
ROCHESTER NY 14604

MAILED
FEB 22 2011
OFFICE OF PETITIONS

In re Application of	:	
Scoda	:	
Application No. 12/807,766	:	DECISION GRANTING
Filed: September 15, 2010	:	PETITION
Attorney Docket No. 4447/160	:	

This is a decision on the petition, filed December 30, 2010 requesting that the above-identified application be accorded a filing date of September 14, 2010, rather than the presently accorded date of September 15, 2010. The petition is properly treated as a petition under 37 CFR 1.10(c).

Petitioner alleges that the application was deposited in Express Mail Service on September 14, 2010. In support, the petition is accompanied by a copy of Express Mail receipt No. EV686898394US (the same Express Mail number found on the original application papers located in the official file) showing a USPS date stamp of September 14, . The year portion of the date is illegible.

However, to substantiate petitioner's assertion that the package in question was deposited with the USPS as Express Mail on September 14, 2010, an independent search was made of the USPS Express Mail Track and Confirm records, which resulted in a finding that the package in question was in fact processed on September 14, 2010 at the USPS. Therefore, in view of all the evidence, it is concluded that the application was deposited in Express Mail service on September 14, 2010. Accordingly, the instant application is entitled to a filing date of September 14, 2010, and has been so accorded.

In view of the above, the petition is **GRANTED**.

There is no indication that the petition is signed by a registered patent attorney or patent agent of record. However, in accordance with 37 CFR 1.34, the signature of Ms. Thisse appearing on the correspondence shall constitute a representation to the United States Patent and Trademark Office that she is authorized to represent the particular party in whose behalf he acts.

This application file is being referred to the Office of Initial Patent Examination (OIPE) for correction of the filing date to **September 14, 2010** and for issuance of a corrected filing receipt.

Telephone inquiries relating to this decision should be directed to the undersigned at (571) 272-3215. Telephone inquiries related to the Office of Patent Application Processing should be directed to (571) 272-4100.

Charlema Grant
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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GOLDENEYE INC
SUITE 233
9747 BUSINESSPARK AVENUE
SAN DIEGO CA 92131

MAILED

DEC 16 2011

OFFICE OF PETITIONS

In re Application of	:	
Beeson, et al.	:	DECISION ON PETITION
Application No. 12/807,770	:	
Filed: September 13, 2010	:	
Attorney Docket No. KB55	:	

This is a decision on the petition to revive pursuant to 37 CFR 1.137(b), filed December 2, 2011.

The petition is **GRANTED.**

The above-identified application became abandoned for failure to timely file a complete reply to the Notice to File Missing Parts, mailed October 5, 2010. This Notice set an extendable period for reply of two (2) months for applicants to submit an executed oath or declaration, together with a substitute specification removing the reference to Figures 18A-18D of the drawings. Applicants filed an executed declaration on February 8, 2011, together with a Preliminary Amendment, made timely by including a two month extension of time and a Certificate of Mailing dated February 4, 2011. However, as Applicants did not submit a substitute specification, the Office mailed a Notice of Incomplete Reply on February 16, 2011. No further reply having been received, the application became abandoned on February 6, 2011. The Office mailed a Notice of Abandonment on October 24, 2011.

With the instant petition, petitioner has made the proper statement of unintentional delay, paid the petition fee, and submitted the required reply in the form of a substitute specification.

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

Telephone inquiries related to this decision should be directed to the undersigned at (571)272-3207.

Cliff Congo
Petitions Attorney
Office of Petitions

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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SUNSTEIN KANN MURPHY &
TIMBERS LLP
125 SUMMER STREET
BOSTON MA 02110-1618

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FEB 23 2012

OFFICE OF PETITIONS

In re Application of	:	**DECISION**
Tu, et al.	:	**ON PETITION**
Application No. 12/807,772	:	
Filed: September 14, 2010	:	**ACCEPTANCE OF**
Attorney Docket Number: 2895/145	:	**COLOR DRAWINGS**

This is in response to the petition under 37 CFR 1.84(a)(2), filed September 14, 2010, for acceptance of color drawings.

The petition is **GRANTED**.

A grantable petition under 37 C.F.R. 1.84(a)(2) must be accompanied by the following:

(1) The fee set forth in 37 C.F.R. 1.17(h);

(2) Three (3) sets of color drawings, or one (1) set if filed via EFS, and

(3) The specification contains appropriate language referring to the color drawings as the first paragraph in that portion of the specification relating to the brief description of the drawings.

Here, the petition was accompanied by the required fee and drawings. The specification contains the appropriate language. Therefore, the petition is granted.

The application is being forwarded to Group Art Unit 2874 for examination in due course.

Telephone inquiries regarding this decision should be directed to the undersigned at (571)272-3207.

Cliff Congo
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, VA 22313-1450
www.uspto.gov

LYLE D. JOHNSON
2623 PONCE AVE.
BELMONT CA 94002

MAILED

OCT 31 2011

OFFICE OF PETITIONS

In re Application of :
Lyle Dean Johnson :
Application No. 12/807,837 : ON PETITION
Filed: September 14, 2010
Attorney Docket No. none :
:

This is a decision on the petition under 37 CFR 1.102(c)(1), filed September 14, 2010, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a statement by applicant that applicant is 65 years of age and is also accompanied with a copy of applicant's birth certificate. Accordingly, the above-identified application has been accorded "special" status.

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

This matter is being referred to the Technology Center Art Unit 3711 for action on the merits commensurate with this decision.

/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
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ROZSA LAW GROUP LC
18757 BURBANK BOULEVARD
SUITE 220
TARZANA CA 91356-3346

MAILED
OCT 08 2010
OFFICE OF PETITIONS

In re Application of	:	
Joseph O'Ruanaidh, et al.	:	
Application No. 12/807,845	:	DECISION ON PETITION
Filed: September 14, 2010	:	TO MAKE SPECIAL UNDER
Attorney Docket No. 49690.005	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed September 14, 2010, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a statement from the inventor, Robert M. Snukal declaring that he is 65 years of age or older. Accordingly, the above-identified application has been accorded "special" status.

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

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

The application is being forwarded to the Technology Center Art Unit 3737 for action on the merits commensurate with this decision.

/Terri Johnson/
Terri Johnson
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: 976-160	Application Number (if known): 12/807,846	Filing date: September 13, 2010
First Named Inventor: Johannes G. Wijmans		
Title: PROCESS FOR SEPARATING CARBON DIOXIDE FROM FLUE GAS USING PARALLEL CARBON DIOXIDE CAPTURE . . .		

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

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

1. By filing this petition:

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

2. By filing this petition: applicant is agreeing to make an election without traverse in a telephonic interview and elect an invention that meets the eligibility requirements 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 Kathi Bean	Date 3-10-2011
Name (Print/Typed) Kathi Bean	Registration Number 36,644

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

[X] *Total of 1 forms are submitted.

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/807,846	09/13/2010	Johannes G. Wijmans	976-160	2528

26909 7590 03/22/2011
MEMBRANE TECHNOLOGY AND RESEARCH INC.
1360 WILLOW ROAD SUITE 103
MENLO PARK, CA 94025-1516

EXAMINER

ART UNIT	PAPER NUMBER
3744	

MAIL DATE	DELIVERY MODE
03/22/2011	PAPER

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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MEMBRANE TECHNOLOGY AND RESEARCH INC.
1360 WILLOW ROAD SUITE 103
MENLO PARK CA 94025-1516

In re Application of	:	
WIJMANS, JOHANNES G. et al	:	DECISION ON PETITION
Application No. 12/807,846	:	TO MAKE SPECIAL UNDER
Filed: Sep. 13, 2010	:	THE GREEN TECHNOLOGY
Attorney Docket No. 976/160	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed March 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 **dismissed**.

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

If reconsideration of this decision is desired, a petition for reconsideration must be filed within ONE (1) MONTH OR THIRTY (30) DAYS from the mail date of this decision, whichever is longer. No extension of this time limit can be granted under 37 CFR 1.136(a) or (b). The petition for reconsideration should include an exhaustive attempt to provide the lacking item(s) noted below, since, after a decision on the petition for reconsideration, no further reconsideration or review of the matter will be undertaken by the Director.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the

Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived. The petition lacks item # 4.

In regard to item 4, petitioner should note that the instant petition includes a statement identifying the basis for the special status (i.e., whether the instant invention (1) materially enhances the quality of the environment or materially contributes to (2) development of renewable energy resources or energy conservation, or (3) greenhouse gas reduction) as required by sections II and III of the notice. However, as stated in the notice, applicant must also provide a statement pertaining to the materiality standard if the application disclosure is not clear on its face as to the materiality of the basis for the special status of the invention. This petition lacks such a statement and it is not agreed that the application on its face meets that materiality standard. Petitioner states that the claimed invention relates to green technologies. This is not convincing. For example, it is not clear how the claimed carbon dioxide exhaust control process will provide and enhance the quality of the environment or contribute to development of renewable energy resources or 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 will be forwarded to the Technology Center Art Unit 3744 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

In re the application of	: Johannes G. Wijmans et al.	Examiner:	Jason M. Greene
Serial number	: 12/807,846	Group Art Unit:	1775
Filed	: September 13, 2010		
For	: PROCESS FOR SEPARATING CARBON DIOXIDE FROM FLUE GAS USING PARALLEL CARBON DIOXIDE CAPTURE AND SWEEP-BASED MEMBRANE SEPARATION STEPS		

March 30, 2011

REQUEST FOR RECONSIDERATION OF DISMISSAL OF PETITION TO MAKE SPECIAL UNDER GREEN TECHNOLOGY PILOT PROGRAM

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

Sir:

Applicants submitted a Petition to make the subject application special under the Green Technology Pilot Program on March 10, 2011. A Decision on Petition was issued by the PTO on March 22, 2001, under which applicants' Petition to Make Special was dismissed. Applicants hereby respectfully request reconsideration of the dismissal of applicants' Petition.

In conjunction with the submission of applicants' Petition to Make Special on March 10, 2011, applicants submitted a Statement of Eligibility for the Green Technology Program. This Statement specifically stated that the subject application is eligible for accelerated examination under the Green Technology Pilot Program, because the invention disclosed therein materially contributes to the reduction of greenhouse gas emissions (namely, CO_2).

The preamble to applicants' independent Claim 1 specifically states that the invention is directed to "A process for controlling carbon dioxide exhaust from a combustion process". The invention claimed in Claim 1 utilizes two carbon dioxide separation steps performed in parallel to reduce carbon dioxide in emissions from combustion processes. The first of these is "a carbon dioxide capture step to remove a portion of carbon dioxide in concentrated form from a first portion of the exhaust stream [generated by the combustion process], thereby creating an off-gas stream from the capture step that is less concentrated in carbon dioxide than the exhaust stream" (step b). The carbon dioxide capture step may be performed using, for example, absorption, adsorption, liquefaction, or membrane separation (Claim 10). Referring to Paragraph [0014] of applicants' specification, "This capture step removes a portion of the carbon dioxide from the emissions stream, such as greater than 60, 70, or 80 vol% carbon dioxide, and most preferably as a supercritical fluid or liquid high purity product. The concentrated product stream may be sent for sequestration, or for any other use."

The second carbon dioxide separation step is a sweep-based membrane separation step, which utilizes membranes that are selectively permeable to carbon dioxide to separate carbon dioxide from the combustion exhaust gas. A carbon dioxide-depleted vent stream is withdrawn from the feed side of the membrane unit (step f). This vent stream typically contains less than 3 volume %, and preferably less than 2 volume %, carbon dioxide (Claims 18 and 19), and can thus be released to the environment. (See also Paragraph [0026] which states, "The reduction of the carbon dioxide content to 20%, 10% or less of the content in the raw exhaust gas greatly reduces the environmental impact of discharging the stream to the environment.")

A permeate stream comprising oxygen and carbon dioxide is withdrawn from the permeate side of the membrane unit (step g). This carbon dioxide-containing permeate stream is then recycled as part of the feed stream to the combustion process (step h).

The subject application is a continuation-in-part of U.S. Application Serial No. 12/734,941, filed June 2, 2010. A Petition to Make Special Under the Green Technology Pilot Program was filed in the '941 parent application on December 17, 2010. The Petition was granted on January 11, 2011, and a Notice of Allowance of the application was subsequently issued on March 2, 2011.

The subject application claims a carbon dioxide emissions reduction process that is related, but not identical, to the process claimed in the '941 parent application. The inventors discovered a process that provided for even better reduction in carbon dioxide emissions than the process disclosed in the '941 application, then filed for patent protection of that improved process in the subject application.

In light of the above, applicants hereby respectfully request reconsideration of the dismissal of applicants' Petition to make the subject application special under the Green Technology Pilot Program.

Applicants would like to thank Examiner Henry C. Yuen of Technology Center 3700 for his helpful telephone conversation regarding this matter with applicants' representative, Kathi Bean, on March 30, 2011, at which the above matters, and particularly the limitations of claim 1, were

discussed.

If any fee is due in connection with the filing of this Request for Reconsideration, the Commissioner is hereby authorized to charge the amount of such fee, or to credit any overpayment, to Deposit Account No. 50-5246, of Membrane Technology and Research, Inc., Menlo Park, California, as provided on the enclosed transmittal form.

If the Examiner has any further questions or suggestions, he is encouraged to contact applicants' agent at the telephone and fax numbers and e-mail address provided below.

Respectfully Submitted,

Kathi Bean
Registration No. 36,644
Membrane Technology and Research, Inc.
1360 Willow Road, Suite 103
Menlo Park, CA 94025
(650) 543-3370
Fax Number: (650) 328-6580
kathi.bean@mtrinc.com

I hereby certify that this correspondence is being electronically submitted to the U.S. Patent and Trademark Office on
March 30, 2011.

Jennifer Valcov

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.
12/807,846	09/13/2010	Johannes G. Wijmans	976-160	2528

26909 7590 05/13/2011
MEMBRANE TECHNOLOGY AND RESEARCH INC.
1360 WILLOW ROAD SUITE 103
MENLO PARK, CA 94025-1516

EXAMINER
GREENE, JASON M

ART UNIT	PAPER NUMBER
1776	

MAIL DATE	DELIVERY MODE
05/13/2011	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

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MEMBRANE TECHNOLOGY AND RESEARCH INC.
1360 WILLOW ROAD SUITE 103
MENLO PARK CA 94025-1516

5/13/11

In re Application of	:	
Wijmans et al.	:	DECISION ON PETITION
Application No. 12/807,846	:	TO MAKE SPECIAL UNDER
Filed: 9/13/2010	:	THE GREEN TECHNOLOGY
Attorney Docket No. **976-160**	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed 3/30/2011, 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 1776 for action on the merits commensurate with this decision.

/Tom Dunn/

Tom Dunn
Quality Assurance Specialist
Technology Center 1700

UNITED STATES PATENT AND TRADEMARK OFFICE

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

BORSON LAW GROUP, PC
1078 CAROL LANE, #200
LAFAYETTE CA 94549

MAILED
OCT 08 2010
OFFICE OF PETITIONS

In re Application of	:	
Vincent Ronald Tolmei	:	
Application No. 12/807,850	:	DECISION ON PETITION
Filed: September 14, 2010	:	TO MAKE SPECIAL UNDER
Attorney Docket No. TOLMEI-01003US0	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed September 14, 2010, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED.**

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a statement from the inventor declaring that he is 65 years of age or older. Accordingly, the above-identified application has been accorded "special" status.

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

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

The application is being forwarded to the Technology Center Art Unit 3616 for action on the merits commensurate with this decision.

/Terri Johnson/
Terri Johnson
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

WARE FRESSOLA VAN DER SLUYS
& ADOLPHSON, LLP
BRADFORD GREEM BUILDING 5
755 MAIN STREET, PO BOX 224
MONROE CT 06468

MAILED

APR 16 2012

OFFICE OF PETITIONS

In re Application of
SAAD, et al
Application No. 12/807,866
Filed: September 14, 2010
Attorney Docket No. 850-228-1-2

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed March 16, 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 James R. Frederick on behalf of the attorneys of record associated with Customer No. 04955.

The attorneys of record associated with Customer No. 04955 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 first copied 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 SAAD
60 BUTTERNUT LANE,
STRATFORD, CT 06614

cc: JEREMIAH DALTON
120 MARION AVENUE,
STATEN ISLAND, NY 10304

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
12/807,866	09/14/2010	Philip Saad	850-228-1-2

CONFIRMATION NO. 4186

POWER OF ATTORNEY NOTICE

4955
WARE FRESSOLA VAN DER SLUYS & ADOLPHSON, LLP
BRADFORD GREEN, BUILDING 5
755 MAIN STREET, P O BOX 224
MONROE, CT 06468

OC000000053727649

Date Mailed: 04/13/2012

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 03/16/2012.

- 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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

KLARQUIST SPARKMAN, LLP
121 SW SALMON STREET
SUITE 1600
PORTLAND OR 97204

MAILED
MAR 09 2012
OFFICE OF PETITIONS

In re Application of :
Hua et al. :
Application No. 12/807,868 : ON PETITION
Filed: 09/14/2010 :
Attorney Docket No. 8085-85898-01 :

This is in response to the Petition Under 37 C.F.R. § 1.84(a)(2) for Acceptance of Color Drawings, filed in the United States Patent and Trademark Office (USPTO) on September 14, 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).

The petition is not accompanied by 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.

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."

Petitioners state that colored drawings are necessary in this case because colored drawings represent the only way currently known that can accurately depict the images. Reducing the colored drawings to black-and-white drawings could not be done in a way that would preserve the features contained therein.

Petitioners' argument has been considered, but is not persuasive. The Office has determined 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 such, color drawings or photographs are not necessary for an understanding of the invention sought to be patented. The petition is therefore 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

The petition fee required by § 1.17(h) will be charged to counsel's deposit account.

A reply may also be filed via EFS-Web.

The application is being forwarded to Group Art Unit 2872.

Telephone inquiries regarding this decision should be directed to Senior Petitions Attorney Douglas I. Wood at (571)272-3231.

José G. Dees
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

APR 25 2011

OFFICE OF PETITIONS

SANFORD J. PILTCH, ESQ.
1132 HAMILTON STREET
SUITE 201
ALLENTOWN, PA 18101

In re Application of	:	
Delia Alzate	:	DECISION ON PETITION
Application No. 12/807,902	:	TO WITHDRAW
Filed: September 16, 2010	:	FROM RECORD
Attorney Docket No. 1751.1	:	

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 4, 2011.

The request is **NOT APPROVED**.

The Office requires that practitioner(s) 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 current request does not set forth any of the above certifications. Therefore, the request cannot be approved at this time. Any subsequent requests must include all of the above listed certifications pursuant to 37 CFR 10.40.

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.

There are no outstanding Office actions that require a reply from the applicant.

Telephone inquires concerning this decision should be directed to the undersigned at (571) 272-6059.

A. Kelley

Alicia Kelley
Petitions Examiner
Office of Petitions

Enclosure: Form PTO/SB/83 Request for Withdrawal as Attorney or Agent and Change of Correspondence Address.

Doc Code: PET.POA.WDRW
Document Description: Petition to withdraw attorney or agent (SB83)

PTO/SB/83 (11-08)
Approved for use through 11/30/2011. OMB 0651-0035
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 WITHDRAWAL AS ATTORNEY OR AGENT AND CHANGE OF CORRESPONDENCE ADDRESS

Application Number	
Filing Date	
First Named Inventor	
Art Unit	
Examiner Name	
Attorney Docket Number	

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

Please withdraw me as attorney or agent for the above identified patent application, and

☐ all the practitioners of record;

☐ the practitioners (with registration numbers) of record listed on the attached paper(s); or

☐ the practitioners of record associated with Customer Number: _____

NOTE: The immediately preceding box should only be marked when the practitioners were appointed using the listed Customer Number.

The reason(s) for this request are those described in 37 CFR :

☐ 10.40(b)(1)	☐ 10.40(b)(2)	☐ 10.40(b)(3)	☐ 10.40(b)(4)
☐ 10.40(c)(1)(i)	☐ 10.40(c)(1)(ii)	☐ 10.40(c)(1)(iii)	☐ 10.40(c)(1)(iv)
☐ 10.40(c)(1)(v)	☐ 10.40(c)(1)(vi)	☐ 10.40(c)(2)	☐ 10.40(c)(3)
☐ 10.40(c)(4)	☐ 10.40(c)(5)	☐ 10.40(c)(6) Please explain below:	

Certifications

Check each box below that is factually correct. WARNING: If a box is left unchecked, the request will likely not be approved.

1. ☐ 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.

2. ☐ 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.

3. ☐ I/We have notified the client of any responses that may be due and the time frame within which the client must respond.

Please provide an explanation, if necessary:

This collection of information is required by 37 CFR 1.36. 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 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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

PTO/SB/83 (11-08)
Approved for use through 11/30/2011. OMB 0651-0035
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 WITHDRAWAL AS ATTORNEY OR AGENT AND CHANGE OF CORRESPONDENCE ADDRESS

Complete the following section only when the correspondence address will change. *Changes of address will only be accepted to an inventor or an assignee that has properly made itself of record pursuant to 37 CFR 3.71.*

Change the correspondence address and direct all future correspondence to:

A. ☐ The address of the inventor or assignee associated with Customer Number: _____

OR

B. ☐ Inventor or Assignee name			
Address			
City	State	Zip	Country
Telephone		Email	

I am authorized to sign on behalf of myself and all withdrawing practitioners.

Signature			
Name		Registration No.	
Address			
City	State	Zip	Country
Date		Telephone No.	

NOTE: ***Withdrawal is effective when approved rather than when received.***

This collection of information is required by 37 CFR 1.36. 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 minutes 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.

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-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:	12/807,911	Filing date:	16 September 2010
First Named Inventor:	Gavin Tucker		
Title of the Invention:	PHOTOTHERAPY APPARATUS FOR HAIR AND SCALP TREATMENTS		

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/US2010/002535

The international filing date of the corresponding PCT application(s) is/are: 17 SEPTEMBER 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
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.:	12/807,911
First Named Inventor:	Gavin Tucker

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

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

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

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

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1-20	1-20	claim sets from both the PCT and US applications are identical

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

Signature /Robert M. Downey/	Date 2011-09-08
Name (Print/Typed) Robert M. Downey	Registration Number 33684

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.
12/807,911	09/16/2010	Gavin Tucker	APIRPA210	8848

45486 7590 09/18/2011
ROBERT M. DOWNEY, P.A.
6751 N. FEDERAL HWY., SUITE 300
BOCA RATON, FL 33487

EXAMINER
JOHNSON III, HENRY M

ART UNIT	PAPER NUMBER
3769	

MAIL DATE	DELIVERY MODE
09/18/2011	PAPER

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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ROBERT M. DOWNEY, P.A.
6751 N. FEDERAL HWY., SUITE 300
BOCA RATON FL 33487

In re Application of	:	
TUCKER, GAVIN , et al.	:	DECISION ON REQUEST TO
Application No. 12/807,911	:	PARTICIPATE IN PATENT
Filed: September 16, 2010	:	PCT/PROSECUTION HIGHWAY
Attorney Docket No. APIRPA210	:	PROGRAM AND PETITION
For: PHOTOTHERAPHY APPARATUS FOR	:	TO MAKE SPECIAL UNDER
HAIR, SCALP AND SKIN TREATMENT	:	37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed September 08, 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 Sam Yao, SPE of Art Unit 3769, and 571-272-1224for Class 607 and also accessible in the PAIR system at http://www.uspto.gov/ebc.index.html.

Petition is **granted**.

/Henry C. Yuen/

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

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KENNETH WATOV
WATOV & KIPNES, P.C.
P.O. BOX 247
PRINCETION JUNCTION, NJ 08550

MAILED

DEC 13 2010

OFFICE OF PETITIONS

In re Application of

Oleg A. VORONOV, et *al.*
Application No. 12/807,932
Filed: September 17, 2010
Attorney Docket No. **1392.1.002**

DECISION ON PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(c)(1)

This is a decision on the petition under 37 CFR 1.102(c)(1), filed September 17, 2010 to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes the certification by registered attorney Kenneth Watov registration number 26042, attesting to the age of inventor Bernard H. Kear. Accordingly, the above-identified application has been accorded "special" status.

Inquiries concerning either the examination or status of the application should be directed to the Technology Center at 571-272-1700.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-7253.

The application is being forwarded to the Technology Center Art Unit 1736 for action on the merits commensurate with this decision.

/Monica A. Graves/
Petitions Examiner, Office of Petitions

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KLAUBER & JACKSON
411 HACKENSACK AVENUE
HACKENSACK NJ 07601

MAILED
MAR 10 2011
OFFICE OF PETITIONS

In re Application of	:	
Labuda et al.	:	
Application No. 12/807979	:	ON PETITION
Filing or 371(c) Date: 09/17/2010	:	
Attorney Docket No.:	:	
1049-1-128N	:	

This is a decision on the "Petition Pursuant to 37 C.F.R. 1.57(a)," filed December 13, 2010, requesting the application be accorded a filing date of September 17, 2010, including Figure 3. Applicants also request a refund of the petition fee.

The petition is **dismissed**.

The application was filed on September 17, 2010. However, on October 13, 2010, the Office of Patent Application Processing mailed a Notice to File Missing Parts of Nonprovisional Application ("Notice"), noting, *inter alia*, that a filing date had been accorded the application; however, Figure 3 described in the specification appeared to have been omitted from the application. The Notice set a two-month period for reply, and extensions of time were available under 37 CFR §1.136(a).

In response to the Notice, Applicant files the present petition wherein Applicants provide that Applicants submitted Figure 3 (Figures 3A and 3B) with the application as filed.

Initially it is noted that 37 CFR 1.57(a), incorporation by reference, provides a method whereby an applicant may amend an application to include an inadvertently omitted portion of the specification or drawing(s).

However, where a filing date has been accorded an application, a petition is not necessary to add the omitted portion of the specification or drawing(s). "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)." 37 CFR 1.57(a)(3). (Emphasis supplied). *See, Also*, MPEP 201.17(F).

The Manual of Patent Examining Procedure ("MPEP") also provides that

> ...37 CFR 1.57(a) was added to provide a safeguard for applicants when a page(s) of the specification, or a portion thereof, or a sheet(s) of the drawing(s), or a portion thereof, is

> inadvertently omitted from an application, such as through a clerical error. 37 CFR 1.57(a) applies to applications filed on or after September 21, 2004. 37 CFR 1.57(a) permits inadvertently omitted material to be added to the application by way of a later filed amendment if the inadvertently omitted portion of the specification or drawing(s) is completely contained in a prior-filed application (for which priority/benefit is claimed) even though there is no explicit incorporation by reference of the prior-filed application. *See* MPEP § 201.17 for discussion regarding 37 CFR 1.57(a). *See* MPEP § 601.01(p). (Emphasis supplied).

MPEP 201.06(c)(IV)(B).

Where a filing date has been accorded an application, a petition is not necessary to add the omitted portion of the specification or drawing(s).

In this instance, however, a review of the application file confirms that this Office received Figures 3A and 3B with the application papers filed on September 17, 2010. This Office did not, however, receive a Figure 3. A review of the specification as filed reveals that the specification refers to Figure 3 (in addition to Figures 3A and 3B)(i.e. Specification at p.15).

Since the drawings did not include a figure labeled "Figure 3," the Notice mailed October 13, 2010, was correct in advising applicant that drawing Figure 3 appeared to have been omitted from the application. Therefore, the "Notice" was properly mailed and will not be withdrawn.

In view of the fact that the petition was not necessitated by an error on the part of this Office, the petition fee will not be refunded.

Pursuant to this decision, the application will be referred to the Office of Patent Application Processing:

X **with a filing date of September 17, 2010, using the application papers filed on that date**; and

X **for processing of Applicant's reply to the Notice in the normal course of business**

Telephone inquiries concerning this matter should be directed to Attorney Derek Woods at (571) 272-3232.

Christopher Bottorff
Supervisor
Office of Petitions

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United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/807,991	09/16/2010	Wolfgang Teschner	33320.03088.US00/3088	4015

13565 7590 08/04/2011
McKenna Long & Aldridge LLP
4435 Eastgate Mall
Suite 400
San Diego, CA 92121

EXAMINER

ART UNIT	PAPER NUMBER
3767	-

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.

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AUG 04 2011

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McKenna Long & Aldridge LLP
4435 Eastgate Mall
Suite 400
San Diego CA 92121

In re Application of:
Teschner et al.
Serial No.: 12/807,991
Filed: September 16, 2010
Attorney Docket No:
33320.03088.US00/3088

: PETITION DECISION

This is in response to the petition filed on July 8, 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 November 12, 2010 and December 28, 2010 in connection with the above-referenced application and consideration by the Examiner of the documents and information contained therein.

Applicants argue the "Information Disclosure Statements were submitted in connection with the above-captioned application on November 12, 2010 and December 28, 2010. Each Information Disclosure Statement was prepared in accordance with 37 C.F.R 1.97 and 1.98. As required under 37 C.F.R 1.98, each Information Disclosure Statement contained 1) a list of all patents, publications, applications, or other information submitted for consideration by the Office, including a column that provides a space next to each document to be considered, for the examiner's initials and a heading that clearly indicates that the list is an Information Disclosure Statement; and 2) legible copies of all items listed. The items either were in English or a translation was provided. A copy of the misclassified Information Disclosure Statements filed on November 12, 2010 and December 28, 2010 is attached.

The submitted Information Disclosure Statement included a tabular Form PTO-1449, which was classified as an "IDS," and a written disclosure of information. In each instance, the written disclosure of information was misclassified in PAIR as a "Transmittal Letter" (November 12, 2010, "Transmittal Letter" of 2 pages; and December 28, 2010, "Transmittal Letter" of 2 pages). Consequently the information contained therein may not be considered or reviewed by the Examiner."

Applicants' argument has been accorded careful consideration and is persuasive. PAIR will be corrected to reflect the misclassification of the submitted Information Disclosure Statements of November 12, 2010 and December 28, 2010.

DECISION

The petition is **GRANTED.**

The examiner is instructed to consider the IDS of November 12, 2010 and December 28, 2010 which was misclassified in PAIR as a "Transmittal Letter" (November 12, 2010, "Transmittal Letter" of 2 pages; and December 28, 2010, "Transmittal Letter" of 2 pages).

Should there be any questions about this decision please contact Marianne C. Seidel, by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0584 or by facsimile sent to the general Office facsimile number, 571-273-8300.

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

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United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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MAILED

FEB 23 2011

PCT LEGAL ADMINISTRATION

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

In re Application of	:	
EMDE, Thomas	:	
Application No.: 12/808,019	:	DECISION
PCT No.: PCT/EP2008/010537	:	
Int. Filing Date: 11 December 2008	:	
Priority Date: 13 December 2007	:	
Attorney Docket No.: FNB0014US	:	
For: ILLUMINATION MEANS	:	

This decision is in response to applicant's petition to revive under 37 CFR 1.137(a) filed 27 December 2010 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 11 December 2008, applicant filed international application PCT/EP2008/010537 which designated the U.S. and claimed a priority date of 13 December 2007. A copy of the international application was communicated to the USPTO from the International Bureau on 18 June 2009. The thirty-month period for paying the basic national fee in the United States expired at midnight on 14 June 2010 (13 June 2010 being a Sunday).

On 14 June 2010, applicant filed, *inter alia*, a transmittal letter for entry into the national stage in the United States. No fees or authorization to charge fees accompanied the submission.

On 23 November 2010, the United States Designated/Elected Office (DO/EO/US) issued a NOTIFICATION OF ABANDONMENT (Form PCT/DO/EO/909) indicating that the international application was abandoned for failure to provide the U.S. Basic National Fee by thirty months from the priority date.

On 27 December 2010, applicant filed a submission which includes, *inter alia*, the instant petition under 37 CFR 1.137(a).

DISCUSSION

Under 37 CFR 1.137(a), a petition requesting that the application be revived on the grounds of unavoidable delay must be filed promptly after applicant becomes aware of the abandonment, and such petition must be accompanied by: (1) A proper response, unless already filed; (2) The petition fee as set forth in 37 CFR 1.17(l); (3) A showing to the satisfaction of the Commissioner that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unavoidable; and (4) A terminal disclaimer (if necessary).

As to item (1), applicant submitted the basic national fee on 27 December 2010. Thus, item (1) has been satisfied. Item (2) has been satisfied as well. Item (4) is not required.

Item (3) has not been met. Petitioner urges that "the response to Missing Parts was not timely filed because no Notice of Missing Parts was ever issued." However, the NOTIFICATION OF ABANDONMENT indicated that the application was abandoned for failure to provide the full U.S. Basic National Fee by 30 months from the priority date. The U.S. Basic National Fee was due on 14 June 2010. However, it was not paid until 27 December 2010.

CONCLUSION

The petition under 37 CFR 1.137(a) is **DISMISSED** for the reasons set forth above.

If reconsideration on the merits of this petition is desired, a proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.137(a)."

Applicant may wish to consider filing a petition under 37 CFR 1.137(b).

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

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

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SEP 28 2011

PCT LEGAL ADMINISTRATION

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

In re Application of	:	
EMDE, Thomas	:	
Application No.: 12/808,019	:	DECISION
PCT No.: PCT/EP2008/010537	:	
Int. Filing Date: 11 December 2008	:	
Priority Date: 13 December 2007	:	
Attorney Docket No.: FNB0014US	:	
For: ILLUMINATION MEANS	:	

This decision is in response to applicants' petition under 37 CFR 1.137(b) filed in the United States Patent and Trademark Office (USPTO) on 25 February 2011.

BACKGROUND

On 11 December 2008, applicant filed international application PCT/EP2008/010537 which designated the U.S. and claimed a priority date of 13 December 2007. A copy of the international application was communicated to the USPTO from the International Bureau on 18 June 2009. The thirty-month period for paying the basic national fee in the United States expired at midnight on 14 June 2010 (13 June 2010 being a Sunday).

On 14 June 2010, applicant filed, *inter alia*, a transmittal letter for entry into the national stage in the United States. No fees or authorization to charge fees accompanied the submission.

On 23 November 2010, the United States Designated/Elected Office (DO/EO/US) issued a NOTIFICATION OF ABANDONMENT (Form PCT/DO/EO/909) indicating that the international application was abandoned for failure to provide the U.S. Basic National Fee by thirty months from the priority date.

On 27 December 2010, applicant filed a submission which included, *inter alia*, a petition under 37 CFR 1.137(a).

On 23 February 2011, a decision was mailed dismissing applicants' petition under 37 CFR 1.137(a).

On 25 February 2011, applicant filed the instant petition under 37 CFR 1.137(b).

DISCUSSION

A petition to revive the present application under 37 CFR 1.137(b) must include:

(1) The required reply;
(2) The petition fee;
(3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional.

As to item (1), the U.S. Basic National Fee was paid on 27 December 2010.

As to item (2), the petition fee was paid on 25 February 2011.

As to item (3), the requisite statement has been provided.

A review of the application file reveals that, with the filing of the present petition and accompanying papers, a proper response has been submitted and all of the requirements of 37 CFR 1.137(b) for revival have been satisfied and revival is therefore appropriate.

The declaration of the inventor filed 27 December 2010 is in compliance with 37 CFR 1.497(a)-(b).

CONCLUSION

The petition under 37 CFR 1.137(b) is **GRANTED** for the reasons set forth above.

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

/Daniel Stemmer/

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

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FEB 11 2011

PCT LEGAL ADMINISTRATION

Hewlett-Packard Company
Intellectual Property Administration
3404 E. Harmony Road
Mail Stop 35
Fort Collins, CO 80528

In re Application of
BASTANI et al.
U.S. Application No.: 12/808,062
PCT No.: PCT/US02007/025590
Int. Filing Date: 14 December 2007
Priority Date: None
Attorney Docket No.: 200702636-2
For: PRINTING

DECISION ON
PETITION UNDER
37 CFR 1.47(a)

This decision is issued in response to applicants' "Petition under 37 CFR 1.47" filed 24 September 2010 to accept the application without the signature of joint-inventors, Behnam Bastani and Alejandro Campillo.

BACKGROUND

On 14 December 2007, applicants filed international application PCT/US02007/025590 which claimed no priority date. Pursuant to 37 CFR 1.495, the thirty-month period for paying the basic national fee in the United States expired at midnight on 14 June 2010.

On 14 June 2010, applicants filed a transmittal letter for entry into the national stage in the United States, which accompanied by, inter alia: the requisite basic national fee as required by 35 U.S.C. 371(c)(1); a copy of the international application; and an information disclosure statement.

On 04 August 2010, applicant was mailed a "Notification of Missing Requirements under 35 U.S.C. 371" (Form PCT/DO/EO/905) informing applicant of the need to provide an oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. Applicant was afforded two months to file the proper reply and informed that this period could be extended pursuant to 37 CFR 1.136(a).

On 24 September 2010, applicants filed a petition under 37 CFR 1.47(a).

DISCUSSION

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

As to item (2), petitioner states that Behnam Bastani and Alejandro Campillo cannot be found or reached after diligent effort. Section 409.03(d) of the Manual of Patent Examining Procedure (M.P.E.P.), **Proof of Unavailability or Refusal**, states, in part:

> Where inability to find or reach a nonsigning inventor "after diligent effort" is the reason for filing under 37 CFR 1.47, a statement of facts should be submitted that fully describes the exact facts which are relied on to establish that a diligent effort was made.
>
> The fact that a nonsigning inventor is on vacation or out of town and is therefore temporarily unavailable to sign the declaration is not an acceptable reason for filing under 37 CFR 1.47.
>
> The statement of facts must be signed, where at all possible, by a person having firsthand knowledge of the facts recited therein. Statements based on hearsay will not normally be accepted. Copies of documentary evidence such as internet searches, certified mail return receipts, cover letters of instructions, telegrams, that support a finding that the nonsigning inventor could not be found or reached should be made part of the statement. The steps taken to locate the whereabouts of the nonsigning inventor should be included statement of facts. It is important that the statement contain facts as opposed to conclusions.

A review of the present petition reveals that applicants have not provided an acceptable showing that a diligent effort was made to reach the nonsigning inventors, Behnam Bastani and Alejandro Campillo. The single mailing of the application papers to the nonsigning inventor's last known address does not constitute a "diligent" effort to locate the inventor(s). Before item (2) can be considered satisfied, applicants must provide the required firsthand evidence (with documentary support) demonstrating that a diligent effort has been made to locate the nonsigning inventor(s). A diligent effort to locate the inventor should include an internet search, and the results of such a search should be included in any subsequent submission herein. Therefore, item (2) has not been satisfied.

For the reasons stated above, it would not be appropriate to accept the application without the signature of Behnam Bastani and Alejandro Campillo under 37 CFR 1.47(a) at this time.

CONCLUSION

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

If reconsideration on the merits of this petition is desired, a proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)." No additional petition fee is required.

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

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

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Fort Collins, CO 80528

MAILED
JUN 10 2011
PCT LEGAL ADMINISTRATION

In re Application of :
BASTANI et al. :
U.S. Application No.: 12/808,062 :
PCT No.: PCT/US2007/025590 :
Int. Filing Date: 14 December 2007 :
Priority Date: None : DECISION ON PETITION
Attorney Docket No.: 200702636-2 :
For: PRINTING :

This decision is issued in response to applicants' "Renewed Petition under 37 CFR 1.47(a)" filed 11 April 2011. In a decision dated 11 February 2011, applicants' petition under 37 CFR 1.47(a) to accept the application without the signature of joint inventors, Behnam Bastani and Alejandro Campillo, was dismissed without prejudice.

The petition for status under 37 CFR 1.47(a) is moot since the declaration filed 11 April 2011 with the present petition was executed by the named inventor, the previous non-signing inventors, Behnam Bastani and Alejandro Campillo. The declaration filed 11 April 2011 is acceptable under 37 CFR 1.497.

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

The application has an international filing date of 14 December 2007 under 35 U.S.C. 363 and a date of 11 April 2011 under 35 U.S.C. 371(c)(1),(c)(2) and (c)(4).

The application is being returned to the International Division for processing as the U.S. National Stage of the above-identified international application.

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

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FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP
901 NEW YORK AVENUE, NW
WASHINGTON DC 20001-4413

MAILED

NOV 01 2011

OFFICE OF PETITIONS

Applicant: Madeleine Leduc, et al.
Appl. No.: 12/808,111
International Filing Date: December 9, 2008
Title: AZOMETHINE DIRECT DYES OR REDUCED PRECURSORS OF AZOMETHINE DIRECT DYES OBTAINED FROM 2-ALKYLRESORCINOLS, AND HAIR DYEING PROCESS USING THESE DYES OR PRECURSORS
Attorney Docket: 05725.1854
Pub. No.: US 20110041262A1
Pub. Date: February 24, 2011

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on April 15, 2011 for the above-identified application.

The request is DISMISSED.

Applicant requests that the application be republished because the patent application publication contains material errors on the front page of the application wherein the title of the invention "AZONETHINE DIRECT DYES OR REDUCED PRECURSORS OF AZOMETHINE DIRECT DYES OBTAINED FROM 2-ALKYLRESOURCINOLS, AND HAIR DYEING PROCESS USING THESE DYES OR PRECURSORS" should read "AZONETHINE DIRECT DYES OR REDUCED PRECURSORS OF THESE DYES OBTAINED FROM 2-AMINO-3-HYDROXYPYRIDINE, AND HAIR DYEING PROCESS USING THESE DYES AND PRECURSORS", and on the Title page, item 76, line 4, "Miltry-mory," should read "Mitry-Mory".

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]

[1] Changes to Implement Eighteen-Month Publication of Patent Applications, 65 FR 57023, 57038 (Sept. 20, 2000), 1239, Off. Gaz. Pat. Office Notices 63, 75 (Oct. 10, 2000) (final rule).

The errors noted by requestor on the front page of the publication wherein the title of the invention "AZONETHINE DIRECT DYES OR REDUCED PRECURSORS OF THESE DYES OBTAINED FROM 2-AMINO-3-HYDROXYPYRIDINE, AND HAIR DYEING PROCESS USING THESE DYES AND PRECURSORS" is misprinted as "AZONETHINE DIRECT DYES OR REDUCED PRECURSORS OF AZOMETHINE DIRECT DYES OBTAINED FROM 2-ALKYLRESOURCINOLS, AND HAIR DYEING PROCESS USING THESE DYES OR PRECURSORS", and on the title page, item 76, line 4, "Miltry-Mory" is misprinted as "Miltry-mory" are not material Office errors under 37 CFR 1.221(b). The mistakes are minor typographical errors and do not affect the public's ability to appreciate the technical disclosure of the patent application publication, or determine the scope of the patent application publication or determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent.

On November 12, 2010, a Filing Receipt was mailed by the Office, which improperly listed the above errors. To avoid this type of problem in the future, applicant's representative should correct the error, if applicable and make a request for a corrected filing receipt prior to export of the application to the publisher and publication of the application.

Applicants are encouraged to use and submit an **eADS** (PTO/SB/14) as an EFS-Web Fillable Form, rather than a scanned PDF image, to benefit from having the data loaded directly into USPTO electronic systems. For questions contact the Patent EBC (Electronic Business Center):
Telephone: 1-866-217-9197 (toll-free) or E-mail: ebc@uspto.gov
571-272-4100 (local)

The applicant is advised that a "request for republication of an application previously published" may be filed under 37 CFR 1.221 (a). Such a request for republication "must include a copy of the application compliance with the Office's electronic filing system requirements and be accompanied by the publication fee set forth in § 1.18 (d) and the processing fee set forth in § 1.17 (i)." If the request for republication does not comply with the electronic filing system requirements, the republication will not take place and the publication fee set forth in § 1.18 (d) will be refunded. The processing fee will be retained.

A guide for filing a request for a Pre-Grant Publication, such as a request for republication, may be found on the link below:

http://www.uspto.gov/patents/process/file/efs/guidance/index.jsp

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

Any request for republication under 37 CFR 1.221(a), must be submitted via the EFS system, as a "Pre-Grant Publication".

Inquiries relating to this matter may be directed to Karen Creasy at (571) 272-3208.

/Christopher Bottorff/

Christopher Bottorff
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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

MAILED
AUG 20 2010
PCT LEGAL ADMININSTRATION

In re Application of RAVESTEIN et al.	:	
Application No.: 12/808,113	:	DECISION ON
PCT No.: PCT/EP08/09028	:	
Int. Filing: 24 October 2008	:	PETITION TO REVIVE
Priority Date: 14 December 2007	:	
Attorney Docket No.: 09999-501N01US	:	UNDER 37 CFR 1.137(b)
For: SUPPORT FOR A SOLAR PANEL	:	

The petition to revive under 37 CFR 1.137(b) filed 12 July 2010 in the above captioned application is hereby **GRANTED** as follows:

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

Applicant has now submitted the basic national fee. The petition fee has been paid.

This application is being referred to the National Stage Processing Branch of the Office of PCT Operations for further processing including issuance of a Notification of Missing Requirements indicating that an oath or declaration, in compliance with 37 CFR 1.497(a) and (b), the English translation of the international application, the processing fee for filing the English translation and the surcharge for filing the oath or declaration, after the thirty month period, are required.

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

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MAILED

DEC 14 2010

PCT LEGAL ADMINISTRATION

MCANDREWS HELD & MALLOY, LTD
500 WEST MADISON STREET
SUITE 3400
CHICAGO IL 60661

In re Application of: MOTT, Robert, D.
U.S. Application No.: 12/808,114
PCT No.: PCT/US2007/087338
International Filing Date: 13 December 2007
Priority Date: 13 December 2007
Attorney's Docket No.: 19692US01
For: CORROSION RESISTANT COATING

DECISION ON PETITION UNDER 37 CFR 1.47(b)

This decision is issued in response to the "Petition To Proceed Without An Inventor Who Refuses To Execute The Application" filed on 0 November 2010, considered herein under 37 CFR 1.47(b). Applicant has submitted $130 as the petition fee; however, the applicable petition fee is $200. Deposit Account No. 13-0017 will be charged the additional $70 needed to complete the required fee.

BACKGROUND

On 13 December 2007, applicant filed international application PCT/US2007/087338. The application did not claim an earlier priority date, and it designated the United States. The deadline for submission of the basic national fee was thirty months from the priority date.

On 14 June 2010, a Transmittal Letter requesting entry into the national stage in the United States was filed accompanied by, among other materials, payment of the basic national fee.

On 09 July 2010, the United States Designated/Elected Office (DO/EO/US) mailed a Notification Of Missing Requirements (Form PCT/DO/EO/905) indicating that an executed oath or declaration in compliance with 37 CFR 1.497 and the surcharge for filing the oath or declaration later than thirty months after the priority date were required.

On 09 November 2010, petitioner filed a response to the Notification Of Missing Requirements (with required extension fee). The response included payment of the required surcharge and the "Petition To Proceed Without An Inventor Who Refuses To Execute The Application" considered herein under 37 CFR 1.47(b). The petition requests acceptance of the application without the signature of the sole inventor of record, whom petitioner asserts has refused to execute the application.

DISCUSSION

A grantable petition under 37 CFR 1.47(b) must be accompanied by: (1) the fee under 37 CFR 1.17; (2) factual proof that the inventor refuses to execute the application or cannot be reached after diligent effort; (3) a statement of the last known addresses of the non-signing inventor; (4) an oath or declaration by the 37 CFR 1.47(b) applicant on behalf of and as agent for the non-signing inventor; (5) proof of proprietary interest in the application: and (6) a showing that such action is necessary to preserve the rights of the parties or to prevent irreparable damages.

Regarding item (1), petitioner has submitted $130 as the petition fee and provided the authorization to charge Deposit Account No. 13-0017 additional fees. Pursuant to the authorization, the Deposit Account will be charged the additional $70 needed to complete the required $200 petition fee. Item (1) is therefore satisfied.

Regarding item (2), MPEP section 409.03(d) states that, before it can be concluded that an inventor has refused to execute the application papers, "[a] copy of the application papers should be sent to the last known address of the nonsigning inventor, or, if the nonsigning inventor is represented by counsel, to the address of the nonsigning inventor's attorney." nonsigning inventor's attorney." The MPEP also states the following:

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

The petition here was accompanied by a statement of Sarah Kofflin, with accompanying documents. The statement indicates that a request for signature, accompanied by a copy of the complete application, was provided to the non-signing inventor, that the inventor responded to this correspondence with an email requesting copies of the documents setting forth the inventor's obligation to sign the declaration, that, in response to the inventor's request, a copy of the inventor's employment contract (accompanied by a second signature request) was provided to the inventor by email, and that the inventor has failed to provide the signed declaration in response to petitioner's requests. The statement also indicates that the inventor has failed to respond to a telephone message inquiring as to when the documents will be provided. These materials provide an acceptable showing that the non-signing inventor has refused to execute the application. Item (2) is therefore satisfied.

Regarding item (3), the petition includes an express statement of the last known address of the non-signing inventor. Item (3) is therefore satisfied.

Regarding item (4), the petition was not accompanied by a declaration signed on behalf of the inventor by an authorized representative of 37 CFR 1.47(b) applicant, presumably Chemetall Corporation. Item (4) is therefore not satisfied.

Regarding item (5), section 409.03(f) of the MPEP states the following:

> When an application is deposited pursuant to 37 CFR 1.47(b), the 37 CFR 1.47(b) applicant must prove that: (A) the invention has been assigned to the applicant, or (B) the inventor has agreed in writing to assign the invention to the applicant, or (C) the applicant otherwise has sufficient proprietary interest in the subject matter to justify the filing of the application.

Here, the petition does not assert that the application has been expressly assigned to the 37 CFR 1.47(b) applicant by the non-signing inventor. Rather, petitioner's assertion of proprietary interest is based on the terms of the inventor's employment. With respect to such a claim, the MPEP states the following:

> When an inventor has agreed in writing to assign an invention described in an application deposited pursuant to 37 CFR 1.47(b), a copy of that agreement should be submitted. If an agreement to assign is dependent on certain specified conditions being met, it must be established by a statement of facts by someone with first hand knowledge of the circumstances in which those conditions have been met. A typical agreement to assign is an employment agreement where an employee (nonsigning inventor) agrees to assign to his or her employer (37 CFR 1.47(b) applicant) all inventions made during employment. When such an agreement is relied on, it must be established by a statement of a person having firsthand knowledge of the facts that the invention was made by the employee while employed by the 37 CFR 1.47(b) applicant.

The present petition includes a copy of the employment between the inventor and Chemetall Oakite and such employment agreement includes a provision requiring the inventor to transfer to Chemetall Oakite certain inventions made during the period of his employment. However, petitioner has not provided the required firsthand statement confirming that the invention underlying the present application was made by the inventor during the course of his employment duties with Chemetall Oakite and that the invention that is the subject of this application otherwise falls within the scope of the provisions of the employment agreement.

Based on the above, the present record does not include an acceptable showing that 37 CFR 1.47(b) applicant has the necessary proprietary interest in the present application. Item (5) is therefore not satisfied.

Regarding item (6), the petition does not include the required express statement that granting of the present petition is necessary to preserve the rights of the 37 CFR 1.47(b) applicant. Item (6) is therefore not satisfied.

Based on the above, petitioner has failed to satisfy all the requirements for a grantable petition.

CONCLUSION

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

If reconsideration on the merits of the petition is desired, a proper response must be filed within **TWO (2) MONTHS** of the mail date of the present decision. Any request for reconsideration should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(b)" and must include the materials required to satisfy items (4), (5), and (6) of a grantable petition, as discussed above and in the applicable sections of the MPEP.

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

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

/RichardMRoss/

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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JUL 27 2011

PCT LEGAL ADMINISTRATION

MCANDREWS HELD & MALLOY, LTD
500 WEST MADISON STREET
SUITE 3400
CHICAGO IL 60661

In re Application of: MOTT, Robert, D.
U.S. Application No.: 12/808,114
PCT No.: PCT/US2007/087338
International Filing Date: 13 December 2007
Priority Date: 13 December 2007
Attorney's Docket No.: 19692US01
For: CORROSION RESISTANT COATING

DECISION ON RENEWED SUBMISSION UNDER 37 CFR 1.47(b)

This decision is issued in response to the "Request For Reconsideration Of Petition Under 37 CFR 1.47(b)" filed 14 June 2011. No additional petition fee is required.

BACKGROUND

The procedural background for the present application was set forth in the decision mailed on 14 December 2010. The decision dismissed without prejudice the petition under 37 CFR 1.47(b), finding that petitioner had failed to satisfy all the requirements of a grantable petition.

On 14 June 2011, applicant filed the "Request For Reconsideration Of Petition Under 37 CFR 1.47(b)" considered herein, with required four-month extension fee.

DISCUSSION

The present submission includes a declaration executed by the previously non-signing sole inventor Robert D. MOTT, who was the subject of the petition under 37 CFR 1.47(b). This declaration is acceptable in compliance with 37 CFR 1.497.

Based on the submission of an acceptable declaration executed by the previously non-signing sole inventor, applicant's petition under 37 CFR 1.47(b) is appropriately dismissed as moot.

CONCLUSION

Based on the submission of an acceptable declaration executed by the sole inventor, the petition under 37 CFR 1.47(b) filed herein is **DISMISSED AS MOOT**.

The application is being referred to the National Stage Processing Branch of the Office of PCT Operations for further processing in accordance with this decision. The date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) is **14 June 2011**.

/RichardMRoss/

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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HUNTON & WILLIAMS LLP
INTELLECTUAL PROPERTY DEPARTMENT
1900 K STREET, N.W.
SUITE 1200
WASHINGTON DC 20006-1109

MAILED

OCT 20 2010

PCT LEGAL ADMINISTRATION

In re Application of :
BUR, et al. :
U.S. Application No.: 12/808,137 :
PCT No.: PCT/IB2008/055251 (as corrected) :
Int. Filing Date: 12 December 2008 :
Priority Date: 14 December 2007 :
Attorney Docket No.: 66535.000030 :
For: AMINOPYRAZOLE DERIVATIVES :

DECISION ON PETITION
UNDER 37 CFR 1.182

This decision is issued in response to applicant's petition under 37 CFR 1.182 to excuse applicant's error upon filing filed 29 July 2010 in the United States Patent and Trademark Office (USPTO). Applicant has provided payment of the required $400 petition fee.

BACKGROUND

On 14 June 2010, applicant electronically filed a U.S. national stage entry. Applicant identified the international application number as PCT/EP2009/000762. The filed PTO-1390 transmittal letter and other documents identified the underlying international application as PCT/IB2008/055251.

On 29 July 2010, applicant filed the petition considered herein.

DISCUSSION

Applicants confirm that the correct international application is PCT/IB2008/055251. An examination of the originally filed papers finds that the correct international application number was listed on the PTO-1390 transmittal letter and Application Data Sheet filed 14 June 2010. Applicant's present submission included the required petition fee to correct applicant's clerical error. Accordingly, these materials satisfy the requirements for a grantable petition to correct applicant's error in the bibliographical data filed 14 June 2010 and to permit such materials to be treated as having been directed to international application PCT/IB2008/055251.

CONCLUSION

Applicant's petition under 37 CFR 1.182 is GRANTED.

As requested, the international application number, title of invention, and

continuity data have been corrected and are now associated with PCT/IB2008/055251.

This application is being forwarded to the United States Designated/Elected Office for further processing.

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

10 AUG 2010

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United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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32425
FULBRIGHT & JAWORSKI, LLP
600 Congress Avenue
Suite 2400
Austin, TX 78701

In re Application of :
AMBRUZS *et al* :
U.S. Application No.: 12/808,145 :
PCT No.: PCT/US2008/086281 :
Int. Filing Date: 10 December 2008 :
Priority Date: 10 December 2007 :
Attorney Docket No.: PATT.P0006US :
For: INSERTION DEVICES, INSERTION :
NEEDLES, AND RELATED METHODS :

DECISION ON PETITION UNDER 37 CFR 1.137(b)

Applicants' petition to revive under 37 CFR 1.137(b) filed on 14 June 2010 is hereby **GRANTED** as follows:

The basic national fee and petition fee for a small entity have been paid. Applicants made the required statement pursuant to 37 CFR 1.137(b)(3). A terminal disclaimer is not required. Accordingly, all requirements under 37 CFR 1.137(b) have been satisfied.

A declaration in compliance with 37 CFR 1.497(a) and (b) was not submitted.

This application is being forwarded to the United States Designated/Elected Office for further processing including mailing a Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US) (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497(a) and (b) and a surcharge fee are required.

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/808,191	06/15/2010	Shuji Hasegawa	IWI-33430	1435

7609 7590 07/20/2011
RANKIN, HILL & CLARK LLP
23755 Lorain Road - Suite 200
North Olmsted, OH 44070-2224

EXAMINER

ART UNIT	PAPER NUMBER
1615	

MAIL DATE	DELIVERY MODE
07/20/2011	PAPER

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

JUL 20 2011

Commissioner for Patents
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RANKIN, HILL & CLARK LLP
23755 Lorain Road - Suite 200
North Olmsted, OH 44070-2224

In re Application of	:	DECISION ON REQUEST TO
HASEGAWA ET AL.	:	PARTICIPATE IN PATENT
Application No. 12/808,191	:	PROSECUTION HIGHWAY
Filed: June 15, 2010	:	PROGRAM AND PETITION
Attorney Docket No. IWI-33430	:	TO MAKE SPECIAL UNDER
	:	37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed June 14, 2011, to make the above-identified application special.

The request and petition are **GRANTED**.

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

(1) The U.S. application is (a) a Paris Convention application which either (i) validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the JPO, or (ii) validly claims priority to a PCT application that contains no priority claims, or (b) a national stage application under the PCT (an application which entered the national stage in the U.S. from a PCT international application after compliance with 35 U.S.C. 371), which PCT application (i) validly claims priority to an application filed in the JPO, or (ii) validly claims priority to a PCT application that contains no priority claims, or (iii) contains no priority claim, or (c) a so-called bypass application filed under 35 U.S.C. 111(a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application (i) validly claims priority to an application filed in the JPO, or (ii) validly claims priority to a PCT application that contains no priority claims, or (iii) contains no priority claim;
(2) The JPO application(s) have at least one claim that was determined by the JPO to be allowable/patentable;
(3) All the claims in each U.S. application for which a request for participation in the PPH program is made must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claims in the JPO application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of the Office action from the JPO application just prior to the "Decision to Grant a Patent" (e.g., the latest "Notification of Reasons for Refusal") from each of the JPO application(s) containing the allowable/patentable claims that are the basis for the request, along with an English translation thereof and a statement that the English translation is accurate;

(6) Applicant must submit a copy of the allowable/patentable claims from the JPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
(7) Applicant must submit a claim correspondence table in English; and
(8) Applicant must submit an information disclosure statement (IDS) listing the documents cited by the JPO examiner in the JPO office action (unless such an IDS has already been filed in the U.S. application).

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

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

All other inquiries concerning the examination or status of the application should be directed to Patent Application Information Retrieval (PAIR) system at the http://www.uspto.gov/ebc/index.html.

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

Cecilia Tsang
Supervisory Patent Examiner
TC 1600

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

AUG 0 9 2010

Michael G. Crilly, Esquire
Law Offices of Michael Crilly
104 South York Road
Hatboro PA 19040

In re application of Glenn Garrision Application No. 12/808247 Filed: June 15, 2010 For: HYDRODYNAMIC CIRCUMFERENTIAL SEAL SYSTEM FOR LARGE TRANSLATIONS	**DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(d)**

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed June 15, 2010, to make the above-identified application special.

The request and petition are **DISMISSED**.

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

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

The request to participate in the PPH pilot program and petition fail to include:
2) Applicant must submit a copy of the allowable/patentable claim(s) from the 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.
Copy of the allowable/patentable claims from the PCT/US2009/055103 is missing.

(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the PCT application(s); See (2) above.

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

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

/ Mikado Buiz /
Mikado Buiz,
Quality Assurance Specialist
Technology Center 3600

MB/MB: 8/6/10

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	Glenn M. Garrison
Application No.:	12/808,247
Filed:	June 15, 2010
Title:	Hydrodynamic Circumferential Seal System for Large Translations
Examiner:	Not known
Group Art Unit:	3676
Docket No.	SE201011NP

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

REQUEST FOR RECONSIDERATION OF REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PROGRAM

Dear QA Specialist Buiz:

Applicant hereby requests reconsideration of his Request to Participate in the Patent Prosecution Highway (PPH) Program. The referenced Request was dismissed because it did not include a copy of the allowable/patentable claims from the PCT application.

Applicant submits attached EXHIBIT A which includes an accurate and complete listing of claims 1-23 from PCT Application No. PCT/US2009/055103. These claims were examiner by the Korean Intellectual Property Office (KIPO) and found to be allowable in the Written Opinion issued for the PCT application. Claims 1-23 in now

pending U.S. Application No. 12/808,247 are identical to the claims in Exhibit A.

In view of this submission, it is respectfully submitted that Applicant's Request should be reconsidered and that all requirements for participation in the PPH Program found to be satisfied. Accordingly, Application No. 12/808,247 should be afforded examination under the PPH Program.

If, after reviewing the above, QA Specialist believes any issues remain unresolved, the favor of telephone call is requested and QA Specialist is requested to contact the undersigned at the telephone number below.

Respectfully submitted,

Date: 09/08/2010

Michael G. Crilly, Esquire
Registration No. 44,631
Law Offices of Michael Crilly
104 South York Road
Hatboro, PA 19040
Telephone: 215-672-6220
Fax: 215-672-5430
Email: crilly@erols.com

EXHIBIT A

CLAIMS

What is claimed is:

1. A circumferential seal system for sealing a high pressure region from a low pressure region separated by a runner with an outer circumferential surface and a seal ring including a plurality of ring segments disposed about said outer circumferential surface comprising:

> a plurality of groove sets separately disposed along said outer circumferential surface, each said groove set including at least two grooves, at least one said groove within each said groove set communicates a fluid from said high pressure region onto said seal ring as said runner translates with respect to said seal ring along an axis substantially perpendicular to the rotation of said runner, said fluid producing a lift force between said seal ring and said runner.

2. The circumferential seal system of claim 1, wherein said grooves within at least one said groove set are substantially parallel.

3. The circumferential seal system of claim 1, wherein each said groove set further includes a feed groove, said feed groove communicates said fluid into each said groove.

4. The circumferential seal system of claim 3, wherein said feed groove is perpendicular to said grooves within said groove set.

5. The circumferential seal system of claim 3, wherein said feed groove is disposed at an angle with respect to said grooves within said groove set.

6. The circumferential seal system of claim 1, wherein adjacent said groove sets have different numbers of said grooves.

7. The circumferential seal system of claim 6, wherein said groove sets with x said grooves are interposed with said groove sets with x+y said grooves where x and y are whole numbers greater than 0.

8. The circumferential seal system of claim 1, wherein said grooves between adjacent said groove sets are offset.

9. The circumferential seal system of claim 1, wherein said grooves within at least one said groove set are parallel to the rotational direction of said runner.

10. The circumferential seal system of claim 1, wherein said grooves within at least one said groove set are diagonal to the rotational direction of said runner.

11. The circumferential seal system of claim 10, wherein the length of said grooves is such that the effective width of each said groove is equal to or less than the width of the lift surface along said seal ring to terminate the flow path of said fluid from said high pressure region to said low pressure region.

12. The circumferential seal system of claim 1, wherein said grooves within each said groove set are different lengths or located along said outer circumferential surface so that at least one said groove is sufficiently long so as to ensure said lift force before translation of said runner and at least one other said groove is sufficiently long so as to ensure said lift force as said runner translates.

13. The circumferential seal system of claim 1, wherein at most every other said groove set has at least one said groove which communicates said fluid onto said seal ring.

14. The circumferential seal system of claim 1, wherein at least one said groove set communicates said fluid onto each said ring segment.

15. The circumferential seal system of claim 1, wherein said seal ring includes a bore

dam and a bore groove adjacent to said outer circumferential surface.

16. The circumferential seal system of claim 1, wherein said seal ring is disposed within a seal assembly.

17. The circumferential seal system of claim 1, wherein said circumferential seal system is disposed within a turbine engine.

18. The circumferential seal system of claim 17, wherein said circumferential seal system prevents leakage during low or reverse air pressure conditions within said turbine engine

19. A method of sealing a high pressure region from a low pressure region separated by a runner with an outer circumferential surface and a seal ring including a plurality of ring segments disposed about said outer circumferential surface comprising the steps of:

(a) directing a fluid from said high pressure region into a plurality of groove sets separately disposed along said outer circumferential surface, each said groove set including at least two grooves;

(b) communicating said fluid from at least one said groove within each said groove set onto said seal ring as said runner translates with respect to said seal ring along an axis substantially perpendicular to the rotation of said runner; and

(c) generating a lift force along said seal ring with said fluid so as to move said seal ring radially with respect to said outer circumferential surface.

20. The method of claim 19, wherein said grooves within each said groove set are different lengths or located along said outer circumferential surface so that at least one said groove is sufficiently long so as to ensure said lift force before translation of said runner and at least one other said groove is sufficiently long so as to ensure said lift force as said runner translates.

21. The method of claim 19, wherein at least one said groove communicates said fluid under each said ring segment.

22. The method of claim 19, wherein at most every other said groove set has at least one said groove which communicates said fluid under said seal ring.

23. The method of claim 19, wherein at least one said groove set communicates said fluid under each said ring segment.

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OCT 1 5 2010

Commissioner for Patents
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Law Offices of Michael Crilly
104 South York Road
Hatboro PA 19040

In re application of Glenn Garrison Application No. 12/808,247 Filed: June 15, 2010 For: HYDRODYNAMIC CIRCUMFERENTIAL SEAL SYSTEM FOR LARGE TRANSLATION	**DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(d)**

This is a decision on the renewed request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed September 8, 2010, to make the above-identified application special.

The request and petition are **GRANTED**.

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

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

In light of renewed petition, filed on September 8, 2010, the request to participate in the PPH program complies with the above requirements. Therefore, the above-identified application has been accorded "special" status.

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

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

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

/ Mikado Buiz /

Mikado Buiz,
Quality Assurance Specialist
Technology Center 3600

BM/BM: 10/15/10

03 SEP 2010

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Alexandria, VA 22313-1450
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Nokia, Inc.
6021 Connection Drive, MS 2-5-520
Irving TX 75039

In re Application of	:	
Denis-Courmont et al.	:	
Application No.: 12/808,276	:	DECISION
PCT No.: PCT/EP2008/063160	:	
Int. Filing Date: 01 October 2008	:	ON
Priority Date: 09 November 2007	:	
Attorney Docket No.: NC61531-US-PCT	:	PETITION
For: Method, Apparatus And Software	:	
For Packet Modification	:	

The petition to revive under 37 CFR 1.137(b) filed on 15 June 2010 in the above-captioned application is hereby **GRANTED** as follows:

Petitioner states that "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 C.F.R. § 1.137(b) was unintentional." Said statement is being accepted in satisfaction of 37 CFR 1.137(b)(3).

A review of the application file reveals that applicant has paid the petition fee. The required reply has been filed. No terminal disclaimer is required. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the national stage in the United States of America.

Inspection of the declaration filed on 22 July 2010 reveals that it is acceptable for purposes of compliance with 37 CFR 1.497(a) and (b).

This application is being returned to the Office of Patent Application Processing for further processing. Its date under 35 U.S.C. 371(c)(1), (2) and (4) is **22 July 2010**.

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

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JUL 22 2011

PCT LEGAL ADMINISTRATION

MOTOROLA MOBILITY, INC
600 NORTH US HIGHWAY 45, W2-55BB
LIBERTYVILLE IL 60048-5343

In re Application of: ROBERT et al. :
Application No.: 12/808,282 :
PCT No.: PCT/US2008/086906 : DECISION ON PETITION
Int. Filing Date: 16 December 2008 :
Priority Date: 26 December 2007 :
Attorney Docket No.: BCS04571 :
For: METHOD AND APPARATUS FOR PERFORMING CHANNEL EQUALIZATION ON A MIMO SIGNAL :

This decision is issued in response to applicants' "Response to Notification of Requirements" filed 16 May 2011. Applicants are notifying the Office that the name of the fourth inventor is Stephanie Rouquette-Levill as indicated on the Combined Declaration and Power of Attorney rather than Stephanie Rouguette-Levill as indicated on the published international application. Applicants' request has been treated under 37 CFR 1.181. No petition fee is due.

Section 605.04(b) of the Manual of Patent Examining Procedure states that, where a typographical or transliteration error in the spelling of an inventor's name is discovered, a petition is not required, nor is a new oath or declaration under 37 CFR 1.63 needed. Here, applicants' 16 May 2011 submission states that the name of the fourth inventor was listed incorrectly on the published international application and that the spelling of this inventor's name on the declaration is correct. Applicants' statement is construed that the spelling error contained in the published international application resulted from a typographical error. Accordingly, applicants' explanation of the difference in the spelling of the fourth inventor's name is accepted as Stephanie Rouquette-Levill and noted for the record. The declaration/power of attorney filed 15 June 2010 complies with 37 CFR 1.497(a)-(b).

For the reasons above, the request under 37 CFR 1.181 is **GRANTED**.

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/808,285	06/15/2010	Yuichiro Sasaki	043887-0235	2120

53080 7590 11/26/2010
MCDERMOTT WILL & EMERY LLP
600 13TH STREET, NW
WASHINGTON, DC 20005-3096

EXAMINER
LOKE, STEVEN HO YIN

ART UNIT	PAPER NUMBER
2818	

MAIL DATE	DELIVERY MODE
11/26/2010	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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MCDERMOTT WILL & EMERY LLP
600 13TH STREET, NW
WASHINGTON DC 20005-3096

In re Application of	
SASAKI et al.	**: DECISION ON REQUEST TO**
Application No.: 12/808,285	**: PARTICIPATE IN THE PATENT**
Filed: 15 June 2010	**: PROSECUTION HIGHWAY**
Attorney Docket No.: 043887-0235	**: PROGRAM AND PETITION**
For: PLASMA DOPING APPARATUS AND METHOD, AND METHOD FOR MANUFACTURING SEMICONDUCTOR DEVICE	**: 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 22 October 2010, to make the above-identified application special.

The request and petition are **GRANTED**.

Discussion

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

1. The U.S. application is

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

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

    or

    c. a so-called bypass application filed under 35 U.S.C. 111(a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application
        i. validly claims priority to an application filed in the JPO, or

ii. validly claims priority to a PCT application that contains no priority claims, or
iii. contains no priority claim;

2. Applicant must submit a copy of:
   a. The allowable/patentable claim(s) from the JPO application(s);
   b. An English translation of the allowable/patentable claim(s) and
   c. A statement that the English translation is accurate;
3. Applicant must:
   a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s) and
   b. Submit a claims correspondence table in English;
4. Examination of the U.S. application has not begun;
5. Applicant must submit:
   a. Documentation of prior office action:
      i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claim(s) or
      ii. if the allowable/patentable claims(s) are from a "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
      iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form;
   b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above
   c. A statement that the English translation is accurate;
6. Applicant must submit:
   a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application)
   b. Copies of the documents except U.S. patents or U.S. patent application publications (unless already submitted in this application);
7. The required petition fee under 37 CFR 1.17(h).

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

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

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

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

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

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MORRISON & FOERSTER LLP
425 MARKET STREET
SAN FRANCISCO CA 94105-2482

MAILED
MAY 05 2011
PCT LEGAL ADMINISTRATIO

In re Application of	:	DECISION ON
GIBSON et al	:	
Application No: 12/808,361	:	
PCT No.: PCT/US2008/087789	:	
Int. Filing Date: 19 December 2008	:	PETITION UNDER
Priority Date: 19 December 2007	:	
Attorney's Docket No: N/A	:	
For: INTERMARKET CLASS HYBRID LETTUCE	:	37 CFR 1.47(a)

This is in response to the "PETITION UNDER 37 CFR 1.47(a)" filed on 08 March 2011, requesting the acceptance of the application without the signature of the co-inventor Peter SALM. The $200.00 petition fee has not been provided.

BACKGROUND

On 15 June 2010, applicants filed a Transmittal Letter for entry into the national stage in the United States of America. Filed with the Transmittal Letter was, inter alia, the requisite basic national fee. No executed oath or declaration from the inventors accompanied the Transmittal Letter.

On 09 August 2010, the United States Designated/Elected Office (DO/EO/US) mailed a "NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)" (Form PCT/DO/EO/905), which informed applicant, inter alia, that an "Oath or Declaration of the inventors, in compliance with 37 CFR 1.497(a), and (b), identifying the application by the International application number and international filing date." The notice also indicated that the items must be submitted within two months from the mailing date of this notice or by 32 months from the priority date, whichever is later, in order to avoid abandonment of the national stage application.

On 08 March 2011, petitioner filed the present petition accompanied, inter alia, an executed Declaration without the signature of one of the co-inventors, i.e., without the signature of Peter SALM.

DISCUSSION

A petition under 37 CFR 1.47(a) must be accompanied by (1) the fee under 37 CFR 1.17(g), (2) factual proof that the missing joint inventor refuses to execute the application or cannot be reached after diligent effort, (3) a statement

of the last known address of the missing inventor, and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and on behalf of the non-signing joint inventor.

Furthermore, section 409.03(d) of the Manual of Patent Examining Procedure (M.P.E.P.) **Proof of Unavailability or Refusal**, the relevant sections states, in part:

REFUSAL TO JOIN:

A refusal by an inventor to sign an oath or declaration when the inventor has not been presented with the application papers does not itself suggest that the inventor is refusing to join the application unless it is clear that the inventor understands exactly what he or she is being asked to sign and refuses to accept the application papers. A copy of the application papers should be sent to the last known address of the nonsigning inventor, or, if the nonsigning inventor is represented by counsel, to the address of the nonsigning inventor's attorney. The fact that an application may contain proprietary information does not relieve the **37 CFR 1.47** applicant of the responsibility to present the application papers to the inventor if the inventor is willing to receive the papers in order to sign the oath or declaration. It is noted that the inventor may obtain a complete copy of the application, unless the inventor has assigned his or her interest in the application, and the assignee has requested that the inventor not be permitted access. See **MPEP § 106**. It is reasonable to require that the inventor be presented with the application papers before a petition under **37 CFR 1.47** is granted since such a procedure ensures that the inventor is apprised of the application to which the oath or declaration is directed. *In re Gray*, 115 USPQ 80 (Comm'r Pat. 1956).

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

Proof that a *bona fide* attempt was made to present a copy of the application papers (specification, including claims, drawings, and oath or declaration) to the nonsigning inventor for signature, but the inventor refused to accept delivery of the papers or expressly stated that the application papers should not be sent, may be sufficient. When there is an express oral refusal, that fact along with the time and place of the refusal must be stated in the statement of facts. When there is an express written refusal, a copy of the document evidencing that refusal must be made part of the statement of facts. The document may be redacted to remove material not related to the inventor's reasons for refusal.

> When it is concluded by the **37 CFR 1.47** applicant that a nonsigning inventor's conduct constitutes a refusal, all facts upon which that conclusion is based should be stated in the statement of facts in support of the petition or directly in the petition. If there is documentary evidence to support facts alleged in the petition or in any statement of facts, such evidence should be submitted. Whenever a nonsigning inventor gives a reason for refusing to sign the application oath or declaration, that reason should be stated in the petition.

Petitioner has satisfied items (1), (3), and (4) of 37 CFR 1.47(a). However, item (2) of 37 CFR 1.47(a) has not been satisfied.

Regarding item (1), petitioner has provided the petition fee of $200 under 37 CFR 1.17(g).

Regarding item (2), Mr. Gibson states in his affidavit that he has been in contact with Peter SALM on numerous occasions by phone and in person since the filing of this patent, specifically they met on January 2011, December 201, October 2010 and July 2010. He then states that in those instances he was unable to obtain Mr. SALM's signature on the declaration for the above application.

However, a review of the affidavits is not clear that a complete set of application papers were presented to Mr. SALM for his review and to sign the required document during their meetings. It is noted that no documentary evidence has been introduced into the file that shows that Mr. SLAM was presented with a complete application as the affidavit of Mr. Gibson only refers to the Declaration and Assignment documents. Before a refusal can be alleged, it must be demonstrated that a bona fide attempt was made to present a copy of the application papers (specification, including claims, drawings, and oath or declaration) to the non-signing inventor for signature. It would appear, from Mr. Gibson's statement, the affidavits, that Mr. SALM was only given the declaration and the assignment to sign and not a complete copy of the application.

Moreover, the when there is an express oral refusal, that fact along with the time and place of the refusal must be stated in the statement of facts and the affidavits provided by Mr. Gibson do not meet such requirement as they are vague to the specifics.

Consequently, the petition does not include sufficient factual proof that Mr. SALM refuses to sign the required papers as a complete set of the application papers were not presented to him.

Regarding item (3), petitioner has provided an affirmative statement of the last known address of the missing co-inventor, Peter SALM.

870 Park Avenue #105
Capitola, California 95010

Regarding time (4), petitioner has provided a provided a properly executed declaration with without the signature of Mr. SALM.

Consequently, at this time it can not be concluded that Mr. SALM has refused to sign the documents based on the evidence provided.

Accordingly, the petition has not met all the items under 37 CFR 1.47(a).

DECISION

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

If reconsideration of the merits of the petition under 37 CFR 1.47(a) is desired, applicant must file a request for reconsideration within **TWO (2) MONTHS** from the mail date of this Decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)." Extensions of time are available under 37 CFR 1.136(a). Failure to timely file the proper response will result in ABANDONMENT.

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

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

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MORRISON & FOERSTER LLP
425 MARKET STREET
SAN FRANCISCO CA 94105-2482

MAILED
OCT 07 2011
PCT LEGAL ADMINISTRATION

In re Application of	:	DECISION ON
GIBSON et al	:	
Application No: 12/808,361	:	
PCT No.: PCT/US2008/087789	:	
Int. Filing Date: 19 December 2008	:	PETITION UNDER
Priority Date: 19 December 2007	:	
Attorney's Docket No: N/A	:	
For: INTERMARKET CLASS HYBRID LETTUCE	:	37 CFR 1.47(a)

This decision is in response to applicants' " RENEWED PETITION UNDER 37 CFR 1.47(a)," filed on 02 August 2011.

BACKGROUND

The decision by this Office dated 05 May 2011 indicated that item (2) under 37 CFR 1.47(a) had not been satisfied.

On 02 August 2011, petitioner filed this renewed petition accompanied, inter alia, an executed declaration by previous nonsigning co-inventor Peter SALM.

DISCUSSION

The renewed petition includes a newly executed declaration and the declaration is now signed by all the joint inventors.

Accordingly, the declaration submitted on 02 February 2011 complies with 37 CFR 1.497(a) and (b).

CONCLUSION

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

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for continued processing consistent with this decision. The 35 USC 371(c)(1), (c)(2), and (c)(4) date of this application is **02 August 2011.**

Rafael Bacares
PCT Legal Examiner
PCT Legal Office
Tel: (571) 272-3276
Fax: (571) 273-0459

PTO/SB/20PCT-EP (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 EUROPEAN PATENT OFFICE (EPO) AND THE USPTO

Application No:	12/808,425	Filing date:	September 28, 2010
First Named Inventor:	Jacobus Stark		
Title of the Invention:	TREATMENT OF BANANA AND POTATO PLANTS WITH A NEW ANTIFUNGAL COMPOSITION		

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

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

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

The corresponding PCT application number(s) is/are: PCT/EP2008/067975

The international filing date of the corresponding PCT application(s) is/are: December 19, 2008

I. List of Required Documents:

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

☐ Is attached

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

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

☐ Is attached.

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

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

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

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.:	12/808,425
First Named Inventor:	Jacobus Stark

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 16, 2010

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

☐ Are attached.

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

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1	1	The claims sufficiently correspond
2	2	The claims sufficiently correspond
3	3	Single dependent claim based on PCT claim 3 (multiple dependent)
4	4	Single dependent claim based on PCT claim 4 (multiple dependent)
5	5	Single dependent claim based on PCT claim 5 (multiple dependent)
6	6	Single dependent claim based on PCT claim 6 (multiple dependent)
8	8	The claims sufficiently correspond
9	9	The claims sufficiently correspond
10	7	Process claim based on PCT claim 7 (use claim)

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

Signature /Bryan W. Jones/	Date 03/01/2012
Name (Print/Typed) Bryan W. Jones	Registration Number 66,992

Privacy Act Statement

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6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
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8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

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MAY 03 2011

PCT LEGAL ADMINISTRATION

RANKIN, HILL & CLARK LLP
23755 LORAIN ROAD - SUITE 200
NORTH OLMSTED, OH 44070-2224

In re Application of FRIEDMANN et al	:	
U.S. Application No.: 12/808,438	:	
PCT Application No.: PCT/EP2008/068115	:	DECISION
Int. Filing Date: 19 December 2008	:	
Priority Date Claimed: 19 December 2007	:	
Attorney Docket No.: HUB-33598	:	
For: TRACE ELEMENT SOLUTION FOR BIOGAS METHODS	:	

This is in response to applicant's petition under 37 CFR 1.47(a) filed on 24 January 2011.

BACKGROUND

On 19 December 2008, applicant filed international application PCT/EP2008/068115, which claimed priority of an earlier Germany application filed 19 December 2007. A copy of the international application was communicated to the USPTO from the International Bureau on 25 June 2009. The thirty-month period for paying the basic national fee in the United States expired on 21 June 2010.

On 16 June 2010, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

On 25 August 2010, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905), which indicated that an oath or declaration in compliance with 37 CFR 1.497 must be filed.

On 24 January 2011, applicant filed the present petition under 37 CFR 1.47(a).

DISCUSSION

A petition under 37 CFR 1.47(a) must be accompanied by: (1) an oath or declaration by each applicant on his or her own behalf and on behalf of the nonsigning joint inventors, (2)

factual proof that the missing joint inventors refuse to join in the application or cannot be reached after diligent effort, (3) the fee set forth in §1.17(i), and (4) the last known addresses of the nonsigning joint inventors.

With regard to item (1) above, applicant has submitted a declaration signed by the available inventor on his own behalf and on behalf of the nonsigning inventor.

With regard to item (2) above, MPEP 409.03(d) states in relevant part,

> A refusal by an inventor to sign an oath or declaration when the inventor has not been presented with the application papers does not itself suggest that the inventor is refusing to join the application unless it is clear that the inventor understands exactly what he or she is being asked to sign and refuses to accept the application papers. A copy of the application papers should be sent to the last known address of the nonsigning inventor, or, if the nonsigning inventor is represented by counsel, to the address of the nonsigning inventor's attorney. . . . It is reasonable to require that the inventor be presented with the application papers before a petition under 37 CFR 1.47 is granted since such a procedure ensures that the inventor is apprised of the application to which the oath or declaration is directed. In re Gray, 115 USPQ 80 (Comm'r Pat. 1956).
>
> Where a refusal of the inventor to sign the application papers is alleged, the circumstances of the presentation of the application papers and of the refusal must be specified in a statement of facts by the person who presented the inventor with the application papers and/or to whom the refusal was made. Statements by a party not present when an oral refusal is made will not be accepted.
>
> Proof that a bona fide attempt was made to present a copy of the application papers (specification, including claims, drawings, and oath or declaration) to the nonsigning inventor for signature, but the inventor refused to accept delivery of the papers or expressly stated that the application papers should not be sent, may be sufficient. When there is an express oral refusal, that fact along with the time and place of the refusal must be stated in the statement of facts. When there is an express written refusal, a copy of the document evidencing that refusal must be made part of the statement of facts. The document may be redacted to remove material not related to the inventor's reasons for refusal.
>
> When it is concluded by the 37 CFR 1.47 applicant that a nonsigning inventor's conduct constitutes a refusal, all facts upon which that conclusion is based should be stated in the statement of facts in support of the petition or directly in the petition. If there is documentary evidence to support facts alleged in the petition or in any statement of facts, such evidence should be submitted. Whenever a nonsigning inventor gives a reason for refusing to sign the application oath or declaration, that reason should be stated in the petition.

The petition states that joint inventor Hans Friedmann refuses to sign the application papers. However, the petition does not include a statement from the person to whom the purported refusal was made, i.e. Uwe Holzvoigt. Furthermore, the petition does not include documentary evidence that the application papers were sent to and received by Friedmann. Thus, it would not be reasonable to conclude at the present time that Friedmann refuses to join in the application.

With regard to item (3) above, the requisite petition fee will be charged to Deposit Account No. 18-0160 as authorized in the petition.

With regard to item (4) above, the petition states the last known address of the nonsigning inventor.

CONCLUSION

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

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

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

Bryan Lin
PCT Legal Examiner
PCT Legal Office

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RANKIN, HILL & CLARK LLP
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MAILED
SEP 28 2011
PCT LEGAL ADMINISTRATION

In re Application of FRIEDMANN et al :
U.S. Application No.: 12/808,438 :
PCT Application No.: PCT/EP2008/068115 :
Int. Filing Date: 19 December 2008 : DECISION
Priority Date Claimed: 19 December 2007 :
Attorney Docket No.: HUB-33598 :
For: TRACE ELEMENT SOLUTION FOR :
BIOGAS METHODS :

This is in response to applicant's renewed petition under 37 CFR 1.47(a) filed 03 August 2011.

BACKGROUND

On 19 December 2008, applicant filed international application PCT/EP2008/068115, which claimed priority of an earlier Germany application filed 19 December 2007. A copy of the international application was communicated to the USPTO from the International Bureau on 25 June 2009. The thirty-month period for paying the basic national fee in the United States expired on 21 June 2010.

On 16 June 2010, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

On 25 August 2010, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905), which indicated that an oath or declaration in compliance with 37 CFR 1.497 must be filed.

On 24 January 2011, applicant filed a petition under 37 CFR 1.47(a).

On 03 May 2011, this Office mailed a decision dismissing the 23 January 2011 petition.

On 03 August 2011, applicant filed the instant renewed petition under 37 CFR 1.47(a).

DISCUSSION

A petition under 37 CFR 1.47(a) must be accompanied by: (1) an oath or declaration by each applicant on his or her own behalf and on behalf of the nonsigning joint inventors, (2) factual proof that the missing joint inventors refuse to join in the application or cannot be reached after diligent effort, (3) the fee set forth in §1.17(i), and (4) the last known addresses of the nonsigning joint inventors.

Applicant previously satisfied items (1), (3), and (4) above.

With regard to item (2) above, MPEP 409.03(d) states in relevant part,

> A refusal by an inventor to sign an oath or declaration when the inventor has not been presented with the application papers does not itself suggest that the inventor is refusing to join the application unless it is clear that the inventor understands exactly what he or she is being asked to sign and refuses to accept the application papers. A copy of the application papers should be sent to the last known address of the nonsigning inventor, or, if the nonsigning inventor is represented by counsel, to the address of the nonsigning inventor's attorney. . . . It is reasonable to require that the inventor be presented with the application papers before a petition under 37 CFR 1.47 is granted since such a procedure ensures that the inventor is apprised of the application to which the oath or declaration is directed. In re Gray, 115 USPQ 80 (Comm'r Pat. 1956).
>
> Where a refusal of the inventor to sign the application papers is alleged, the circumstances of the presentation of the application papers and of the refusal must be specified in a statement of facts by the person who presented the inventor with the application papers and/or to whom the refusal was made. Statements by a party not present when an oral refusal is made will not be accepted.
>
> Proof that a bona fide attempt was made to present a copy of the application papers (specification, including claims, drawings, and oath or declaration) to the nonsigning inventor for signature, but the inventor refused to accept delivery of the papers or expressly stated that the application papers should not be sent, may be sufficient. When there is an express oral refusal, that fact along with the time and place of the refusal must be stated in the statement of facts. When there is an express written refusal, a copy of the document evidencing that refusal must be made part of the statement of facts. The document may be redacted to remove material not related to the inventor's reasons for refusal.
>
> When it is concluded by the 37 CFR 1.47 applicant that a nonsigning inventor's conduct constitutes a refusal, all facts upon which that conclusion is based should be stated in the statement of facts in support of the petition or directly in the petition. If there is documentary evidence to support facts alleged in the petition or in any statement of facts, such evidence should be submitted. Whenever a nonsigning inventor gives a reason for refusing to sign the application oath or declaration, that reason should be stated in the petition.

The petition states that joint inventor Hans Friedmann refuses to sign the application papers. The petition adequately demonstrates that a bona fide attempt was made to present a copy of the application papers to the inventor for signature and that he received such papers (see

affidavit of Jorg Bornemann, ¶2 and Exhibit B). Furthermore, the petition sufficiently illustrates that the inventor refuses to sign. In particular, inventor Friedmann's failure to return an executed declaration in response to the correspondence delivered to him constitutes a constructive refusal to cooperate. Thus, it can be concluded with reasonable certainty that inventor Friedmann refuses to join in the application.

CONCLUSION

For the reasons above, the renewed petition under 37 CFR 1.47(a) is GRANTED.

The application has an International Filing Date under 35 U.S.C. 363 of 19 December 2008, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 21 January 2011.

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

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

Bryan Lin

Bryan Lin
PCT Legal Examiner
PCT Legal Office

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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Hans Friedmann
Riederbuch 2
85298 Scheyern-Fernhag
GERMANY

MAILED
SEP 28 2011
PCT LEGAL ADMINISTRATION

In re Application of FRIEDMANN et al
U.S. Application No.: 12/808,438
PCT Application No.: PCT/EP2008/068115
Int. Filing Date: 19 December 2008
Priority Date Claimed: 19 December 2007
For: TRACE ELEMENT SOLUTION FOR BIOGAS METHODS

Dear Hans Friedmann:

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

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

BryanLin

Bryan Lin
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RANKIN, HILL & CLARK LLP
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Attorney Docket No.: HUB-33598

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WARNER, NORCROSS & JUDD
IN RE: ALTICOR INC.
INTELLECTUAL PROPERTY GROUP
111 LYON STREET, N. W. STE 900
GRAND RAPIDS MI 49503-2489

MAILED
MAR 04 2011
PCT LEGAL ADMINISTRATION

In re Application of :
LEMMENS, Willy Henri, et al. :
Application No.: 12/808,490 :
PCT No.: PCT/GB2008/004206 :
Int. Filing Date: 18 December 2008 :
Priority Date: 21 December 2007 :
Docket No.: 120270.130673-US :
For: CIRCUITRY FOR INDUCTIVE :
POWER TRANSFER :

DECISION

ON PETITION UNDER

37 CFR 1.47(a)

This is a decision on applicants' Petition Under 37 CFR 1.47(a), filed in the United States Patent and Trademark Office (USPTO) on 13 December 2010.

BACKGROUND

On 21 October 2010, the Office mailed Notification of Missing Requirements (Form PCT/DO/EO/905) indicating that an oath or declaration of the inventors was required.

On 13 December 2010, applicants filed a petition under 37 CFR 1.47(a).

DISCUSSION

A petition under 37 CFR 1.47 must be accompanied by: (1) the fee under 37 CFR 1.17(h), (2) proof of pertinent facts, namely that the inventor refuses to sign after being presented with the application papers or cannot be reached after diligent effort, (3) a statement of the last known address of the inventor, and (4) an oath or declaration by the 37 CFR 1.47(a) applicant on behalf of himself or herself and the nonsigning applicant.

Items (1) and (2) have been met. The petition fee has been paid. Applicants have presented the inventor with a copy of the application papers, including the declaration and through counsel, he has refused to join.

Item (3) has not been satisfied. Applicants have not stated the last known residential address of the inventor. MPEP 605.03.

Item (4) has not been satisfied. The declaration has four defects.

First, the declaration identifies the "third" inventor as "John De Clercq." The inventors in the national phase filing, must match those in the international application as filed or as modified under PCT Rule 92*bis*. 37 CFR 1.41(a)(4). In the international application, the third inventor is listed as "J De Clercq". This name does not match and further, does not comply with international rules for naming natural persons, that require the listing of family and given name(s). PCT Rule 4.4(a). It also would not comply with 37 CFR 1.63(a)(2).

Second, the declaration is pieced together from two pages 1 and one page 2. While it is acceptable for inventors to execute separate copies of the declaration, the complete declaration as executed by each inventor must be returned to the Office.

Third, the citizenship of Mr. Lemmens contains a non-initialed, non-dated alteration made in ink. MPEP 605.04(a). A new declaration of Mr. Lemmens is required.

Finally, applicants modified the text of the USPTO declaration form listing Mr. De Clercq, but did not remove the USPTO application form number. 37 CFR 1.4(d)(3). The modification was unnecessary and also is not permitted without the removal of the form number. The modified form cannot be part of a declaration in compliance with 37 CFR 1.497(a)-(b).

CONCLUSION

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

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

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

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Telephone: 571-272-3292

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AUG 05 2011

PCT LEGAL ADMINISTRATION

WARNER, NORCROSS & JUDD
IN RE: ALTICOR INC.
INTELLECTUAL PROPERTY GROUP
111 LYON STREET, N. W. STE 900
GRAND RAPIDS MI 49503-2489

In re Application of LEMMENS, Willy Henri, et al. Application No.: 12/808,490 PCT No.: PCT/GB2008/004206 Int. Filing Date: 18 December 2008 Priority Date: 21 December 2007 Docket No.: 120270.130673-US For: CIRCUITRY FOR INDUCTIVE POWER TRANSFER	DECISION ON PETITIONS UNDER 37 CFR 1.47(a) and 1.182

This is a decision on applicants' renewed Petition Under 37 CFR 1.47(a) and Petition Under 37 CFR 1.182, filed in the United States Patent and Trademark Office (USPTO) on 06 June 2011.

BACKGROUND

On 04 March 2011, the Office mailed Decision On Petition Under 37 CFR 1.47(a), dismissing applicants' petition without prejudice and setting a two month period for reply.

On 06 June 2011, applicants filed a renewed petition under 37 CFR 1.47(a), a petition under 37 CFR 1.182 and the fee for a one month extension of time.

DISCUSSION

A petition under 37 CFR 1.47 must be accompanied by: (1) the fee under 37 CFR 1.17(h), (2) proof of pertinent facts, namely that the inventor refuses to sign after being presented with the application papers or cannot be reached after diligent effort, (3) a statement of the last known address of the inventor, and (4) an oath or declaration by the 37 CFR 1.47(a) applicant on behalf of himself or herself and the nonsigning applicant.

Items (1) and (2) were previously satisfied. The petition fee has been paid. Applicants have presented the inventor with a copy of the application papers, including the declaration and through counsel, he has refused to join.

Item (3) has been satisfied. Applicants state the last known residential address of John De Clercq as Blekta 91, Lede 9340, Belgium.

Item (4) has been satisfied. Applicants have supplied a petition under 37 CFR 1.182 to correct the name of inventor De Clercq stating that the inventor was not listed by a first name because they did not know it at the time of filing the international. Further, while non-initialed non-dated alterations to the declaration are a defect under 37 CFR 1.63, they are no longer deemed a defect for the purposes of 37 CFR 1.497(a)-(b). As such the 13 December 2010 declaration is being accepted for compliance with 37 CFR 1.497(a)-(b).

CONCLUSION

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

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

A notice of the filing of the application under 37 CFR 1.47(a) will be published in the Official Gazette.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application, including accordation of a 35 U.S.C. §371(c)(1), (c)(2) and (c)(4) date of **13 December 2010**.

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

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MAILED

AUG 05 2011

PCT LEGAL ADMINISTRATION

John De Clercq
Blekta 91
Lede 9340
Belgium

In re Application of
LEMMENS, Willy Henri, et al.
Application No.: 12/808,490
PCT No.: PCT/GB2008/004206
Int. Filing Date: 18 December 2008
Priority Date: 21 December 2007
Docket No.: 120270.130673-US
For: CIRCUITRY FOR INDUCTIVE POWER TRANSFER

Dear Mr. De Clercq:

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

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

/Erin P. Thomson/

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WARNER, NORCROSS & JUDD
IN RE: ALTICOR INC.
INTELLECTUAL PROPERTY GROUP
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DEC 06 2011

PCT LEGAL ADMINISTRATION

MEADWESTVACO CORPORATION
ATTN: IP LAW GROUP - PATENTS
501 South 5th Street, 3rd Floor
Richmond VA 23219-0501

In re Application of
BEALES
Application No.: 12/808,573
PCT No.: PCT/US08/87960
Int. Filing Date: 22 December 2008
Priority Date: 24 December 2007
Atty Docket No.: 20977-USPCT
For: CARRYING HANDLE FOR A CARTON

DECISION ON PETITION

UNDER 37 CFR 1.497(d)

This is a decision on applicant's request for "Correction of Inventorship Pursuant to 37 CFR 1.497(d)", filed on 26 September 2011 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 16 June 2010, applicant filed a Transmittal Letter to the United States Designated/Elected Office (DO/EO/US) Concerning a Submission Under 35 U.S.C. 371 requesting entry into the U.S. national stage for the above referenced international application.

On 25 April 2011, a Notification of Missing Requirements was mailed to applicant indicating, *inter alia*, that the oath or declaration, in compliance with 37 CFR 1.497(a) and (b) was required. On 25 July 2011, applicant filed a declaration executed by the inventor named in the published international application and by Aaron L. Bates.

On 09 August 2011, a Notification of Defective Response was mailed to applicant indicating that "only inventors who are listed on the Published International application can sign the declaration."

On 26 September 2011, applicant filed a response to the notification along with a request under 37 CFR 1.497(d) for correction of inventorship, to add Aaron L. Bates as a inventor. In addition to the $130 petition fee, Petitioner provided the statement of Aaron L. Bates as an inventor in support of the correction of inventorship under 37 CFR 1.497(d).

DISCUSSION

Where the oath or declaration filed pursuant to 35 U.S.C. 371(c)(4) and 37 CFR 1.497(d) names an inventive entity different from the inventive entity set forth in the international application, the oath or declaration must be accompanied by: (1) a statement from each person being added as an inventor that any error in inventorship occurred without deceptive intention on his or her part; (2) the fee set forth in § 1.17(i); and (3) if an assignment has been executed by any of the original named inventors, the written consent of the assignee(s) (See 37 CFR 3.73(b)).

Applicant satisfied Items (1) and (2). With regard to Item (3), it appears that there is no assignee for this application. If this is incorrect, applicant must immediately notify the Office and provide the written consent of the assignee to correct the inventorship under 37 CFR 1.497(d)(3) consenting to the addition of Aaron L. Bates as an inventor in this application. (See 37 CFR 3.73(b)). Where there is no assignee, Item (3) above is not required.

CONCLUSION

The petition under 37 CFR 1.497(d) in the above-captioned application is hereby **GRANTED**.

The application will be forwarded to the United States Designated/Elected Office for further processing.

/Cynthia M. Kratz/
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Telephone: (571)272-3286

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DEC 09 2010

PCT LEGAL ADMINISTRATION

In re Application of: KIM, Soo-Jin, et al.
U.S. Application No.: 12/808,614
PCT No.: PCT/KR2008/007487
International Filing Date: 17 December 2008
Priority Date: 17 December 2007
Attorney Docket No.: 3563-0134PUS1
For: NON-AQUEOUS ELECTROLYTE SOLUTION FOR LITHIUM SECONDARY BATTERY AND LITHIUM SECONDARY BATTER COMPRISING THE SAME

DECISION ON PETITION
(37 CFR 1.47(a))

This decision is issued in response to applicants' "Petition Under 37 CFR § 1.47(a)" filed 08 October 2010. Applicants have paid the required petition fee.

BACKGROUND

On 17 December 2008, applicants filed international application PCT/KR2008/07487. The international application claimed a priority date of 17 December 2007, and it designated the United States. On 25 June 2009, the International Bureau (IB) communicated a copy of the international application to the United States Patent and Trademark Office (USPTO). The deadline for submission of the basic national fee was thirty months from the priority date, i.e., 17 June 2010.

On 16 June 2010, applicants' filed materials to initiate the present national stage application including, among other materials, payment of the basic national fee.

On 10 August 2010, the United States Designated/Elected Office (DO/EO/US) mailed a "Notification Of Missing Requirements" (Form PCT/DO/EO/905) requiring submission of an oath or declaration in compliance with 37 CFR 1.497, the surcharge for filing the oath or declaration later than thirty months after the priority date, and payment of the search and examination fees.

On 08 October 2010, applicants filed a response to the Notification Of Missing Requirements that included payment of the required fees and surcharge, a partially executed declaration, and the "Petition Under 37 CFR § 1.47(a)" considered herein. The petition requests acceptance of the declaration without the signature of non-signing co-inventor Su-Jin YOON, whom applicants assert cannot be located.

DISCUSSION

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

Applicants here have provided the required petition fee. Item (1) is therefore satisfied.

Regarding item (2), the petition contains an express statement of the last known address of the non-signing inventor. Item (2) is therefore satisfied.

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

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

Here, applicants have filed a declaration executed by four of the five inventors of record, and the declaration includes an unsigned signature block for the non-signing inventor. The declaration also includes a supplemental sheet in which the signing inventors confirm that they have executed the declaration on their own behalf and on behalf of the non-signing inventor. This declaration may be accepted as having been executed by the signing inventors on their own behalf and on behalf of the non-signing inventor. Item (3) is therefore satisfied.

Regarding item (4), MPEP section 409.03(d) sets forth the requirements for a showing that a non-signing inventor cannot be located after diligent effort:

> Where inability to find or reach a nonsigning inventor "after diligent effort" is the reason for filing under 37 CFR 1.47, a statement of facts should be submitted that fully describes the exact facts which are relied on to establish that a diligent effort was made. [...]
>
> The statement of facts must be signed, where at all possible, by a person having firsthand knowledge of the facts recited therein. Statements based on hearsay will not normally be accepted. Copies of documentary evidence such as internet searches, certified mail return receipts, cover letters of instructions, telegrams, that support a finding that the nonsigning inventor could not be found or reached should be made part of the statement. The steps taken to locate the whereabouts of the nonsigning inventor should be included in the statement of facts. It is important that the statement contain facts as opposed to conclusions.

The statement of Mi-Ran SONG and accompanying documents provided here indicate that a signature request was forwarded to the last known address of the non-signing inventor, and that the correspondence was returned as undeliverable. The statement also indicates that an attempt to reach the inventor by telephone was unsuccessful because the number had been disconnected, and that a current address or telephone number could not be found "in available directories." However, an unsuccessful attempt to reach an inventor at an outdated address and

telephone number, on its own, is not sufficient to demonstrate a diligent effort to locate the inventor, nor is petitioner's imprecise reference to a search of "available directories" sufficiently detailed to support the conclusion that a diligent effort has been made to obtain current contact information for the non-signing inventor. A firsthand statement, with supporting documents, setting forth in detail the efforts made to obtain current contact information for the non-signing inventor and contact him at such current address, including, but not limited to, an internet search (with the results of such search being made of record herein) is required before it can be concluded that the non-signing inventor cannot be located after diligent effort.

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

CONCLUSION

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

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

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

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

/RichardMRoss/

Richard M. Ross
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UNITED STATES PATENT AND TRADEMARK OFFICE

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APR 29 2011

PCT LEGAL ADMINISTRATION

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

In re Application of: KIM, Soo-Jin, et al.	:	
U.S. Application No.: 12/808,614	:	DECISION ON RENEWED
PCT No.: PCT/KR2008/007487	:	PETITION
International Filing Date: 17 December 2008	:	(37 CFR 1.47(a))
Priority Date: 17 December 2007	:	
Attorney Docket No.: 3563-0134PUS1	:	
For: NON-AQUEOUS ELECTROLYTE	:	
SOLUTION FOR LITHIUM	:	
SECONDARY BATTERY AND	:	
LITHIUM SECONDARY BATTER	:	
COMPRISING THE SAME	:	

This decision is issued in response to applicants' "Reconsideration Of Petition Under 37 C.F.R. 1.47(a)" filed on 09 March 2011, treated herein as a renewed petition. No additional petition fee is required.

BACKGROUND

The procedural background for the present application was set forth in the decision issued on 09 December 2010. The decision dismissed without prejudice applicants' petition under 37 CFR 1.47(a), finding that applicants had not satisfied all the requirements of a grantable petition. Specifically, the decision indicated that applicants had not provided an acceptable showing that the non-signing inventor cannot be located after diligent effort.

On 09 March 2011, applicants filed the renewed petition under 37 CFR 1.47(a) considered herein.

DISCUSSION

The renewed petition is accompanied by a "Supplemental Statement Of Facts" from Mi-Ran Song," with accompanying documents, describing the efforts made to locate the non-signing inventor, including contacting former employees and conducting an internet search. These materials, in combination with those previously submitted, provide an acceptable showing that the non-signing inventor cannot be located after diligent effort.

Based on the above, applicants have now satisfied the final outstanding elements of a grantable petition under 37 CFR 1.47(a). The petition is therefore appropriately granted.

CONCLUSION

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

The application is accepted without the signature of non-signing co-inventor Su-Jin YOON.

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

The application is being referred to the National Stage Processing Branch of the Office of PCT Operations for further processing. The date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) is 08 October 2010.

/RichardMRoss/

Richard M. Ross
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APR 29 2011

PCT LEGAL ADMINISTRATION

Su-Jin YOON
392 bunji
Yeong-Jin Jeonwon Maeul
Samhap-ri, Silchon-eup
Gwanju-si, Gyeonggi-do
464-871
REPUBLIC OF KOREA

In re Application of: KIM, Soo-Jin, et al.
U.S. Application No.: 12/808,614
PCT No.: PCT/KR2008/007487
International Filing Date: 17 December 2008
Priority Date: 17 December 2007
Attorney Docket No.: 3563-0134PUS1
For: NON-AQUEOUS ELECTROLYTE SOLUTION FOR LITHIUM SECONDARY BATTERY AND LITHIUM SECONDARY BATTER COMPRISING THE SAME

Dear Su-Jin YOON:

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

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

/RichardMRoss/

Richard M. Ross
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Counsel Of Record:
BIRCH STEWART KOLASCH & BIRCH
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30 SEP 2010

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NXP, B.V.
NXP INTELLECTUAL PROPERTY & LICENSING
M/S41-SJ
1109 MCKAY DRIVE
SAN JOSE CA 95131

In re Application of	:	
Rousseville et al.	:	
Application No. 12/808,626	:	
PCT No.: PCT/IB2008/055356	:	
Int. Filing Date: 17 December 2008	:	DECISION
Priority Date: 17 December 2007	:	
Atty. Docket No.: 81055097 US05	:	
For: Embedded Structure For	:	
Passivation Integrity Testing	:	

This is in response to the "Request For Correction Of Inventorship" filed on 30 June 2010.

BACKGROUND

This international application was filed on 17 December 2008, claimed an earlier priority date of 17 December 2007, and designated the U.S. The International Bureau transmitted a copy of the published international application to the USPTO on 25 June 2009. The 30 month time period for paying the basic national fee in the United States expired at midnight on 17 June 2010. Applicants filed, *inter alia*, the basic national fee on 16 June 2010.

DISCUSSION

Inspection of the declaration filed on 30 June 2010 reveals that it names "Sebastien Jacqueline" and "Dominique Yon" in lieu of "SEBASTIEN, Jacqueline" and "YON, Dominque"nominated in the published international application. Counsel does not address the nature of the discrepancy in the name of inventor Yon. However, counsel does request correction of the inverted name order of inventor Jacqueline. MPEP 605.04(b) states in part that

> *Except for correction of a typographical or transliteration error in the spelling of an inventor's name, a request to have the name changed from the typewritten version to the signed version or any other corrections in the name of the inventor(s) will not be entertained, unless accompanied by a petition under 37 CFR 1.182 together with an appropriate petition fee.*

In that the requested change clearly represents more than the correction of a typographical or transliteration error (since name inversion is not regarded as a mere typographical error), a formal petition under 37 CFR 1.182 would be required in order for the change to be accepted. Any such petition should be accompanied by a first-hand statement, preferably by the inventor himself, stating the relevant facts. *See also* MPEP 1893.01(e).

Here, applicants have provided a "Statement of Fact" by Sebastien Jacqueline, who asserts his correct name and indicates that the "name Jacqueline Sebastien was erroneously

entered in the International Application PCT/IB2008/055356 which was filed on December 17, 2008 without deceptive intent."

Since applicants have not addressed the discrepancy in inventor Yon's name and have not paid or specifically authorized charging the appropriate petition fee, it would not be appropriate to accept the declaration under 37 CFR 1.182 at this time.

DECISION

The declaration filed on 30 June 2010 is **NOT ACCEPTED**, without prejudice.

If reconsideration on the merits of this matter is desired, a proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time are available under 37 CFR 1.136(a). Failure to timely reply will result in **ABANDONMENT**.

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

/George Dombroske/
George Dombroske
PCT Legal Examiner
Office of PCT Legal Administration
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In re Application of :
Rousseville et al. :
Application No. 12/808,626 :
PCT No.: PCT/IB2008/055356 :
Int. Filing Date: 17 December 2008 : DECISION
Priority Date: 17 December 2007 :
Atty. Docket No.: 81055097 US05 :
For: Embedded Structure For :
Passivation Integrity Testing :

This is in response to the petition filed on 15 December 2010, which is being treated under 37 CFR 1.182.

DISCUSSION

In a Decision mailed on 30 September 2010, the declaration filed on 30 June 2010 was not accepted for purposes of compliance with 37 CFR 1.497(a) and (b), without prejudice, because of an apparent discrepancy in the name of inventor Yon.

In response, petitioner has clarified that the name of the inventor in question is, in fact, Dominique Yon, as it appears on the declaration filed on 30 June 2010. This explanation is supported by a "Statement of Fact" signed by Ms. Yon, certifying that her name as it appears in the declaration was correct. In view of the totality of the evidence of record, it would be appropriate to accept Ms. Yon's name as it appears in the declaration filed on 30 June 2010. Meanwhile, as described in the Decision mailed on 30 September 2010, the correspondence filed on 30 June 2010 included a "Statement of Fact" by Sebastien Jacqueline, which adequately explained the discrepancy in his name. Therefore, it now would be appropriate to accept the declaration filed on 30 June 2010 for purposes of compliance with 37 CFR 1.497(a) and (b).

DECISION

The petition is **GRANTED**.

This application is being returned to the Office of Patent Application Processing. Its date under 35 U.S.C. 371(c)(1), (2) and (4) is **30 June 2010**.

/George Dombroske/
George Dombroske
PCT Legal Examiner
Office of PCT Legal Administration
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IRVINE CA 92614

MAILED
JUL 07 2011
OFFICE OF PETITIONS

Applicant: Edward Hartwell
Appl. No.: 12/808,648
International Filing Date: December 3, 2008
Title: TEST APPARATUS
Attorney Docket No.: SMNPH.105APC
Pub. No.: US 2010/0268180 A1
Pub. Date: October 21, 2010

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on November 5, 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 assignee's name is incorrect.

37 CFR 1.221 (b) is applicable "only when the Office makes a material mistake which is apparent from Office records.... Any request for a corrected publication or revised patent application publication other than provided as provided in paragraph (a) of this section must be filed within two months from the date of the patent application publication. This period is not extendable." A material mistake must affect the public's ability to appreciate the technical disclosure of the patent application publication, to determine the scope of the patent application publication, or to determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent. [1]

The error on the front page of the publication wherein the assignee's name "Smith & Nephew PLC" is misprinted as "Smith & Neohew" is not an Office error under 37 CFR 1.221. The misprint of the assignee's name does not affect the understanding of the application. The error in assignment information is not a material mistake because it does not affect the public's ability to appreciate the technical disclosure of the patent application publication, to determine the scope of the patent application publication or to determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent. See MPEP 1130. Applicant should not

[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).

file requests for corrected publication when a publication includes errors in assignment information or missing assignment information. See MPEP 1130. Furthermore, the misprinting of the assignee's name does not affect the understanding of the application.

On July 16, 2010, a Filing Receipt was mailed by the Office, which listed incorrectly listed the assignee's name. To avoid this type of problem in the future, applicant's representative should correct the error and make a request for a corrected filing receipt prior to export of the application to the publisher and publication of the application.

Applicants are encouraged to use and submit an **eADS** (PTO/SB/14) as an EFS-Web Fillable Form, rather than a scanned PDF image, to benefit from having the data loaded directly into USPTO electronic systems. For questions contact the Patent EBC (Electronic Business Center):
Telephone: 1-866-217-9197 (toll-free) or E-mail: ebc@uspto.gov
571-272-4100 (local)

The applicant is advised that a "request for republication of an application previously published" may be filed under 37 CFR 1.221(a). Such a request for republication "must include a copy of the application compliance with the Office's electronic filing system requirements and be accompanied by the publication fee set forth in § 1.18(d) and the processing fee set forth in § 1.17(i)." If the request for republication does not comply with the electronic filing system requirements, the republication will not take place and the publication fee set forth in § 1.18(d) will be refunded. The processing fee will be retained.

A guide for filing a request for a Pre-Grant Publication, such as a request for republication, may be found on the link below:

http://www.uspto.gov/patents/process/file/efs/guidance/index.jsp

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

Any request for republication under 37 CFR 1.221(a), must be submitted via the EFS system, as a "Pre-Grant Publication."

Inquiries relating to this matter may be directed to 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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MORRISON & FOERSTER LLP
425 MARKET STREET
SAN FRANCISCO CA 94105-2482

MAILED
JUN 29 2011
PCT LEGAL ADMINISTRATION

In re Application of:
CARLSON et al.
Application No.: 12/808,672
PCT No.: PCT/SE2008/000673
Int. Filing Date: 01 December 2008
Priority Date: 20 December 2007
Attorney Docket No.: 514862007100
For: METHOD FOR TESTING THE FUNCTION OF A DEVICE

DECISION ON PETITION

This decision is issued in response to applicants' "Petition under 37 CFR 1.47(a)" filed 15 April 2011 to accept the application without the signature of joint-inventor, Tryggve HEMMINGSSON.

BACKGROUND

On 01 December 2008, applicants filed international application PCT/SE2008/000673 which claimed a priority date of 20 December 2007. Pursuant to 37 CFR 1.495, the deadline for payment of the basic national fee in the United States was to expire 30 months from the priority date, 20 June 2010.

On 16 June 2010, applicants filed a Transmittal Letter for entry into the national stage accompanied, *inter alia,* by: the requisite basic national fee; a copy of the international application; and a preliminary amendment.

On 23 February 2011, the United Stated Designated/Elected Office mailed a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497(a) and (b) must be filed. The notification set a two-month time limit in which to respond.

On 15 April 2011, applicants filed the present petition under 37 CFR 1.47(a).

DISCUSSION

Applicants claim that co-inventor Tryggve HEMMINGSSON refuses to cooperate in the above-captioned application.

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

Applicants here have submitted the appropriate petition fee. Item (1) is therefore satisfied.

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

The 37 CFR 1.47(a) applicants provided evidence that a complete copy of the subject application was sent to the last known address of the nonsigning inventor on 23 August 2010. The documents provided to Tryggve HEMMINGSSON included instructions to sign and return the declaration. These materials provide the required firsthand statement regarding the delivery to the nonsigning inventor of a copy of the complete application, and the nonsigning inventor's refusal to execute the application, with documentary evidence supporting the statement. It is noted that the nonsigning inventor orally refused to execute the declaration in a telephone conversation. Item (2) is therefore satisfied.

Regarding item (3), applicants have provided the last known address of the nonsigning inventor. Accordingly, item (3) is therefore satisfied.

Regarding item (4), section 409.03(a) of the Manual of Patent Examining Procedure ("MPEP") states that:

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

Here, applicants have filed a declaration executed by one of two inventors and including an unsigned signature box identifying the nonsigning inventor (Tryggve HEMMINGSSON). This declaration is treated as having been executed by the available inventor on his behalf and on behalf of the nonsigning inventor. Item (4) is therefore satisfied.

For the reasons stated above, it is appropriate to accept the application without the signature of Tryggve HEMMINGSSON under 37 CFR 1.47(a) at this time.

CONCLUSION

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

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

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

Anthony Smith
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Office of PCT Legal Administration
Telephone: (571) 272-3298

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Tryggve HEMMINGSSON
Polhemsvagen 34
191 34 Sollentuna
Sweden

MAILED

JUN 29 2011

PCT LEGAL ADMINISTRATION

In re Application of:
CARLSON et al.
Application No.: 12/808,672
PCT No.: PCT/SE2008/000673
Int. Filing Date: 01 December 2008
Priority Date: 20 December 2007
Attorney Docket No.: 514862007100
For: METHOD FOR TESTING THE FUNCTION OF A DEVICE

Dear Tryggve HEMMINGSSON:

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

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

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Counsel of Record:
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MAILED
JUN 27 2011
PCT LEGAL ADMINISTRATION

In re Application of	:	DECISION ON
CARMEL et al	:	
Application No.: 12/808,681	:	
International App. No.: PCT/IL07/01628	:	REQUEST UNDER
Int. Filing Date: 31 December 2007	:	
Priority Date: 17 December 2007	:	
Attorney's Docket No.: 556.03_10_3_NP_US	:	
For: WATER SUPPLY SYSTEM AND METHOD	:	37 CFR 1.497(d)

This is a decision on applicants' "REQUEST TO CORRECT INVENTORSHIP" filed on 17 April 2011, which is being treated as a request under 37 CFR 1.497(d) deleting Omri SHACHAM the executed declaration. The $130.00 processing fee has been charged to Deposit Account No. 501380 as indicated in the request.

BACKGROUND

On 31 December 2007, applicants filed international application No. PCT/IL07/01628, which claims a priority date of 17 December 2007.

On 17 June 2010, applicants filed electronically a Transmittal Letter for entry into the national stage in the United States of America. Filed with the Transmittal Letter was, inter alia, the requisite basic national fee. No executed oath or declaration was filed at such time.

On 01 September 2010, the United States Designated/Elected Office (DO/EO/US) mailed a "NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)" (Form PCT/DO/EO/905) which informed applicant, inter alia, that an "Oath or declaration of the inventors, in compliance with 37 CFR 1.47(a) and (b), identifying the application by International application number and international filing date ... in that is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68" must be submitted within two (2) months from date of this Notice or by 32 months from the priority date, whichever is later, in order to avoid abandonment of the national stage application.

On 06 September 2010, applicants filed an executed declaration in response to the "Notification of Missing Requirements" mailed on 01 September 2010.

On 21 September 2010, the United States Designated/Elected Office (DO/EO/US) mailed a "NOTIFICATION OF DEFECTIVE RESPONSE" (Form PCT/DO/EO/916) indicating that the oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it: ... Inventor POPPER, Shay and KATZ, Moshe are listed on the declaration and not on the IA. Please clarify.

On 12 October 2010, applicants filed a "RESPONSE TO NOTIFICATION OF DEFECTIVE RESPONSE" indicating that POPPER, Shay and KATZ, Moshe are listed.

On 28 February 2011, the United States Designated/Elected Office (DO/EO/US) mailed a "NOTIFICATION OF DEFECTIVE RESPONSE" (Form PCT/DO/EO/916) indicating that the oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it: ...Name and signature missing from the declaration for Omri Shacham.

On 10 March 2011, applicants filed another executed declaration.

On 18 March 2011, the United States Designated/Elected Office (DO/EO/US) mailed a "NOTIFICATION OF DEFECTIVE RESPONSE" (Form PCT/DO/EO/916) indicating that the oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it: ... Signature is missing for inventor Omri Shacham; if this inventor has been removed, official documentation is needed to support this action.

On 17 April 2011, applicants filed a "REQUEST TO CORRECT INVENTORSHIP," which included, *inter alia*, a statement under 37 CFR1.497(d) deleting Omri SHACHAM from the declaration.

DISCUSSION

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

(1) a statement from each person being added as an inventor and from each person being deleted as an inventor that the error in inventorship occurred without deceptive intention on his or her part;
(2) the fee set forth in § 1.17(I); and
(3) If an assignment has been executed by any of the original named inventors, the written consent of the assignee (see 37 CFR §3.73(b) of this chapter).

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

With respect to item (1), the statements submitted on 17 April 2011 by Omri SHACHAM is sufficient because the statement states that the error in inventorship occurred without a deceptive intent.

With respect to item (2), the processing fee of $130.00 has been provided by credit card.

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

Furthermore, the Statement from Assignee under 37 CFR 1.497(d) must be signed by someone who has the title that is recognized as one who has apparent authority to bind the assignee or is authorized to bind the assignee. Note MPEP 1820.

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

CONCLUSION

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

If reconsideration on the merits of this petition is desired, a proper reply must be filed within TWO (2) MONTHS from the mail date of this decision. The proper reply is either a proper request under 37 CFR 1.497(d) overcoming the above stated defects. The failure to provide the proper reply will result in Abandonment of the application. Any reconsideration request should include a cover letter entitled "Renewed Request Under 37 CFR 1.497(d)". Extensions of time may be obtained under 37 CFR 1.136(a).

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

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

UNITED STATES PATENT and TRADEMARK OFFICE

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PCT LEGAL ADMINISTRATION

YORAM TSIVION
P.O. BOX 1307
PARDES HANNA 37111
IL ISRAEL

In re Application of	:	DECISION ON
CARMEL et al	:	
Application No.: 12/808,681	:	
International App. No.: PCT/IL07/01628	:	RENEWED
Int. Filing Date: 31 December 2007	:	
Priority Date: 17 December 2007	:	REQUEST UNDER
Attorney's Docket No.: 556.03_10_3_NP_US	:	
For: WATER SUPPLY SYSTEM AND METHOD	:	37 CFR 1.497(d)

This is a decision on applicants' "PETITION REGARDING DECISION ON REQUEST UNDER 37 CFR 1.497(d)" filed on 03 August 2011, Which is being treated as a renewed request under 37 CFR 1.497(d).

BACKGROUND

In a decision from this Office mailed on 27 June 2011, the decision indicated that the request was dismissed because the request did not satisfy item (3) of 37 CFR 1.497(d).

On 03 August 2011, applicants filed the current renewed request.

DISCUSSION

A review of the renewed request reveals that applicants are not required to satisfied item (3) of 37 CFR 1.497(d) as no assignment has been executed.

Accordingly, applicants are deemed to satisfy the items under 37 CFR 1.497(d).

CONCLUSION

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

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

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

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PCT LEGAL ADMINISTRATION

E I DU PONT DE NEMOURS AND COMPANY
LEGAL PATENT RECORDS CENTER
BARLEY MILL PLAZA 25/1125
4417 LANCASTER PIKE
WILMINGTON DE 19805

In re Application of:
ALLEN, Stephen, M., et al.
U.S. Application No.: 12/808,694
PCT No.: PCT/US2008/087069
International Filing Date: 17 December 2008
Priority Date: 18 December 2007
Attorney's Docket No.: BB1579USPCT
For: DROUGHT TOLERANT PLANTS AND RELATED CONSTRUCTS AND METHODS INVOLVING GENES ENCODING FERREDOXIN FAMILY PROTEINS

DECISION ON PETITION UNDER 37 CFR 1.137(b)

The petition for revival under 37 CFR 1.137(b) filed 16 September 2011 in the above-captioned application is hereby **GRANTED** as follows:

The present application became abandoned at midnight on 10 October 2010 due to applicants' failure to submit a proper response to the "Notification Of Missing Requirements" (Form PCT/DO/EO/905) mailed 10 August 2010.

The abandonment of the application was confirmed in the "Notification of Abandonment" (Form PCT/DO/EO/903) mailed on 04 August 2011.

The present petition was accompanied by the petition fee and the "required reply" in the form of a proper response to the Notification Of Missing Requirements, that is, an executed declaration in compliance with 37 CFR 1.497 and the surcharge for filing the declaration later than thirty months after the priority date. In addition, the petition includes a statement that "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional," satisfying the requirement of 37 CFR 1.137(b)(3).

Based on the above, the requirements of 37 CFR 1.137(b) have been satisfied. Therefore, the request to revive the present national stage application is appropriately granted.

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

/RichardMRoss/

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

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PCT LEGAL ADMINISTRATION

Caterpillar Inc./LIELL & MCNEIL
Intellectual Property Department
AH9510
100 N.E. Adams
Peoria IL 61629-9510

In re Application of Gillespie, David, et al. Application No.: 12/808,710 PCT No.: PCT/EP2008/066782 Int. Filing Date: 04 December 2008 Priority Date: 19 December 2007 Docket No.: 07-838 For: LUBRICATION SYSTEM AND METHOD FOR VEHICLES PROVIDED WITH BLADE ELEMENT	DECISION ON PETITION UNDER 37 CFR 1.181

This decision is in response to applicant's Petitions Under 37 C.F.R. 1.181, 1.137(a) and 1.137(b), filed in the United States Patent and Trademark Office on 23 September 2011.

BACKGROUND

On 17 June 2010, applicants filed a transmittal letter for entry into the national phase in the United States, accompanied by, *inter alia*, the basic national fee. The transmittal letter included an authorization to charge other required fees to "50026".

On 22 October 2010, the Office mailed Notification of Insufficient Fees (Form PCT/DO/EO/923) requiring $936 in additional fees and a filing receipt.

On 11 August 2011, the Office mailed Notification of Abandonment (Form PCT/DO/EO/909) indicating the application went abandoned for failure to respond to the Form PCT/DO/EO/923.

On 22 September 2011, applicants filed a request for a corrected filing receipt, accompanied by a declaration executed by inventor Gillespie.

On 23 September 2011, applicants filed these instant petitions.

DISCUSSION

Petition Under 37 CFR 1.181

Applicant is obligated to respond in a timely fashion to Office actions. 37 CFR 1.135. Applicant did not respond timely. The abandonment was proper. Further, applicants authorized

the Office to charge fees to deposit account no. "50026," which is not a valid deposit account. The Notification was proper.

Petition Under 37 CFR 1.137(a) and 1.137(b)

The petition fees for these petitions have not been paid. Kelly J. Smith is not listed as an authorized user of deposit account no. 50-0226. These petitions will not be treated on their merits.

Request for Corrected Filing Receipt

Applicant asserts that the filing was not complete on 22 October 2010 with the issuance of the filing receipt as the file did not include a declaration executed by inventor Gillespie. Applicant is correct. The 22 October 2010 filing receipt is **VACATED**.

CONCLUSION

For the reasons discussed above, applicant's petition under 37 CFR 1.181 to withdraw the holding of abandonment is **DISMISSED**, without prejudice.

The 22 October 2010 filing receipt is **VACATED**.

This application remains **ABANDONED**.

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

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Telephone: 571-272-3292

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Caterpillar Inc./LIELL & MCNEIL
Intellectual Property Department
AH9510
100 N.E. Adams
Peoria IL 61629-9510

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FEB 06 2012

PCT LEGAL ADMINISTRATION

In re Application of
Gillespie, David, et al.
Application No.: 12/808,710
PCT No.: PCT/EP2008/066782
Int. Filing Date: 04 December 2008
Priority Date: 19 December 2007
Docket No.: 07-838
For: LUBRICATION SYSTEM AND METHOD FOR VEHICLES PROVIDED WITH BLADE ELEMENT

DECISION

ON PETITION UNDER

37 CFR 1.137(b)

Applicant's petition under 37 CFR 1.137(b), filed in the United States Patent and Trademark Office on 09 December 2011, is **GRANTED**.

Applicant states that the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional, as required by 37 CFR 1.137(b)(3). The appropriate response and petition fee have been submitted. A terminal disclaimer is not required as the application was filed on or after 08 June 1995. Accordingly, all requirements under 37 CFR 1.137(b) have been satisfied.

This application is being referred to the National Stage Processing Branch of the Office of Patent Application Processing for continued processing in accordance with this decision, including issuance of a Notification requiring an oath or declaration in compliance with 37 CFR 1.497(a)-(b).

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Telephone: 571-272-3292

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

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

PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Attorney Docket Number: 46859US02	Application Number (if known): 12/808746	Filing date: December 28, 2008

First Named Inventor: Jan Larsen

Title: Non/-sterile fermentation of bioethanol.

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: Statement of basis for special status

Signature /Robert C. Casad, Jr./	Date Dec. 27, 2010
Name (Print/Typed) Robert C. Casad, Jr.	Registration Number 51535

***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 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.

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

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

(Not to be Submitted to the USPTO)

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

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

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

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

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

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

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

Privacy Act Statement

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

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

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

Statement of basis for special status.

The application relates to methods of processing lignocellulosic biomass for conversion to ethanol. Accordingly, this "second generation bioethanol" technology is material to development of renewable energy sources and also to greenhouse gas reduction, where ethanol can be substituted for petroleum-based fuels.

/Robert C. Casad/

Robert Casad, Jr., Ph.D.
USPTO Registration Number: 51, 535
Inbicon A/S
Kraftværksvej 53
Fredericia, Denmark 7000

December 27, 2010

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/808,746	09/14/2010	Jan Larsen	46859US02	5322

95469 7590 01/13/2011
Plougmann & Vingtoft A/S
Sundkrogsgade 9
PO Box 831
Copenhagen, 2100
DENMARK

EXAMINER

ART UNIT	PAPER NUMBER
1614	

MAIL DATE	DELIVERY MODE
01/13/2011	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
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JAN 1 3 2011

Plougmann & Vingtoft A/S
Sundkrogsgade 9
PO Box 831
Copenhagen 2100 DK DENMARK

In re Application of	:	
LARSEN, Jan *et al.*	:	DECISION ON PETITION
Application No. 12/808746	:	TO MAKE SPECIAL UNDER
Filed: September 14, 2010	:	THE GREEN TECHNOLOGY
Attorney Docket No. 46859US02	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed December 27, 2010, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **GRANTED**.

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

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

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

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

Telephone inquires concerning this decision should be directed to Manjunath Rao at 571-272-0939.

The application is being forwarded to the Technology Center Art Unit 1614 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

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: VWS-102US	Application Number (if known): 12/808,755	Filing date: 06/17/2010

First Named Inventor: Jorge Martinez Garcia

Title: EVENT-BASED CONTROL SYSTEM FOR WIND TURBINE GENERATORS

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 /William R. Allen/	Date 09-22-2010
Name (Print/Typed) William R. Allen	Registration Number 48389

***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" and (ii) "Elimination of Classification Requirement in the Green Technology Pilot Program," available on the USPTO web site at http://www.uspto.gov/patents/init_events/green_tech.jsp):

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

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

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

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

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

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

Privacy Act Statement

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

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

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

Certificate of Electronic Transmission

I hereby certify that this correspondence is being electronically transmitted to the U.S. Patent and Trademark Office via EFS-WEB on September 22, 2010.

/William R. Allen/ September 22, 2010
William R. Allen, Ph.D. Reg. No, 48,389 Date

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants:	Jorge Martinez Garcia
Serial No.:	12/808,755
Filed:	06-17-2010
Group Art Unit:	Unknown
Examiner:	Unknown
Confirmation No.:	5363
Title:	EVENT-BASED CONTROL SYSTEM FOR WIND TURBINE GENERATORS
Attorney Docket:	VWS-102US

Cincinnati, Ohio 45202 September 16, 2010

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

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

Sir:

Applicant hereby submits a statement to support Applicant's petition for the Green Technology Pilot Program, which is filed on even date herewith. The Applicant seeks special status because the invention disclosed and claimed in the present application materially enhances the quality of the environment by contributing to the restoration or maintenance of the basic life-sustaining natural elements. The materiality standard is satisfied because 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 and/or the claimed invention

materially contributes to development of renewable energy or energy conservation and greenhouse gas emission reduction. Specifically, the claimed invention relates to wind turbines that operate using a renewable natural resource (wind) rather than fossil fuels and, more specifically, to methods and systems for registering events in a wind power system having several data processors. Wind turbine operation without the consumption of fossil fuels enhances the quality of the environment, contributes to the development of renewable energy, and reduces greenhouse gas emission.

Early and favorable consideration of Applicant's petition and this claims contained in this application are respectfully requested.

Applicant does not believe any fees are due in connection with filing this communication other than the publication fee. If, however, any fees are necessary as a result of this communication, the Commissioner is hereby authorized to charge any under-payment or fees associated with this communication or credit any over-payment to Deposit Account No. 23-3000.

Respectfully submitted,

WOOD, HERRON & EVANS, L.L.P.

/William R. Allen/
William R. Allen, Ph.D.
Reg. No, 48,389

2700 Carew Tower
441 Vine Street
Cincinnati, OH 45202
(513) 241-2324 (voice)
(513) 421-7269 (facsimile)
wallen@whepatent.com

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/808,755	09/22/2010	Jorge Martinez Garcia	VWS-102US	5363

26875 7590 11/05/2010
WOOD, HERRON & EVANS, LLP
2700 CAREW TOWER
441 VINE STREET
CINCINNATI, OH 45202

EXAMINER	
ART UNIT	PAPER NUMBER
2121	

MAIL DATE	DELIVERY MODE
11/05/2010	PAPER

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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WOOD, HERRON & EVANS, LLP
2700 Carew Tower
441 Vine Street
Cincinnati, OH 45202

In re Application of	:	
GARCIA, Jorge	:	**DECISION ON PETITION**
Application No. 12/808,755	:	**TO MAKE SPECIAL UNDER**
Filed: September 22, 2010	:	**THE GREEN TECHNOLOGY**
For: **EVENT-BASED CONTROL SYSTEM**	:	**PILOT PROGRAM**
FOR WIND TURBINE GENERATORS		

This is a decision on the petition under 37 CFR 1.102, filed September 22, 2010, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010).

The petition is **GRANTED**.

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

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made

by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

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

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

The application is being forwarded to the Technology Center Art Unit 2121 for action on the merits commensurate with this decision.

Telephone inquires concerning this decision should be directed to Eddie C. Lee at 571-272-1732.

/Eddie C. Lee/

Eddie C. Lee
Quality Assurance Specialist
Technology Center 2100

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SEP 27 2011

PCT LEGAL ADMINISTRATION

COATS & BENNETT, PLLC
1400 Crescent Green, Suite 300
Cary NC 27518

In re Application of: LINDBOM, Lars, et al.
U.S. Application No.: 12/808,784
PCT No.: PCT/SE2008/000518
International Filing Date: 18 September 2008
Priority Date: 21 December 2007
Attorney's Docket No.: 4015-6899/P25427-US2
For: GENERATION OF MBSFN-DOB SYNCHRONIZATION CODES

DECISION ON PETITION UNDER 37 CFR 1.182

This decision is issued in response to the correspondence filed by applicants on 01 September 2011, treated herein as a petition under 37 CFR 1.182 to change the name of record of co- inventor Eric WANG to Yi-Pin Eric WANG. Deposit Account No. 18-1167 will be charged the required $400 petition fee.

BACKGROUND

On 18 September 2008, applicant filed international application PCT/SE2008/000518. The international application claimed a priority date of 21 December 2007, and it designated the United States. On 02 July 2009, the International Bureau (IB) communicated a copy of the international application to the United States Patent and Trademark Office (USPTO). The deadline for submission of the basic national fee was thirty months from the priority date, i.e., 21 June 2010. The published international application identified the third inventor as Eric WANG.

On 17 June 2010, applicants filed materials initiating the present national stage application including, among other materials, payment of the basic national fee, an application data sheet (ADS), and an executed declaration. Consistent with the published international application, the ADS identified the third inventor as Eric WANG; however, the declaration identified this inventor as Yi-Pin Eric Wang.

On 29 August 2011, the United States Designated/Elected Office (DO/EO/US) issued a "Notification Of Missing Requirements" (Form PCT/DO/EO/905) requiring submission of an oath or declaration in compliance with 37 CFR 1.497 and the surcharge for filing the oath or declaration later than thirty months after the priority date. The Notification indicated that the declaration filed on 17 June 2010 was defective based on the inconsistency with respect to the third inventor's name.

On 01 September 2011, applicants filed a response to the Notification Of Missing Requirements that included a revised ADS and the correspondence considered herein as a petition under 37 CFR 1.182.

DISCUSSSION

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

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

Applicants' present submission indicates that the correct name of the third inventor is Yi-Pin Eric WANG, as set forth on the declaration and revised ADS. The difference between the correct name of the inventor (Yi-Pin Eric WANG) and the inventor's name of record (Eric WANG) is more than a mere typographical or transliteration error. Accordingly, in order to correct the name of record for this inventor to correspond to that set forth in the declaration filed on 17 June 2010, a grantable petition under 37 CFR 1.182 is required. Applicants' present submission has therefore been treated as the required petition under 37 CFR 1.182.

Applicants' petition includes the authorization to charge Deposit Account No. 18-1167 for required fees, pursuant to which the Deposit Account will be charged the required $400 petition fee. Applicants' petition also includes the required confirmation that the correct name of the inventor is Yi-Pin Eric WANG, as listed on the declaration and the revised ADS. These materials satisfy the requirements for a grantable petition under 37 CFR 1.182 to correct the name of record of co- inventor Eric WANG to Yi-Pin Eric WANG.

CONCLUSION

The petition under 37 CFR 1.182 to change the name of record of co- inventor Eric WANG to Yi-Pin Eric WANG is **GRANTED**.

Based on this correction, the declaration filed on 17 June 2010 may be accepted in compliance with 37 CFR 1.497.

Because the acceptable declaration was filed prior to the expiration of thirty months from the priority date, applicants are not required to pay the surcharge for filing the oath or declaration later than thirty months after the priority date.

This application is being referred to the National Stage Processing Branch of the Office of PCT Operations for further processing in accordance with this decision. The date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) is 17 June 2010.

/RichardMRoss/

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

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CLARK & BRODY
1700 Diagonal Road, Suite 510
Alexandria, VA 22314

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JUN 22 2011

PCT LEGAL ADMINISTRATION

In re Application of :
YANO *et al* :
U.S. Application No.: 12/808,805 :
PCT No.: PCT/JP2007/074435 :
Int. Filing Date: 19 December 2007 :
Priority Date: None :
Attorney Docket No.: 12073-0012 :
For: DOUBLE DOOR SYSTEM FOR VEHICLES :

DECISION

This decision is in response to the papers filed 11 April 2011 which are treated as a petition under 37 CFR 1.181. No fee is required.

BACKGROUND

On 19 December 2007, international application PCT/JP2007/074435 was filed claiming priority to Japanese patent application 2006-341555 filed 19 December 2006. The priority application (JP 2006-341555) was withdrawn on 30 April 2009.

On 17 June 2010, applicant filed papers to enter the national stage of PCT/JP2007/074435 which was accompanied by, *inter alia*, an executed declaration; a preliminary amendment; and an English translation of the application and amendments.

On 11 February 2011, the United States Designated/Elected Office (DO/EO/US) mailed a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that the preliminary amendment was not entered as it is not consistent with the claims, as originally filed. A processing fee and surcharge fee were also requested. A two-month time limit in which to respond was set with extensions of time available under 37 CFR 1.136(a).

On 06 July 2007, applicant filed the subject response.

DISCUSSION

In the subject response, applicant states that the Form PCT/DO/EO/905 is improper and claims: (1) the refusal to enter the preliminary amendment is improper, (2) a processing fee for late filing of an English translation is not required, and (3) the priority information from Japanese patent application 2006-341555 be removed from the filing receipt and only the PCT be used as a priority.

A review of the subject application shows that applicant provided the search fee and examination fee along with a declaration in compliance with 37 CFR 1.497(a) and (b) with the national stage papers. Therefore, a surcharge fee pursuant to 37 CFR 1.492(h) is not required. Applicant also provided an English translation of the application as filed which included a translation of the amendments to the claims. As such, the processing fee pursuant to 37 CFR 1.492(i) is also not required. In addition, JP 2006-341555 filed 19 December 2006 was withdrawn in the international application on 30 April 2009 and should not be identified with the subject application.

With regards to the issue of the preliminary amendment, applicant claims that the preliminary amendment is proper and should be entered. An amendment canceling claims 1-4 and adding claims 5-10 was submitted in the PCT application. A second amendment canceling claims 1-10 and adding claims 11-13 was also filed in the international application. The preliminary amendment filed in the national stage application addresses claims 11-13.

However, the preliminary amendment misidentifies claims 11 and 12 as *original*. These claims were amended under Article 34 and should have been identified as *previously presented*. *See* MPEP § 714(II)(C)(A). Therefore, the preliminary amendment is not in compliance with 37 CFR 1.121(c) and should not be entered at this time.

DECISION

Applicant's petition under 37 CFR 1.181 is **GRANTED** in part.

The Form PCT/DO/EO/905 mailed 11 February 2011 contains erroneous instructions and is hereby **VACATED**.

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

James Thomson

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

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PATENT LAW GROUP LLP
2635 NORTH FIRST STREET
SUITE 223
SAN JOSE CA 95134

MAILED
NOV 09 2010
PCT LEGAL ADMINISTRATION

In re of	:	DECISION ON
CHEN et al	:	
Application No: 12/808,831	:	
PCT No.: PCT/CN2007/003681	:	PETITION UNDER
Int. Filing Date: 19 December 2007	:	
Priority Date: N/A	:	
Attorney's Docket No.: ARC-P173	:	
For: IP CACHE	:	37 CFR 1.47(a)

This is in response to the "PETITION UNDER 37 CFR 1.47(a)... REFUSES TO SIGN" filed on 09 September 2010.

BACKGROUND

On 17 June 2010, applicants filed via EFS-WEB entry into the national stage in the United States of America. Filed via EFS-WEB was, inter alia, the transmittal letter (PTO-1390), and the requisite basic national fee. However, no executed oath or declaration from the inventors were filed at such time.

On 11 August 2010, the United States Designated/Elected Office (DO/EO/US) mailed a "NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)" (Form PCT/DO/EO/905), which informed applicant, inter alia, that an "Oath or Declaration of the inventors, in compliance with 37 CFR 1.497(a), and (b), identifying the application by International application number and international filing date" The Notice stated that the declaration must be submitted within two months from the date of this notice or 32 months from the priority date, whichever is later, in order to avoid abandonment of the national stage application.

On 09 September 2010, petitioner filed the present petition accompanied, inter alia, an executed Declaration without the signature of one of the inventors, i.e., without the signature of Guang Hu.

DISCUSSION

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

Petitioner has satisfied requirements (1), and (3)- (4) of 37 CFR 1.47(a). However, requirement (2) of 37 CFR 1.47(a) has not been satisfied.

Regarding requirement (1), petitioner has provided the petition fee of $200 under 37 CFR 1.17(g).

Regarding requirement (2), Ms. Hsia has stated that a complete copy of the application papers were mailed to the non-signing co-inventor, Hu, as indicated by Ms. Li's affidavit that a complete copy of the application papers (specification, including claims, drawings, and oath or declaration) were sent on August 6, 2010 by courier to co-inventor Hu's home addresses and the courier confirmed delivery on August 8, 2010. That, "the enclosed letter asked inventor Hu to sign and return the declaration," but he has not responded. However, petitioner has not provided the cover letter mailed with the application papers, and has not included documentary evidence such as a signed receipt acknowledging that the papers were delivered by the courier at Hu's home address.

Where the Office is being asked to accept the silence of the nonsigning inventor's as evidence of a refusal to sign, petitioner must provide some evidence that the application materials have been received by the nonsigning applicant. Absent further firsthand evidence that the application and request for signature were received by the nonsigning inventor, item (2) cannot be considered satisfied.

Accordingly, the current record does not support the premise that Mr. Hu' conduct constitutes refusal as no documentary evidence of receipt by Mr. Hu has been provided.

Regarding requirement (3), petitioner has provided an affirmative statement of the last known address of the nonsigning co-inventor Mr. Hu.

Guang Hu
Room 101, Block 87811
Dongchuan Road, Shanghai
China

Regarding requirement (4), petitioner has provided a provided a properly executed declaration without the signature of Mr. Hu.

Consequently, the petition does not satisfy all the requirements under 37 CFR 1.47(a).

CONCLUSION

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

If reconsideration of the merits of the petition under 37 CFR 1.47(a) is desired, applicant must file a request for reconsideration within **TWO (2) MONTHS** from the mail date of this Decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)."

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

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

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MAR 09 2011

PCT LEGAL ADMINISTRATION

PATENT LAW GROUP LLP
2635 NORTH FIRST STREET
SUITE 223
SAN JOSE CA 95134

In re of	:	DECISION ON RENEWED
CHEN et al	:	
Application No: 12/808,831	:	
PCT No.: PCT/CN2007/003681	:	PETITION UNDER
Int. Filing Date: 19 December 2007	:	
Priority Date: N/A	:	
Attorney's Docket No.: ARC-P173	:	
For: IP CACHE	:	37 CFR 1.47(a)

This is in response to the "RENEWED PETITION UNDER 37 CFR 1.47(a)" filed on 07 January 2011.

BACKGROUND

In a decision from this Office on 21 October 2010, the initial petition under 37 CFR 1.47(a) was dismissed. The decision stated that item (2) had not been satisfied.

On 07 January 2011, petitioner submitted a "Renewed Petition Under 37 CFR 1.47(a)" respecting to accept the above application without the signature of joint inventor Guang Hu. The petition is accompanied with additional evidenced exhibits A- D and a revived declaration (statement) from Ms. Li.

DISCUSSION

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

The renewed petition of 07 January 2011 has satisfied item (2) under 37 CFR 1.47(a).

Regarding item (2), the statement by Ms. Li, who has first-hand knowledge of the facts, has provided a statement outlining the steps she took to mail the application papers to the non-signing joint inventor Mr. Li on August 6, 2010 and delivered to and signed by him on August 8, 2010.

In addition, petitioner has provided an English translation of the delivery receipt showing that the application papers were delivered to Mr. Hu on August 8, 2010.

Consequently, at this time it can be concluded that Mr. Hul has refused to sign the documents.

Petitioner has now satisfied item (2) under 37 CFR 1.47(a), thus completing the requirements under 37 CFR 1.47(a).

CONCLUSION

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

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for continued processing under 35 U.S.C. 371. The application will be given a 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) date of **09 January 2010.**

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

A notice of the filing of the application under 37 CFR 1.47(a) will be published in the Official Gazette.

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

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COMMISSIONER FOR PATENTS
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Guang Hu
Room 101, Block 87811
Dongchuan Road, Shanghai
China

MAILED
MAR 09 2011
PCT LEGAL ADMINISTRATION

In re of
CHEN et al
Application No: 12/808,831
PCT No.: PCT/CN2007/003681
Int. Filing Date: 19 December 2007
Priority Date: N/A
Attorney's Docket No.: ARC-P173
For: IP CACHE

Dear: Hu,

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

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

Rafael Bacares
PCT Legal Examiner
PCT Legal Office
Telephone: (571) 272-3276
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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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INTELLECTUAL PROPERTY DEPT.
DEWITT ROSS & STEVENS SC
2 EAST MIFFLIN STREET
SUITE 600
MADISON WI 53703-2865

MAILED
OCT 07 2010
OFFICE OF PETITIONS

In re Application of	:	
Fulton et al.	:	
Application No. 12/808,833	:	ON PETITION
Date Deposited: June 17; 2010		
Attorney Docket No. 79968.005	:	
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed August 10, 2010, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a statement (PTO/SB/130 form) by the applicant's attorney that applicant is 65 years of age. Accordingly, the above-identified application has been accorded "special" status.

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

This matter is being referred to the 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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JAN 04 2011

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

In re Application of:	
SHIRATO, Takeshi., et al.	
U.S. Application No.: 12/808,894	DECISION ON PETITION
PCT No.: PCT/JP2008/073288	(37 CFR 1.47(a))
International Filing Date: 22 December 2008	
Priority Date: 21 December 2007	
Attorney Docket No.: 2010_0828A	
For: FILM-FORMING TREATMENT JIG, PLASMA CVD APPARATUS, METAL PLATE AND OSMIUM FILM FORMING METHOD	

This decision is issued in response to applicants' "Petition Under 37 CFR §1.47(a)" filed 10 November 2010. Applicants have paid $130 as the petition fee; however, the applicable petition fee is $200. Deposit Account No. 23-0975 will be charged the additional $70 required to complete the required petition fee.

BACKGROUND

On 22 December 2008, applicants filed international application PCT/JP2008/073288. The international application claimed a priority date of 21 December 2007, and it designated the United States. On 02 July 2009, the International Bureau (IB) communicated a copy of the international application to t United States Patent and Trademark Office (USPTO). The deadline for submission of the basic national fee was thirty months from the priority date, i.e., 21 June 2010.

On 17 June 2010, applicants filed a Transmittal Letter for entry into the national stage in the United States accompanied by, among other materials, payment of the basic national fee, an English translation of the international application, and an unexecuted declaration.

On 10 September 2010, the United States Designated/Elected Office (DO/EO/US) mailed a Notification Of Missing Requirement (Form PCT/DO/EO/905) stating that an executed oath or declaration in compliance with 37 CFR 1.497 and the surcharge for filing the oath or declaration later than thirty months after the priority date were required.

On 10 November 2010, applicants filed a response to the Notification Of Missing Requirements that included payment of the required surcharge, a declaration executed by two of

the four inventors of record, and the petition under 37 CFR 1.47(a) considered herein. The petition seeks acceptance of the application without the signature of non-signing inventors Takeshi SHIRATO and Yuuji HONDA, whom applicants assert have refused to execute the application.

DISCUSSION

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

Applicants here have provided $130 as the petition fee, and authorized a charge to Deposit Account No. 23-0975 for additional fees required. Pursuant to the authorization, Deposit Account No. 23-0975 will be charged the additional $70 required to complete the petition fee. Item (1) is therefore satisfied.

Regarding item (2), the petition provides the business address for the non-signing inventors' employer; however, the petition does not include an express statement of the last known residential addresses of the non-signing inventors, as required. See MPEP section 605.03: "[i]n situations where an inventor does not execute the oath or declaration and the inventor is not deceased, such as in an application filed under 37 CFR 1.47, the inventor's most recent home address must be given to enable the Office to communicate directly with the inventor as necessary." Item (2) is therefore not satisfied.

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

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

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

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

> Where a refusal of the inventor to sign the application papers is alleged, the circumstances of the presentation of the application papers and of the refusal must be specified in a statement of facts by the person who presented the

> inventor with the application papers and/or to whom the refusal was made. Statements by a party not present when an oral refusal is made will not be accepted.

Here, applicants have provided a statement from one of the inventors, Hiroshi SATO, describing efforts to obtain the signatures of the non-signing inventors. The statement indicates that a request for signature, accompanied by a copy of the complete application, was forwarded to the non-signing inventors and that, via telephone, the inventors expressly refused to execute the declaration. However, it does not appear that Mr. SATO is the person who forwarded the correspondence to the inventors or the person to whom the inventors made their purported statements of refusal. In fact, in paragraph 12 of his statement, Mr. SATO expressly states that he has not been contacted by either of the non-signing inventors. Applicants have therefore not provided the required firsthand statement from the person who actually forwarded the signature request and accompanying materials to the non-signing inventor and to whom the inventors' communicated their refusals.

Applicants must provide supplemental materials, including a firsthand statement with accompanying documents, confirming that a request for signature in the present application, accompanied by a copy of the complete application, was forwarded to the non-signing inventors, that such request was received by the inventors, and that the non-signing inventors have refused to provide the requested signature in response to such request. Until such materials are submitted, item (4) of a grantable petition is not satisfied.

CONCLUSION

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

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

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

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

/RichardMRoss/

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

MAILED

JUL 20 2011

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

In re Application of:	
SHIRATO, Takeshi., et al.	
U.S. Application No.: 12/808,894	DECISION ON RENEWED
PCT No.: PCT/JP2008/073288	PETITION UNDER
International Filing Date: 22 December 2008	37 CFR 1.47(a)
Priority Date: 21 December 2007	
Attorney Docket No.: 2010_0828A	
For: FILM-FORMING TREATMENT JIG, PLASMA CVD APPARATUS, METAL PLATE AND OSMIUM FILM FORMING METHOD	

This decision is issued in response to applicants' "Renewed Petition Under 37 CFR § 1.47(a)" filed 06 June 2011. No additional petition fee is required.

BACKGROUND

The procedural background for the present application was set forth in the decision mailed 04 January 2011. The decision dismissed without prejudice applicants' petition under 37 CFR 1.47(a), finding that applicants had not satisfied all the requirements of a grantable petition. Specifically, applicants had failed to provide a statement of the last-known residence addresses of the non-signing inventors and an acceptable showing that the non-signing inventors refuse to execute the application or cannot be located after diligent effort.

On 06 June 2011, applicants filed the renewed petition considered herein (with required three-month extension fee).

DISCUSSION

With respect to the last-known addresses of the non-signing inventors, the renewed petition indicates that the inventors have refused to provide such information. The renewed petition notes, however, that applicants have confirmed receipt of correspondence directed to them at the business address set forth in the original petition, and it confirms that the inventors are still employed at such address. Under the circumstances present here, the last-known business addresses of the non-signing inventors are accepted as the inventors' last-known addresses. This requirement of a grantable petition is therefore now satisfied.

With respect to the showing that the inventors have refused to execute the application, the renewed petition is accompanied by a revised statement from Hiroshi SATO and a statement from Mutsuyasu Yanase, with accompanying documents. These materials, in combination with those submitted with the original petition, provide an acceptable firsthand showing that a request for signature, accompanied by a copy of the complete application, was forwarded to the non-signing inventors and that, via telephone, the inventors confirmed receipt of the requests but expressly refused to execute the declaration. Applicants have therefore satisfied the final outstanding element of a grantable petition under 37 CFR 1.47(a).

CONCLUSION

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

The application is accepted without the signature of non-signing co-inventors Takeshi SHIRATO and Yuuji HONDA.

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

The application is being referred to the National Stage Processing Branch of the Office of PCT Operations for further processing in accord with this decision. The date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) is 10 November 2010.

/RichardMRoss/

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

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JUL 20 2011

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Yuuji HONDA
c/o YOUTEC CO., LTD.
956-1, Nishi-hirai, Nagareyama-shi
Chiba 270-0156
JAPAN

In re Application of: SHIRATO, Takeshi., et al.
U.S. Application No.: 12/808,894
PCT No.: PCT/JP2008/073288
International Filing Date: 22 December 2008
Priority Date: 21 December 2007
Attorney Docket No.: 2010_0828A
For: FILM-FORMING TREATMENT JIG, PLASMA CVD APPARATUS, METAL PLATE AND OSMIUM FILM FORMING METHOD

Dear Yuuji HONDA:

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

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

/RichardMRoss/

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

Counsel Of Record:
Michael S. Huppert
WENDEROTH, LIND & PONACK, L.L.P.
1030 15th Street, N.W.,
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Washington DC 20005-1503

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Takeshi SHIRATO
c/o YOUTEC CO., LTD.
956-1, Nishi-hirai, Nagareyama-shi
Chiba 270-0156
JAPAN

In re Application of: SHIRATO, Takeshi., et al.
U.S. Application No.: 12/808,894
PCT No.: PCT/JP2008/073288
International Filing Date: 22 December 2008
Priority Date: 21 December 2007
Attorney Docket No.: 2010_0828A
For: FILM-FORMING TREATMENT JIG, PLASMA CVD APPARATUS, METAL PLATE AND OSMIUM FILM FORMING METHOD

Dear Takeshi SHIRATO:

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

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

/RichardMRoss/

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

Counsel Of Record:
Michael S. Huppert
WENDEROTH, LIND & PONACK, L.L.P.
1030 15th Street, N.W.,
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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:	12/808,924	Filing date:	June 17, 2010
First Named Inventor:	Toshiko Tsuchiya		
Title of the Invention:	SERVER DEVICE, INFORMATION PROVIDING METHOD AND INFORMATION SUCCESSION SYSTEM		

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

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

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

The corresponding PCT application number(s) is/are: PCT/JP2008/003851

The international date of the corresponding PCT application(s) is/are: December 18, 2008

I. List of Required Documents:

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

☑ Is attached.

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

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

☐ Is attached.

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

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

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

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U.S.Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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

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

(continued)

Application No.:	12/808,924
First Named Inventor:	Toshiko Tsuchiya

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

☐ Is attached

☑ Has already been filed in the above-identified U.S. application on June 17, 2010

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

☐ Are attached.

☑ Have already been filed in the above-identified U.S. application on June 17, 2010

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
19	1	
20	2	
21	3	
22	4	
23	5	
24	6	
25	7	
26	8	
27	9	
28	10	
29	11	
30	12	
31	13	
32	14	

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

Signature	Date 3/10/2011
Name (Print/Typed) Josué A. Villalta	Registration Number 54,511

Privacy Act Statement

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

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

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

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter I of the Patent Cooperation Treaty)

(PCT Rule 44*bis*)

Applicant's or agent's file reference FIC08094-PCT	**FOR FURTHER ACTION**	See item 4 below
International application No. PCT/JP2008/003851	International filing date *(day/month/year)* 18 December 2008 (18.12.2008)	Priority date *(day/month/year)* 19 December 2007 (19.12.2007)
International Patent Classification (8th edition unless older edition indicated) See relevant information in Form PCT/ISA/237		
Applicant ICON Corp.		

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

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

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

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

☒	Box No. I	Basis of the report
☐	Box No. II	Priority
☐	Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
☐	Box No. IV	Lack of unity of invention
☒	Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
☐	Box No. VI	Certain documents cited
☐	Box No. VII	Certain defects in the international application
☐	Box No. VIII	Certain observations on the international application

4. The International Bureau will communicate this report to designated Offices in accordance with Rules 44*bis*.3(c) and 93*bis*.1 but not, except where the applicant makes an express request under Article 23(2), before the expiration of 30 months from the priority date (Rule 44*bis* .2).

	Date of issuance of this report 20 July 2010 (20.07.2010)
The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland Facsimile No. +41 22 338 82 70	Authorized officer Masashi Honda e-mail: pt08.pct@wipo.int

PATENT COOPERATION TREATY

TRANSLATION

From the
INTERNATIONAL SEARCHING AUTHORITY

To:

PCT

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43*bis*.1)

Date of mailing *(day/month/year)*	
Applicant's or agent's file reference **FIC08094-PCT**	**FOR FURTHER ACTION** See paragraph 2 below

International application No.	International filing date *(day/month/year)*	Priority date *(day/month/year)*
PCT/JP2008/003851	**18.12.2008**	**19.12.2007**

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

Applicant
ICON Corp.

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

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

2. **FURTHER ACTION**

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

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

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

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

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

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/JP2008/003851

Box No. I **Basis of this opinion**

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

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

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

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

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

   a. type of material

      ☐ a sequence listing

      ☐ table(s) related to the sequence listing

   b. format of material

      ☐ on paper

      ☐ in electronic form

   c. time of filing/furnishing

      ☐ contained in the international application as filed

      ☐ filed together with the international application in electronic form

      ☐ furnished subsequently to this Authority for the purposes of search

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

5. Additional comments:

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/JP2008/003851

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

1. Statement

Novelty (N)	Claims	1-14	YES
	Claims		NO
Inventive step (IS)	Claims	1-14	YES
	Claims		NO
Industrial applicability (IA)	Claims	1-14	YES
	Claims		NO

2. Citations and explanations:

Document 1: JP 2004-62217 A (Kabushiki Kaisha Ditazusado), 26 February 2004, entire text; all drawings (Family: none)

Document 2: JP 2002-197287 A (Atsushi KAJINUMA), 12 July 2002, entire text; all drawings (Family: none)

Document 3: JP 2006-215843 A (Kabushiki Kaisha I Sefu), 17 August 2006, entire text; all drawings (Family: none)

The invention as in claims 1-14 is not disclosed in any of the documents cited in the ISR, and would not be obvious to a person skilled in the art.

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.
12/808,924	06/17/2010	Toshiko Tsuchiya	YSANO.009APC	6184

20995 7590 04/06/2011
KNOBBE MARTENS OLSON & BEAR LLP
2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE, CA 92614

EXAMINER

ART UNIT	PAPER NUMBER
2431	

NOTIFICATION DATE	DELIVERY MODE
04/06/2011	ELECTRONIC

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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www.uspto.gov

KNOBBE MARTENS OLSON & BEAR LLP
2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE CA 92614

In re Application of: Toshiko Tsuchiya
Application No. 12/808,924
Filed: June 17, 2010
For: SERVER DEVICE, INFORMATION PROVIDING METHOD AND INFORMATION SUCCESSION SYSTEM

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

MAILED

APR 06 2011

DIRECTOR OFFICE
TECHNOLOGY CENTER 2400

This is a decision on the request to participate in the PCT- Patent Prosecution Highway (PPH) pilot program and the petition under 37 CFR 1.102(d), filed March 10, 2011, to make the above-identified application special.

The petition is **DISMISSED**.

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

(1) The relationship between the corresponding U.S. application for which participation in the PCT-PPH pilot program is requested and the PCT application satisfies one of the following:

(a) The U.S. application is a national stage entry of the corresponding PCT application.

(b)The U.S. application is a national application which forms the basis for the priority claim in the corresponding PCT application.

(c) The U.S. application is a national stage entry of another PCT application (which can be filed in any competent receiving office) which claims priority to the corresponding PCT application.

(d) The U.S. application is a national application claiming foreign/domestic priority to the corresponding PCT application.

(e) The U.S. application is a continuing application (continuation, divisional, or continuation-in-part) of the U.S. application which satisfies one of the above (a) to (d) scenarios.

(2) The latest work product in the international phase of the PCT application corresponding to the U.S. application indicates at least one claim in the PCT application has novelty, inventive step and industrial applicability. In case any observation is described in Box VIII of the WO/ISA, or WO/IPEA, or IPER which forms the basis for the PCT-PPH request, applicant must identify and explain why the claim(s) is/are not subject to any observation described in Box VIII irrespective of whether an amendment is submitted to correct the observation described in Box VIII.

(3) All the claims in each U.S. application for which a request for participation in the PCT-PPH pilot program is made must sufficiently correspond to or be mended to sufficiently correspond to one or more of those claims indicated as having novelty, inventive step and industrial applicability and free of any observation described in Box VIII in the latest work product of the corresponding PCT application.

(4) Substantive examination of the U.S. application for which participation in the PCT-PPH pilot program is requested has not begun.

(5) Applicant must submit a copy of the latest international work product which indicated that the claim(s) has/have novelty, inventive step and industrial applicability along with an English translation thereof if the copy of the latest international work product is not in the English language.

(6) Applicant must submit a copy of the claims from the corresponding PCT application which were indicated as having novelty, inventive step and industrial applicability in the latest work product of the PCT application along with an English translation thereof and a statement that the English translation is accurate if the claims are not in the English language. Applicant is required to submit a claims correspondence table in English. The claims correspondence table must indicate how all the claims in the U.S. application sufficiently correspond to the claims indicated as having novelty, inventive step and industrial applicability in the latest international work product. If the claims in the U.S. application for which participation in the PCT-PPH pilot program is requested are identical to the claims from the corresponding PCT application, and are in the English language, applicant may just indicate such in the PCT-PPH request and it will not be necessary for applicant to submit a copy of the claims from the corresponding PCT application.

(7) Applicant must submit an information disclosure statement (IDS) listing the documents cited in the international work products (ISR, WOIISA, WOIIPEA, PER) of the PCT.

(8) As of May 25, 2010, the USPTO has eliminated the fee for the petition to make special under the PPH programs.

(9) The request for participation in the PCT-PPH pilot program and all the supporting documents must be submitted to the USPTO via EFS-Web and indexed with the following document description: "Petition to make special under PCT-Patent Pros Hwy. Any preliminary amendments and IDS submitted with the PCT-PPH documents must be separately indexed as a preliminary amendment and IDS, respectively.

The request to participate in the PCT-PPH program and petition failed items (3) and (6) above.

With respect to item (6), petitioner fails to submit a copy of the claims from the corresponding PCT application which were indicated as having novelty, inventive step and industrial applicability in the latest work product of the PCT application along with an English translation thereof and a statement that the English translation is accurate.

The conformance with the requirement of item (3) cannot be verified without review of the claims from the corresponding PCT.

Accordingly, the Petition is **DISMISSED**.

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

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

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

Telephone inquiries concerning this decision should be directed to Hassan Kizou at 571-272-7294

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

Christopher Grant
Quality Assurance Specialist
Technology Center 2400

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

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

Application No:	12/808,924	Filing date:	June 17, 2010
First Named Inventor:	Toshiko Tsuchiya		
Title of the Invention:	SERVER DEVICE, INFORMATION PROVIDING METHOD AND INFORMATION SUCCESSION SYSTEM		

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

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

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

The corresponding PCT application number(s) is/are: PCT/JP2008/003851

The international date of the corresponding PCT application(s) is/are: December 18, 2008

I. List of Required Documents:

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

☑ Is attached.

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

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

☑ Is attached.

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

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

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

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

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

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

(continued)

Application No.:	12/808,924
First Named Inventor:	Toshiko Tsuchiya

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

☐ Is attached

☑ Has already been filed in the above-identified U.S. application on June 17, 2010

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

☐ Are attached.

☑ Have already been filed in the above-identified U.S. application on June 17, 2010

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
19	1	
20	2	
21	3	
22	4	
23	5	
24	6	
25	7	
26	8	
27	9	
28	10	
29	11	
30	12	
31	13	
32	14	

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

Signature	Date 4/8/2011
Name (Print/Typed) Josué A. Villalta	Registration Number 54,511

Privacy Act Statement

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

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

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

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter I of the Patent Cooperation Treaty)

(PCT Rule 44*bis*)

Applicant's or agent's file reference FIC08094-PCT	**FOR FURTHER ACTION**	See item 4 below
International application No. PCT/JP2008/003851	International filing date *(day/month/year)* 18 December 2008 (18.12.2008)	Priority date *(day/month/year)* 19 December 2007 (19.12.2007)
International Patent Classification (8th edition unless older edition indicated) See relevant information in Form PCT/ISA/237		
Applicant ICON Corp.		

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

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

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

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

☒	Box No. I	Basis of the report
☐	Box No. II	Priority
☐	Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
☐	Box No. IV	Lack of unity of invention
☒	Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
☐	Box No. VI	Certain documents cited
☐	Box No. VII	Certain defects in the international application
☐	Box No. VIII	Certain observations on the international application

4. The International Bureau will communicate this report to designated Offices in accordance with Rules 44*bis*.3(c) and 93*bis*.1 but not, except where the applicant makes an express request under Article 23(2), before the expiration of 30 months from the priority date (Rule 44*bis* .2).

	Date of issuance of this report 20 July 2010 (20.07.2010)
The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland Facsimile No. +41 22 338 82 70	Authorized officer Masashi Honda e-mail: pt08.pct@wipo.int

PATENT COOPERATION TREATY

TRANSLATION

From the
INTERNATIONAL SEARCHING AUTHORITY

To:

PCT

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43*bis*.1)

Date of mailing *(day/month/year)*	
Applicant's or agent's file reference FIC08094-PCT	**FOR FURTHER ACTION** See paragraph 2 below

International application No.	International filing date *(day/month/year)*	Priority date *(day/month/year)*
PCT/JP2008/003851	18.12.2008	19.12.2007

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

Applicant
ICON Corp.

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

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

2. **FURTHER ACTION**

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

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

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

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

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

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/JP2008/003851

Box No. I **Basis of this opinion**

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

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

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

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

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

   a. type of material

   ☐ a sequence listing

   ☐ table(s) related to the sequence listing

   b. format of material

   ☐ on paper

   ☐ in electronic form

   c. time of filing/furnishing

   ☐ contained in the international application as filed

   ☐ filed together with the international application in electronic form

   ☐ furnished subsequently to this Authority for the purposes of search

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

5. Additional comments:

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/JP2008/003851

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

1. Statement

Novelty (N)	Claims	1-14	YES
	Claims		NO
Inventive step (IS)	Claims	1-14	YES
	Claims		NO
Industrial applicability (IA)	Claims	1-14	YES
	Claims		NO

2. Citations and explanations:

Document 1: JP 2004-62217 A (Kabushiki Kaisha Ditazusado), 26 February 2004, entire text; all drawings (Family: none)

Document 2: JP 2002-197287 A (Atsushi KAJINUMA), 12 July 2002, entire text; all drawings (Family: none)

Document 3: JP 2006-215843 A (Kabushiki Kaisha I Sefu), 17 August 2006, entire text; all drawings (Family: none)

The invention as in claims 1-14 is not disclosed in any of the documents cited in the ISR, and would not be obvious to a person skilled in the art.

STATEMENT

In the matter of
US Patent Application No.12/808,924
in the name of ICON Corp.

I, the undersigned, Akira Shichijyo of Sano & Associates International Patent Firm, of 9F Hatchobori MF building, 2-9 Irifune 1-chome, Chuo-ku, Tokyo, Japan, do solemnly and sincerely state as follows:

1. That I am well acquainted with the English and Japanese languages and am competent to translate from Japanese into English.

2. That the English language claims in the attached translation of the specification and claims are an accurate translation of the Japanese language claims in PCT Application No. PCT/JP2008/003851 filed on December 18, 2008.

Dated this 7th day of April, 2011

Akira Shichijyo

Akira Shichijyo

SPECIFICATION

SERVER DEVICE, INFORMATION PROVIDING METHOD AND INFORMATION SUCCESSION SYSTEM

TECHNICAL FIELD

[0001]

The present invention relates to a computer device connected to a terminal device and used as a server device, into which a user input information and a user identification information are input based on a user's operation of the terminal device, and related to an information providing method and an information succession system using the server device. Specifically, the present invention relates to the server device, the information providing method and the information succession system which can confidentially manage a personal information and all other information on the individual using an encryption definition device and/or encryption key management device, acquire the information required by other user having authority and/or by user himself/herself, and succeed the information (that contains the process or method for acquiring the information required by the successor, and the histories of generating each of combined information containing modified parts, corrected parts or added parts, and amalgamated parts of the information memorized in the process).

BACKGROUND ART

[0002]

According to the conventional encryption key management device, the encryption key and the decryption key which are necessary for executing the encryption processing, are often managed by the external system operation company. However, in the case where the external administrator manages the encryption key (see the patent document 1, for example), the person not the internal administrator can get to know the encryption key. Therefore, such management is not desirable for security and may cause the leakage of information.

[0003]

In recent years, the way of managing the computerized information (including the testament and the property management information, for example) on a system and restrictively supplying the information only to the specified people appointed by the user is in the spotlight (see the patent document 2 to 5). The degree of secrecy in these cases are high, and so the management problems discussed above must be solved clearly.

[0004]

In addition, in recent years, the development of the artificial intelligence comprising the learning function is remarkable, and so the artificial intelligence can generate the information of which the user desires to acquire and supply it (see the patent document 6, for example). However, the conventional artificial intelligence does not manage the generation processes and histories of the acquired information, that is, only supplies the existing information.

Patent document 1: JP2004-248330A

Patent document 2: JP2002-197287A

Patent document 3: JP2002-49708A

Patent document 4: JP2006-59283A

Patent document 5: JP2005-235077A

Patent document 6: JP2007-272773A

DISCLOSURE OF THE INVENTION

PROBLEMS TO BE SOLVED BY THE INVENTION

[0005]

The purpose of the present invention is to provide the server device, the information providing method and the information succession system which use the key management device for preventing the leakage of the personal information by managing the encryption key and decryption key correlated to the user identification information, receive the information input by the user, disclose the personal information and all other information on the individual to the other user having

restricted authority and/or to the user only using the key management device and so on, generate the information required by the other user having restricted authority and/or by the user himself/herself, and succeed the information (that contains the process or method for acquiring the information required by the successor (for example, communication information corresponding to the user's personality, habit and so on), and the information generating histories including the combination, modification, correction or addition, and amalgamation given to the information stored in the process).

[0006]

The further purpose of the present invention is to provide the server device, the information providing method and the information succession system which can specify the objective person required to succeed the information, safely communicate the desired information only to the specified objective person without omission, and succeed the information for generations.

MEANS TO SOLVE THE PROBLEMS

[0007]

The server device according to a preferred embodiment of the present invention is the server device connected to a terminal device, comprising: a first reception processing unit that receives a user input information and a user identification information, and stores them to a first received information storage area, when the user input information and the user identification information are input to the terminal device by a user's input operation, are transferred from the terminal device to the unsent information storage area, and then to the server device; a personality data generation unit that generates a personality data indicating a user's personality by analyzing the user input information stored in the received information storage area and stores the personality data into the personality data storage area; a personality data storage unit that stores the personality data stored in the personality data storage area with correlating the user identification

information; a second reception processing unit that receives a request information for requesting an acquirement of an information correlated to the user and the user identification information stored in the received information storage area, and stores them into a second received information storage area, when the request information and the user identification information are sent from the terminal device to the server device; a request information analyzing unit that generates a characteristic data indicating a characteristic of the request information by analyzing the request information, and stores the generated characteristic data into a characteristic data storage area; a personality data searching unit that searches the personality data correlated to the user identification information from among the personality data stored in the personality data storage unit; a communication information generation unit that generates a communication information correlated to the user using the characteristic data stored in the characteristic data storage area and the searched personality data, and stores it into a communication information storage area; and a sending processing unit that makes the server device to send the communication information stored in the communication information storage area to the terminal device, and makes the terminal device to output the communication information.

[0008]

Incidentally, a personal computer (PC) or a mobile terminal device can be used as the terminal device connected to the server device, however, the terminal device is not limited to these devices.

[0009]

The user is not limited with regard to the age, the sex or the circumstance. The user means an individual who desires to succeed at least one user input information from among all information including information on the user, the information on human relations, the information about succession and all other information, or a user identification information and the

encryption key, to the successor, friend or next generations. In addition, a user can also mean an individual who succeeds the user input information or the user identification information.

[0010]

Moreover, the user means predetermined legal company, including a section of the company, an employee, a manager and other people belonging to the company. In other words, the user means the section of the company, the specified employee and a company desiring to succeed at least from among the information related to the user's businesses, as well as an organization or an employee to which the user information or the user identification information is succeeded.

[0011]

The user input information means at least one of the all information (that includes an owned diary, a calendar or other information recording family events, for example), images (that includes photographs or other still pictures, and includes video, DVD or other motion pictures, for example), music (which includes predetermined music information of the MP3 or other format, for example), natural voice recorded by the predetermined method, a school report of user's child, a certificate of merit of user's child, an e-mail sent or received by the user and other personal information about the user, information on the successor and the human relations, information about the succession (that includes the asset register, the statement of assets, the official document, the copy of the certificate of insurance, the number of an insurance policy, the number of the bank account, the stock and the testament) and all other information desired to be input by the user.

[0012]

The user identification information means an information including at least one of information for identifying the user, for example, the transmitter's name (containing the phonetic symbols), the birth date, the user identification number (UTN)

(fifteen digits) of the mobile phone terminal, FOMA (trademark) card identity number (UIM) of the mobile phone terminal, ID of the mobile phone terminal, the photograph or other still picture and the motion image.

[0013]

The personality data generation unit of the server device according to the present invention can be constructed so as to generate the vocabulary distribution data, which indicates the appearance frequency of each word, by classifying the character information in the user input information by words, and generate the personality data by comparing the generated vocabulary distribution data and the standard vocabulary distribution data previously generated as the standard used when the personality data is generated.

[0014]

The personal data generation unit of the server device according to the present invention can be constructed so as to generate the personality data by choosing plural elements as the elements of characterizing the personality, and rating the chosen element on the scales of the predetermined number.

[0015]

Otherwise, the personal data generation unit of the server device according to the present invention can be constructed so as to generate new personality data one by one, by analyzing the user input information with referencing the personal data stored in the personality data storage unit when the user input information is provided from the terminal device, and to store them into the personality data storing unit accumulatively.

[0016]

The request information analyzing unit according to the present invention can be constructed so as to generate the characteristic data by extracting at least one word characterizing the whole of the request information from among the words included in the character information of the request information, and to interchange the generated information with

the terminal device.

[0017]

The server device according to the present invention can be constructed to further comprise: an encryption definition file management unit that manages plural keys used for the encryption by the encryption processing unit when the user input information and the user identification information, which are input based on the user's input operation of the terminal device, are provided to the user registration unit; an encryption processing unit that encrypts the user input information and the user identification information using the key in the encryption definition file acquired from the encryption definition file management unit; a data storage unit that stores the first user input information, which is encrypted by the encryption processing unit, with correlating to the user identification information; a data searching unit that searches the first user input information correlated to the user identification information from among the first user input information stored in the data storage unit using the second user input information as a search key word, then, searches the user input information in connection with the characteristic data from among the searched first user input information using the second user input information; and a decryption processing unit that decrypts the searched user input information using the key in the encryption definition file acquired from the encryption definition file management unit; wherein a communication information generation unit generates the communication information using the characteristic data, the personality data and the searched user input information.

[0018]

The server device contains a system comprising a first key management device and a second key management device (hereinafter, these devices are called 'an encryption definition management server' as a whole), a database device storing an information on the user (hereinafter, called 'a database server'), a server device having each processing unit

containing an encryption unit, a decryption unit and a data processing unit (hereinafter, called 'an application server'). Hereinafter, the encryption key system according to the present invention is called encryption system.

[0019]

The encryption definition key management server is the server computer which manages the encryption definition file, and comprises the program for managing the encryption definition file which is an aggregate of the encryption keys, but the encryption definition key management server does not manage the encryption key. Regarding the working program of the server, the encryption definition key management server does not acquire the network key, but downloads the encryption definition file which is the aggregate of the encryption keys, and temporary stores the aggregate of the encryption keys into the storage unit of the server device (a memory, for example). After being downloaded to the terminal device, the encryption definition file is decrypted on the memory of it and saved in the memory. The encryption definition file is saved until when the application finishes the execution commanded by the terminal device or until when the predetermined time passes from the execution of the system. In addition, the encryption definition file can be deleted from the memory of the server device by the arbitrary operation. The predetermined information including the user input information which should be recorded is encrypted by the encryption method of the present invention and stored into the encryption information area of the server device, for example, the storage unit. The encryption information area must not be located in the server device itself, but can be shared with other servers via a network. Incidentally, according to the encryption system of the present invention, the encryption and decryption of the electric information which should be memorized are executed only when the application is executed, and the decrypted electrical information is deleted from the memory of the server device when the application is ended. Furthermore, at the terminal device

side, the information processed by the server device is received by the terminal device and displayed on the terminal device display unit, and the information is deleted from the terminal device when the application of the server device is ended based on, for example, the arbitrary operation.

[0020]

When the predetermined encrypted information stored in the encryption information area is searched, the search information is used for the search process after encrypted using the encryption definition file, and so all kinds of search processing of the application executed by the encryption system can be employed.

[0021]

Therefore, the above described encryption system does not comprise different keys by each file of the electronic information, but can set different encryption keys and different encryption method by each field item in one data among the whole data of the electronic information managed in the encryption system.

[0022]

Moreover, the encryption system is a system which does not only decrypt all acquired information, but can use the data without decrypting based on the application user authority provided to the application user by each field item in one acquired data, and so the encryption system can supply the method of the encryption and the decryption in which the application utilizing the encryption system executes encryption and decryption by each field item in one data.

[0023]

The method for concealing the key is described hereinafter.

[0024]

Firstly, the storage area of the encryption definition file (hereinafter, called 'directory'), which is not concealed, is set. At the time of installing, a large number of pseudo encryption definition files (hereinafter, called 'dummy file')

are generated (for example, one thousand files). At this time, the real encryption definition file is divided into four parts and written into the directory. The file name of each dummy file and real file is encrypted and so the relationships between them cannot be understood at a glance. Also, the dummy files are divided into four parts. These files are called 'key file' as a whole.

[0025]

A large number of combinations (for example, a hundred billion combinations) needs to be tried out for discovering the four real encryption definition files from among the key file. On the other hand, the encryption definition files can be discovered immediately after the writing out of real encryption definition files using timestamp, so timestamps of all files are renewed (or overwritten) immediately after the writing, as tricks. However, even if the timestamps are renewed, the increase of the key file can be understood by comparing with the last key file, when the real encryption definition file is written newly. Therefore, a large number of dummy files (for example, a hundred files) are written together with the new writing, and the old dummy files are deleted. As a result, the combinations for forming the encryption definition file can be still many (for example, about a hundred million combinations), even if the difference is detected.

[0026]

Next, the generation of the file names of the encryption definition files is described concretely hereinafter.

[0027]

The encryption definition file name is always encrypted by using a predetermined standard character string. The reason for using the predetermined standard character string is that the files can be extracted from the key file. The random key is unsuitable because all file names of the key file needs to be decrypted for finding the required file. In addition, it is worried that the length of the original character strings might reflect the length of the encrypted character strings,

so the file name is encrypted after adjusting the file name length to the predetermined length, and a character string is added to the basic file name (i.e. the file name provided with the real encryption definition key) so as to become the file name of the purposed length. Consequently, the same file name is generated whenever the basic file name is the same, so the required file can be always extracted from the key file.

[0028]

The information providing method according to an embodiment of the present invention related to the providing method of server device connected to the terminal device, comprising: a first receiving processing step that receives a user input information and a user identification information, and stores them into a first received information storage area, when the user input information and the user identification information are input to the terminal device by a user's input operation, transferred from the terminal device to the unsent information storage area, and sent from the area to the server device; a personality data generation step that generates a personality data indicating a user's personality by analyzing the user input information stored in the received information storage area, and stores the personality data into the personality data storage area; a personality data storage step that stores the personality data stored in the personality data storage area with correlating to the user identification information; a second reception processing step that receives a request information for requesting an acquirement of an information correlated to the user and the user identification information stored in the received information storage area, and stores them into a second received information storage area, when the request information and the user identification information are sent from the terminal device to the server device; a request information analyzing step that generates a characteristic data indicating a characteristic of the request information by analyzing the request information, and stores the generated characteristic data into a characteristic data

storage area; a personality data searching step that searches the personality data correlated to the user identification information from among the personality data stored in the personality data storage unit; a communication information generation step that generates a communication information correlated to the user using the characteristic data stored in the characteristic data storage area and the searched personality data, and stores it into a communication information storage area; and a sending processing step that makes the server device to send the communication information stored in the communication information storage area to the terminal device, and makes the terminal device to output the communication information.

[0029]

The personality data generation step of the information providing method of the server device according to the present invention can be constructed so as to generate the vocabulary distribution data, which indicates the appearance frequency of each word, by classifying the words of a character information in the user input information, and to generate the personality data by comparing the generated vocabulary distribution data and a standard vocabulary distribution data previously generated as a standard used when the personality data is generated.

[0030]

The personality data generation step of the information providing method of the server device according to the present invention can be constructed so as to generate the personality data by choosing plural elements as elements for specifying the personality, and rating the chosen element on the scales of a predetermined number.

[0031]

Otherwise, the personality data generation step of the information providing method of the server device according to the present invention can be constructed so as to generate new personality data by analyzing the user input information with

referencing the personal data stored in the personality data storage unit when the user input information is provided from the terminal device, and to store them into the personality data storing unit accumulatively.

[0032]

The request information analyzing step of the information providing method of the server device according to the present invention can be constructed so as to generate the characteristic data by extracting at least one word characterizing the whole of the request information from among the words included in the character information of the request information, and to interchange the generated information with the terminal device.

[0033]

The information providing method of the server device according to the present invention can be constructed to further comprise: an encryption processing step that encrypts the user input information using a key acquired from an encryption definition file; a data storage step that stores the first user input information, which is encrypted by the encryption processing unit, with correlating to the user identification information; a data searching step that searches the first user input information correlated to the user identification information from among the first user input information stored in the data storage unit using the second user input information as a search key word, then, searches the user input information in connection with the characteristic data from among the searched first user input information using the second user input information; and a decryption processing step that decrypts the searched user input information using the key acquired from the encryption definition file; wherein the communication information generation step generates the communication information using the characteristic data, the personality data and the searched user input information.

[0034]

The information succession system according to the

present invention is the information succession system which manages the information which is encrypted and succeeds the encrypted information, comprising: an application server that executes sending and receiving information via a network, an encryption definition management server that manages the encryption definition file which is an aggregation of encryption keys used for encrypting the information, a data base server that stores the information encrypted using the encryption key; wherein the encryption definition management server encrypts all of dummy files and real encryption definition file and extracts the required file specified by plural encryption definition files using a standard character string.

EFFECT OF THE PRESENT INVENTION

[0035]

The server device and the information providing method according to the present invention can generate the communication information corresponding to the user's personality, and can provide it to the specified user.

[0036]

In the case where the user is an individual, for example, the user records the matters, of which the user wants to communicate to one's wife, husband, son, daughter, father and mother, in each case. For example, one's thinking on a routine basis, commemorative photographs, commemorative movies, favorite music, voices and mails are recorded as individual sense of value and as means for communicating the predetermined user input information to other people, like a diary (or a blog). In this way, at the time of the user's illness, the user's job changing, the marriage of the user's child and so on, the user can communicate one's thinking of which the user wants to communicate or leave to one's loved one such as the wife, the husband, the son, the daughter, the father and the mother. Moreover, in the case where the 'will' is recorded with the history for preparing the user's 'death' that is the biggest

event in one's life, the information required for viewing the predetermined information left by an individual when he/she 'dies' is succeeded, and the access authority are succeeded by providing the encryption key. As a result, the bereaved family members and the loved ones are provided with the authority for getting the messages as emotional support, and are encouraged by the recorded massages. Moreover, in the case where the editing function of the artificial intelligence is additionally provided, the messages can be developed, and so 'the conversation with the decedent' (accurately, the imitation of the conversation with the decedent) as if the user is actually responding can be realized by the central processing device of the computer which extracts the necessary keyword from the above described recorded information, analyzes the information recorded with correlated to a question (i.e. input information) and assembles sentences or answers when the user's wife, husband, son, daughter, father, mother and so on asks the user (who is already dead) as if they are having a conversation.

[0037]

Therefore, the person (for example, the successor), who is authorized to access the stored user input information, can access the user input information in response to the questions at any time, for example, when the authorized person feels lonely, when the authorized person wants advice, when the authorized person wants to share his/her joy. The corresponding message and the generated message are sent as if the user is alive (same as memories of life together) by an e-mail or a telephone (using recorded voice). Moreover, it is possible to register so as to send massages at set time interval as a schedule of future. For example, the message can be sent at the 20th birthday of the child or the wedding anniversary of the couple according to the growth of the child.

[0038]

Incidentally, the successor or other person who succeeds the information can abandon the access authority, and the access authority can be succeeded to the legal successor when there

is no right holder.

BRIEF DESCRIPTION OF THE DRAWINGS

[0039]

Figure 1A is a block diagram showing the structure of an information providing system according to an embodiment of the present invention.

Figure 1B is a block diagram showing the structure of another information providing system according to an embodiment of the present invention.

Figure 2 is a block diagram showing the structure of the terminal device according to the information providing system.

Figure 3 is a block diagram showing the structure of the server device according to the information providing system.

Figure 4 is a flowchart showing the procedure of the information providing processing according to the embodiment of the present invention.

Figure 5 is a conceptual diagram according to an example of the present invention, showing the relationship between the first to second keys and the registered information of which a successor can view.

Figure 6 is a flow chart according to an example of the present invention, showing an automatic generation of the first key when registering the predetermined information and a certification processing of the first key by a successor.

Figure 7 is a flow chart according to an example of the present invention, showing an automatic generation of the second key when registering the predetermined information and a certification processing of the second key by a successor.

DESCRIPTION OF THE PREFERRED EMBODIMENTS

[0040]

An embodiment of the present invention is described hereinafter.

[0041]

Figure 1A shows the structure of the information

providing system 10 according to the embodiment of the present invention. The information providing system 10 is the system for realizing the information providing service to provide the information correlated to the user (hereinafter, called 'the contractor of the service') to the heir (hereinafter, called 'the successor') after the user's death, and comprises the terminal device 20, blog server 30, mail server 40 and the server device 50. Incidentally, the circuit structure of the terminal device 20 is shown in Figure 2, and the circuit structure of the server device 50 is shown in Figure 3.

[0042]

Figure 1B is a block diagram showing the structure of another information providing system according to the embodiment of the present invention. As shown in Figure 1B, each unit and each function of the server device 50 shown in Figure 1A can be distributed and individually constructed as the application server 60, the first key management device 70, the second key management device 80 and the database server 90. By using such a distributed system, the security can be enhanced, and so it is more preferable than the centralized processing by the server device 50 shown in Figure 1A. Incidentally, in the above and following description, each of the server device, the computer device, the management device and the information processing device comprises a storage area (e.g. memory) or a storage device (e.g. internal hard disk) in it, performs the information processing using the hardware resource of the computer device by giving the information processing such as a calculation to the data written to or read from the storage area or the storage device. These storage areas or the storage devices are generally built in each of the server device, the computer device, the management device and the information processing device, and so there are cases where they are omitted in Figures. However, the storage areas or the storage devices are built in these devices even if they are not shown.

[0043]

In the case of Figure 1B, the first key management device

70 manages the first encryption definition file which is an aggregation of plural first keys, the second key management device 80 manages the second encryption definition file which is an aggregation of plural second keys. Incidentally, the first key indicates the key which can identify a person requiring the utilization (hereinafter, called 'a service contractor' or 'a successor') as the valid user, and can use for obtaining the second key necessary for acquiring the data. The second key indicates the key used when the registered information is encrypted and/or decrypted and can be used for restricting the extent of the data to which the successor is permitted to view.

[0044]

At first, the user (for example, the father or other service contractor according to the present invention) sets and inputs the name or other ID information (i.e. the user identification information) and the password (i.e. the certification information) by operating the input unit 110 of the terminal device 20. When the ID information and the password are set and input, the control unit 100 stores them into the storage unit 170 as necessary and send them to the server device 50 via the sending and receiving processing unit 150.

[0045]

The receiving processing unit 210 of the server device 50 receives the ID information and the password, then, outputs them to the user registration unit 200. The user registration unit 200 registers and stores these ID information and password, and, issues the successor's ID information and successor's password which are necessary when the successor (for example, the mother, the son, the daughter, the third person or other successor), who is previously registered while the user is alive, acquires the information correlated to the user before and/or after the user's death. Then, the user registration unit 200 outputs them to the sending processing unit 250. Otherwise, it is possible that the successor checks the renewal of the blog data of the blog server 30 periodically, contacts the service

contractor (for example, using an e-mail or a telephone) if the blog is not renewed, then, issues the successor's ID information and successor's password and outputs it to the sending processing unit 250 when there is no response.

[0046]

That is, the unique first key is provided to the successor registered by the encryption processing unit 220 based on the information input from the receiving processing unit 210 via the user registration unit 200. When the successor except for the service contractor accesses the predetermined registered information in the data storage unit 230 having the function of the database, the second key needs to be acquired using the first key automatically generated when the service is certificated. The second key provided to the successor has the function of restricting the extent of the data to which the successor is permitted to view.

[0047]

The sending processing unit 250 sends the successor's ID information and the successor's password to the terminal device 20. The sending and receiving processing unit 150 of the terminal device 20 receives the successor's ID information and the successor's password, then, the sending and receiving processing unit 150 outputs and stores them into the storage unit 170 under the control of the control unit 100.

[0048]

After the registration of the user, the terminal device 20 accesses to the blog server 30 based on the user's input operation using the input unit 110, and sends the various kinds of input information to the blog server 30.

[0049]

That is, when the character information input from the input unit 110, the picture information input from the camera 120, the voice information input from the microphone 130 and so on are provided, the control unit 100 of the terminal device 20 sends these user input information to the blog server 30 via the sending and receiving processing unit 150 together with the

ID information and the password stored in the storage unit 170.

[0050]

The blog server 30 stores the user input information sent from the terminal device 20, and sends the sent user input information to the server device 50 together with the ID information and the password.

[0051]

Otherwise, after the registration of the user, the terminal device 20 can be set so as to access to the mail server 40 based on the user's input operation using the input unit 110, and to send the mail to the server device 50 in the case where the mail addressed to the successor has been received by the mail server 40.

[0052]

As a result, when the character information input from the input unit 110, the picture information input from the camera 120 and so on are provided, the control unit 100 of the terminal device 20 sends these user input information to the mail server 40 via the sending and receiving processing unit 150 together with the ID information and the password stored in the storage unit 170.

[0053]

The mail server 40 sends the mails sent to or received from the successor, which are selected from among the mails sent from the terminal device 20, to the server device 50 as the user input information together with the ID information and the password.

[0054]

Additionally, after the registration of the user, the will, the number of an insurance policy, the number of the bank account, the stock or other information corresponding to the succession are input to the control unit 100 of the terminal device 20 based on the user's input operation using the input unit 110, then, the control unit 100 directly sends these information to the server device 50 via the sending and receiving processing unit 150 as the user input information

together with the ID information and the password stored in the storage unit 170.

[0055]

By working as the first receiving processing unit, the receiving processing unit 210 of the server device 50 outputs the ID information and the password to the user registration unit 200 when receiving the user input information, the ID information and the password. The user registration unit 200 commands the encryption definition file management unit 190 to acquire the first key used for executing the certification processing using the sent ID information and the sent password, finds the corresponding first key from among the first encryption definition file transferred from the encryption definition file management unit 190, executes the certification processing using the sent ID information and the sent password, and as a result, outputs the certification success information to the receiving processing unit 210 if the certification is succeeded.

[0056]

When the certification success information is provided from the user registration unit 200, the receiving processing unit 210 outputs the user input information and the ID information to the encryption processing unit 220 and the personality data generation unit 260. The encryption processing unit 220 commands the encryption definition file management unit 190 to acquire the second key used for encrypting the user input information, encrypts the user input information using the second key transferred from the encryption definition file management unit 190, and stores the encrypted user input information to the data storage unit 230 with correlating to the ID information. As a result, the server device 50 encrypts and stores the user input information one by one whenever the user input information is provided from the terminal device 20.

[0057]

The service contractor can register the information by

dividing the information into plural groups. When registering the information divided into plural groups, the second keys, each of which is used for encrypting and/or decrypting the data of the corresponding group, are generated by each group, then, the information is encrypted and registered. When registering the successors, the service contractor can register which group information to be succeeded to which successor, and so can correlates the second key, which is generated by each group, to the successor. The second key correlated to the registered successor can be correlated to the first key which is generated based on the information of the user and the successor.

[0058]

Figure 5 is a conceptual diagram according to an embodiment of the present invention, showing the relationship between the first to second keys and the registered information to which the successor is permitted to view. As shown in Figure 5, the 'wife' as a successor has a first key as the 'wife's key', and at the same time has the 'key of group A', the 'key of group B' and 'key of group C' as the second keys correlated to the wife's key, so the wife can view the registered information of the groups A, B and C. Similarly, the 'first child' can view only the information of group B and the 'second child' can view only the information of group C. In contrast, the 'third child' cannot view any registered information because the third child is not registered as a successor and does not have the first and second keys. Incidentally, when registered as a successor and so permitted to view the information, the person can specify the new successor and can register the user input information as a new service contractor.

[0059]

When the user input information and the ID information are provided, the personality data generation unit 260 generates the personality data indicating the personality of the user by analyzing the user input information and stores the generated personality data to the personality data storage unit 270 with correlating to the ID information.

[0060]

Hereinafter, an example of the method for generating the personality data is described. For example, the personality data generation unit 260 classifies the character information in the user input information to the words such as the noun, the verb, the adjective, the adverb, the interjection, auxiliary verb etc., and generates the vocabulary distribution data, which indicates the appearance frequency of each word.

[0061]

Incidentally, the personality data generation unit 260 previously has the standard vocabulary distribution data which corresponds to various kinds of personality pattern and used as the standard for generating the personality data. The personality data generation unit 260 compares the vocabulary distribution data generated using the user input information with the standard vocabulary distribution data generated in advance, and analyzes it.

[0062]

Consequently, the personality data generation unit 260 generates the basic data for forming the personality data indicating the personality of the user, by choosing plural elements for specifying the personality, for example, 'gentle', 'severe', 'cool', 'emotional', 'inpatient' and 'cheerful' etc., and rating the chosen elements on a zero to ten scale (the number of the scale is not restricted and can be decided freely).

[0063]

Since then, the personality data generation unit 260 stores new personality data one by one to the personality data storage unit 270, by analyzing the user input information with referencing the personality data stored in the personality data storage unit 270, when the user input information is provided from the terminal device 20.

[0064]

After that, when the successor, for example, feels like he/she wants to talk with the user in life, the successor inputs the desired message to the terminal device 20 by operating the

input unit 110. The control unit 100 sends the input message to the server device 50 via the sending and receiving processing unit 150 as the successor input information (i.e. the request information for requesting the acquirement of the information correlated to the user) together with the successor's ID information and the successor's password stored in the storage unit 170.

[0065]

By working as the second receiving processing unit, the receiving processing unit 210 of the server device 50 outputs the ID information and the password to the user registration unit 200 when receiving the successor input information, the successor's ID information and the successor's password. The user registration unit 200 executes the certification processing using the ID information and the password sent from the receiving processing unit 210, and as a result, outputs the certification success information to the receiving processing unit 210 if the certification is succeeded.

[0066]

The receiving processing unit 210 outputs the successor input information and the ID information to the input information analyzing unit 290 when the certification success information is provided from the user registration unit 200. The input information analyzing unit 290, which works as the request information analyzing unit, generates the characteristic data, which indicates the characteristic of the successor input information, by analyzing the successor input information.

[0067]

Hereinafter, an example of the method for generating the characteristic data is described. For example, the input information analyzing unit 290 generates the characteristic data by extracting at least one or more words which characterize the whole successor input information from among the words contained in the character information represented by the successor input information.

[0068]

Then, the input information analyzing unit 290 outputs the ID information to the personality data storage unit 270, outputs the ID information and the characteristic data to the data storage unit 230 and outputs the characteristic data to the communication information generation unit 280.

[0069]

By working as the personality data search unit, the personality data storage unit 270 searches the personality data correlated to the ID information from among the personality data stored in the personality data storage unit 270 itself, and outputs the searched personality data to the communication information generation unit 280.

[0070]

By working as the data search unit, the data storage unit 230 searches the user input information correlated to the ID information from among the user input information stored in the data storage unit 230 itself, then, searches the user input information related to the characteristic data (e.g. sent mail, received mail or other sentences) from among the searched user input information, and outputs the obtained user input information to the decryption processing unit 240.

[0071]

The decryption processing unit 240 give command to acquire the second key, which is used for the decryption of the provided user input information, to the encryption definition file management unit 190, decrypts the provided user input information using the second key transferred from the encryption definition file management unit 190, and outputs the decrypted user input information to the communication information generation unit 280.

[0072]

The communication information generation unit 280 generates the communication information for communicating to the successor (i.e. the information correlated to the user) using the characteristic data indicating the characteristic of

the successor input information, personality data of the user (i.e. ancestor) and the user input information corresponding to the successor input information, and send it to the terminal device 20 via the sending processing unit 250.

[0073]

The sending and receiving processing unit 150 of the terminal device 20 receives the communication information sent from the server device 50, and then, outputs it to the control unit 100. The control unit 100 informs the messages to the successor by displaying the character information according to this communication information on the display unit 160. Incidentally, in this case, the control unit 100 may output the voice corresponding to the communication information from the speaker 140 with displaying the face image of the ancestor, namely the user, or other moving image on the display unit 160.

[0074]

Otherwise, it can be employed that the information is acquired by searching the information corresponding to the repetition, when the question information from the successor to the user are obtained in a repetitive manner.

[0075]

When the application server 60, which comprises the each function corresponding to the server device 50, executes the service processing according to the present application and the terminal device 20 terminates the service processing, all information only used for displaying at the side of the terminal device 20 are deleted. Moreover, the predetermined information communicated between the server device 50 and the terminal device 20 or between the application server 60 and the terminal device 20 are protected by the encrypted communication using the SSL (Secure Socket Layer) or other predetermined encrypted communication protocol. While the service is processed, the server device 50 or the application server 60 executes the processing including the encryption and/or the decryption of the predetermined registration information, the sending and receiving of the electronic information, the

acquisition of the first key and the acquisition of the second key.

[0076]

Incidentally, the server device 50 may send the user input information decrypted by the decryption processing unit 240 to the terminal device 20 via the sending processing unit 250 without generating the communication information by the communication information generation unit 280.

[0077]

The server device 50 may make the data storage unit 230 to search the user input information corresponding to the age of the successor from among the user input information stored in the data storage unit 230 at the timing when the successor reaches the predetermined age, next, make the decryption processing unit 240 to decrypt the searched user input information, then, make the decrypted information to be sent to the terminal device 20.

[0078]

Figure 4 shows the information providing processing procedure RT10 according to the present embodiment. As shown in Figure 4, the server device 50 inputs the user input information based on the user's input operation of the terminal device 20. When the information providing processing procedure RT10 starts, the process jumps to SP10 and the receiving processing unit 210 receives the user input information and the ID information sent from terminal device 20.

[0079]

At the step SP20, the personality data generation unit 260 analyzes the received user input information and generates the personality data indicating the personality of the user. Meanwhile, the encryption processing unit 220 commands the encryption definition file management unit 190 to acquire the second key used for encrypting the received user input information, and encrypts the received user input information using the second key transferred from the encryption definition

file management unit 190.

[0080]

In other words, the encryption processing unit 220 encrypts the user input information and generates the first and second keys provided for the successor registered by the service contractor. The first key is automatically generated by the calculation processing of the server device using the combination of the user identification information of the service contractor oneself and the information corresponding to the successor. For example, the first key can be automatically generated by a series of processing shown in Figure 6 using the combination of the ID information, for example, the name, the birth date, the wedding anniversary and the wife's name of the identical person (hereinafter, called 'certification information').

[0081]

Figure 6 is a flow chart according to an embodiment of the present invention, showing an automatic generation of the first key when registering the predetermined information and a certification processing of the first key by the successor. As shown in Figure 6, when the information encryption processing procedure RT20 starts, the server device 50 or the application server 60 acquires the name input from the input unit of the terminal device 20 at the step SP200, the encryption processing unit 220 executes the calculation processing, which can contain the predetermined random calculation, using the name received via the receiving processing unit 210 (hereinafter, called 'calculation 1') at the step SP201, consequently, the result of the calculation 1 is acquired at the step SP202. Next, the server device 50 or the application server 60 acquires the birth date input from the input unit of the terminal device 20 at the step SP203, the encryption processing unit 220 executes the calculation processing, which can contain the predetermined random calculation, using the result of the calculation 1 and the birth date received via the receiving processing unit 210 (hereinafter, called 'calculation 2') at the step SP204,

consequently, the result of the calculation 2 is acquired at the step SP205. Then, the server device 50 or the application server 60 acquires the wedding anniversary input from the input unit of the terminal device 20 at the step the SP206, the encryption processing unit 220 executes the calculation processing, which can contain the predetermined random calculation, using the result of the calculation 2 and the wedding anniversary received via the receiving processing unit 210 (hereinafter, called 'calculation 3') at the step SP207, consequently, the result of the calculation 3 is acquired at the step SP208. Furthermore, the server device 50 or the application server 60 acquires the wife's name input from the input unit of the terminal device 20 at the step SP209, the encryption processing unit 220 executes the calculation processing, which can contain the predetermined random calculation, using the result of the calculation 3 and the wife's name received via the receiving processing unit 210 (hereinafter, called 'calculation 4') at the step SP210, consequently, the result of the calculation 4 is acquired at the step SP211. Incidentally, the repeating of the above described calculation processing is not restricted. After that, the result of the calculation 4 is encrypted at the step SP212 (hereinafter, called 'encryption processing'), and the first key is acquired as the result of the encryption processing which is numerical sequence generated using the hash function at the step SP213, then, the processing ends (step SP214). Such predetermined standard generation character string is canceled when the standard generation ends. The successor is supplied with the first key as the individual key. Consequently, the generation accuracy of the first key and the certification accuracy of the successor improves by repeating the calculation processing plural times using plural of the predetermined standard item, and so the advanced security provision can be realized. The input information input to the terminal device for generating the first key can be supplied to the server device in a lump.

[0082]

Figure 7 is a flow chart showing an automatic generation of the second key at the time of registering the predetermined information, according to an embodiment of the present invention. The second key is automatically generated using the combination of the user identification information corresponding to the service contractor oneself and the information corresponding to the group of the user registration information that is registered. For example, the second key is automatically generated using the information input from the terminal device by the calculation processing shown in Figure 7, using the combination of the ID information, for example, the name of identical person and the birth date of identical person, and the name of the group A. The encryption processing performed by repeating the calculation processing, which can contain the predetermined random calculation, in the second key generation shown in Figure 7 is similar to the encryption processing for generating the first key shown in Figure 6, and so the explanation is omitted. The automatically generated second key can be used for the encryption and the decryption of the succeeded information. The second key is provided with the individual identifier and stored into the second key management device 80.

[0083]

At the step SP30, the personality data storage unit 270 stores the generated personality data with correlated to the ID information, and the data storage unit 230 stores the encrypted user input information with correlated to the ID information.

[0084]

At the step SP40, the successor input information and the ID information are sent from the terminal device 20 to the server device 50 when the successor operates the input unit 110 of the terminal device 20 after confirming the death of the user. Then, the server device 50 receives the successor input information and the ID information using the receiving processing unit 210.

[0085]

At the step SP50, the input information analyzing unit 290 generates the characteristic data indicating the characteristic of the successor input information by analyzing the received successor input information.

[0086]

At the step SP60, the personality data storage unit 270 searches the personality data of the user, who is the ancestor, based on the ID information from among the personality data stored in the personality data storage unit 270.

[0087]

Moreover, the data storage unit 230 searches the user input information of the user or the ancestor based on the ID information from among the user input information stored in the data storage unit 230, then, searches the user input information corresponding to the characteristic data from among the searched user input information. Next, the decryption processing information 240 commands the encryption key definition file management unit 190 to acquire the second key used for decrypting the searched user input information, and decrypts the searched user input information using the transferred second key.

[0088]

As described above, the first key is generated by executing the sequence of processing shown in Figure 6 in which the name, the birth date, the wedding anniversary and the wife's name of the service contractor are used as the ID information. Then, the successor having the generated first key (who is the wife of the service contractor in this case) inputs each ID information using the input unit of the terminal device 20, and the similar calculation processing is performed each time the ID information is input. If the result of the encryption processing at the step SP213 accords to the first key of the successor who is the wife, the successor is certificated. Furthermore, if the generation result of the first key accords to the identifier uniquely added to the second key, the

successor can acquire the second key, can acquire one's desired information, can decrypt the desired information acquired using the second key and can use it.

[0089]

In detail, corresponding first key is searched from among the first key file in the first key management device 70 using the generated first key. If the corresponding first key is not found, the processing ends as certification failure. In contrast, if the corresponding first key is found, the corresponding key group is transferred from the first key management device 70 to the application server 60. When the corresponding first key is found and the group of the corresponding first key is transferred to the application server 60, the application server 60 makes the terminal device 2 of the successor or other user to select one's desired succeeded information to be searched next time.

[0090]

When the succeeded information desired to be searched is specified and sent from the terminal device 20 to the application server 60, the application server 60 searches the identifier uniquely added to the second key, which relates to the succeeded information desired to be searched, from among the group of the first key transferred from the first key management device 70.

[0091]

By using the identifier which is uniquely added to the second key and searched from the group of the first key in the application server 60, the second key corresponding to the identifier uniquely added to the second key is searched from among the group of second key in the second key management device 80.

[0092]

The second key management device 80 transfers the second key, which corresponds to the identifier uniquely added to the second key, to the application server 60.

[0093]

The application server 60 searches the succeeded information desired to be searched from among the information stored in the database server 90 working as the data storage unit 230, and transfers the succeeded information desired to be searched to the application server 60.

[0094]

The transferred succeeded information desired to be searched is decrypted using the second key transferred from the second key management device 80, and is transferred to the terminal device 20. The encrypted communication using the predetermined encrypted communication protocol such as a SSL (Secure Socket Layer) is used for the transferring information between the application server 60 and the terminal device 20.

[0095]

When the succeeded information desired to be searched is transferred from the application server 60, the terminal device 20 performs only the displaying of the received information on the screen display device 160.

[0096]

When registering the desired succeeded information, the application server 60 executes the above described processing, and the desired succeeded information is encrypted using the second key transferred from the second key management device 80, then, the encrypted information is transferred to the database server 90 and stored into it.

[0097]

According to the above described processing, the all processing corresponding to the encryption key and the decryption key are executed in the application server 60, and only the displaying is executed by the terminal device 20. So, the displaying is not saved when the operation ends. Therefore, all information transferred to the terminal device 20 are deleted and not saved at the end of operation.

[0098]

Incidentally, the first and the second keys are automatically correlated each other when the succession

information of successor is specified. For example, as shown in Figure 5, the second key, that is 'the key of group A', corresponds to the registered information of 'the group A', and so the first key of the 'wife' is generated by the processing shown in Figure 6 when the wife is registered as the successor who succeeds the registered information of 'the group A'. Then, when the successor 'wife' is registered so as to succeed the registered information 'group A', the second key of the registered information 'the group A' generated by the processing shown in Figure 7 can be acquired. The identifier uniquely added to the second key corresponding to the acquired information 'the group A' is acquired from among the records registered in the second key management device. The correlation for pairing the generated 'wife's first key' and the identifier uniquely added to 'the second key of the registered information group A' is recorded into the first key management device 70. At this time, both of the first key and the identifier uniquely added to the second key are recorded into the first key management device 70 under encrypted state. Similarly, the second key are generated by each registered information, and the combination of the first key and the identifier uniquely added to the second key is recorded into the first key management device 70 every time the information according to the succession to the successor is registered.

[0099]

As to the processing shown in Figure 6 and 7, the way of omitting the predetermined calculation processing for the second and subsequent times may be employed when the service contractor and/or the successor continuously performs the processing.

[0100]

At the step SP70, the communication information generation unit 280 generates the communication information for informing the successor using the characteristic data indicating the characteristic of the successor input information, the personality data of the user or the ancestor

and the user input information related to the successor input information.

[0101]

At the step SP80, the sending processing unit 250 gives the desired message to the successor by sending the communication information from the server device 50 to the terminal device 20 and making the terminal device 20 to output the communication information. Then, the information providing processing procedure RT10 jumps to the step SP90 and ends.

[0102]

As described above, the present embodiment can generate and provide the communication information corresponding to the user or the ancestor when asked or called by the successor, and so the present embodiment can provide a response to remind the successor of the user or the ancestor when the successor asks or calls.

[0103]

Incidentally, the present invention is not limited to the above described embodiment, and the various modifications which do not deviate the scope of the present invention can be employed. In addition, the above described embodiment is only an example of the embodiment for realizing the technical idea according to the present application, and so other embodiments can be employed as the technical idea of the present application.

[0104]

Moreover, the value of the present invention does not reduce even when the device, the method or the system is equipped with the secondary product and commercialized.

POSSIBILITY OF THE INDUSTRIAL UTILIZATION

[0105]

The present invention can generate and provide the communication information corresponding to the user or the ancestor when asked or called by the successor. In the case where the user is an individual, for example, the user records

the matters, of which the user wants to communicate to one's wife, husband, son, daughter, father and the mother, in each case. For example, one's thinking on a routine basis, commemorative photograph, commemorative movie, favorite music, voice and mail are recorded as individual sense of value and as means for communicating the predetermined user input information to other people, like a diary (or a blog). In this way, at the time of the user's illness, the user's job changing, the marriage of the user's child and so on, the user can communicate one's thoughts of which the user wants to communicate or leave to one's loved one such as the wife, the husband, the son, the daughter, the father and the mother. Moreover, in the case where the 'will' is recorded with the history for preparing the user's 'death' that is the biggest event in one's life, the information required for viewing the predetermined information left when the individual 'dies' is succeeded, and the access authority correlated to the predetermined information left when the individual dies are succeeded. As a result, the bereaved family members and the loved ones are provided with the authority for accessing the messages for emotional support, and are encouraged by the recorded massages. Moreover, in the case where the editing function of the artificial intelligence is additionally provided, 'the conversation with the decedent' (accurately, the imitation of the conversation with the decedent) as if the user is actually responding can be realized by the central processing device of the computer which extracts the necessary keyword from the above described recorded information, analyses the information recorded with correlated to a question (i.e. input information) and assembles sentences or answers when the user's wife, husband, son, daughter, father, mother and so on ask the user (already died) as if they are having conversation.

[0106]

Therefore, the person (for example, the successor), who is authorized to access the stored user input information, can access the user input information in response to questions, at

any time such as, when the authorized person feels lonely, when the authorized person wants advice or when the authorized person wants to share his/her joy. The corresponding message and the generated message are sent as if the user is alive (same as memories of life together) by an e-mail or a telephone (using recorded voice). Moreover, it is possible that the message can be sent at the 20th birthday of the child or the wedding anniversary of the couple according to the growth of the child. Incidentally, the successor or other person who succeeds the information can abandon the access authority, and the access authority can be succeeded to the legal successor when there is no right holder.

[0107]

The present invention can allow the viewing of the information only to the people specified by the users using the first key, and can provide access authority by each group using the second key. Therefore, the present invention can ensure the security, and so can be realized by the legal person.

[0108]

Hence, the present invention will bring substantial benefits and advantages not only for the information industry, but also for all kind of industries producing or using the secondary product using the information technology, for example, the electric industry, the space industry, the constructional industry and so on.

WHAT IS CLAIMED IS

1. The server device connected to a terminal device, comprising;

a first reception processing unit that receives a user input information and a user identification information, and stores them into a first received information storage area, when the user input information and the user identification information are input to the terminal device by a user's input operation, are transferred from the terminal device to the unsent information storage area, and then, to the server device,

a personality data generation unit that generates a personality data indicating a user's personality by analyzing the user input information stored in the received information storage area, and stores the personality data into the personality data storage area,

a personality data storage unit that stores the personality data stored in the personality data storage area with correlating to the user identification information,

a second reception processing unit that receives a request information for requesting an acquirement of an information correlated to the user and the user identification information stored in the received information storage area, and stores them into a second received information storage area, when the request information and the user identification information are sent from the terminal device to the server device,

a request information analyzing unit that generates a characteristic data indicating a characteristic of the request information by analyzing the request information, and stores the generated characteristic data into a characteristic data storage area,

a personality data searching unit that searches the personality data correlated to the user identification information from among the personality data stored in the personality data storage unit,

a communication information generation unit that generates a communication information correlated to the user using the characteristic data stored in the characteristic data storage area and the searched personality data, and stores it into a communication information storage area, and

a sending processing unit that makes the server device to send the communication information stored in the communication information storage area to the terminal device, and makes the terminal device to output the communication information.

2. The server device according to claim 1, wherein the personality data generation unit generates a vocabulary distribution data, which indicates an appearance frequency of each word, by classifying a character information in the user input information by words, and generates the personality data by comparing the generated vocabulary distribution data and a standard vocabulary distribution data previously generated as a standard used when the personality data is generated.

3. The server device according to claim 1, wherein the personality data generation unit generates the personality data by choosing plural elements as elements of specifying the personality, and rating the chosen element on the scales of a predetermined number.

4. The server device according to claim 1, wherein the personality data generation unit generates new personality data by analyzing the user input information with referencing the personality data stored in the personality data storage unit when the user input information is provided from the terminal device, and stores them into the personality data storing unit accumulatively.

5. The server device according to claim 1, wherein the request information analyzing unit generates the

characteristic data by extracting at least one word characterizing the whole of the request information from among the words included in a character information of the request information, and interchanges the generated information with the terminal device.

6. The server device according to claim 1, further comprising;

an encryption processing unit that encrypts the user input information using a key acquired from the encryption definition file management unit,

a data storage unit that stores the first user input information, which is encrypted by the encryption processing unit, with correlating to the user identification information,

a data searching unit that searches the first user input information correlated to the user identification information from among the first user input information stored in the data storage unit using a second user input information as a search key word, then, searches the user input information in connection with the characteristic data from among the searched first user input information using the second user input information, and

a decryption processing unit that decrypts the searched user input information using a key in the encryption definition file acquired from the encryption definition file management unit;

wherein the communication information generation unit generates the communication information using the characteristic data, the personality data and the searched user input information.

7. The server device according to claim 1 which constructs a information succession system having;

an application server that executes sending and receiving of information via a network,

an encryption definition management server that manages

an encryption definition file which contains an encryption key for encrypting the information, and

a database server that stores the information encrypted using the encryption key;

wherein the encryption definition management server manages a first encryption definition file in which all of dummy files and real encryption definition files are encrypted, a second encryption definition file which is encrypted after renewing the information, and extracts the desired encryption definition key using a standard character string determined as necessary.

8. A information providing method of server device connected to a terminal device, comprising;

a first receiving processing step that receives a user input information and a user identification information, and stores them into a first received information storage area, when the user input information and the user identification information are input to the terminal device by a user's input operation, transferred from the terminal device to the unsent information storage area, and then, to the server device,

a personality data generation step that generates a personality data indicating a user's personality by analyzing the user input information stored in the received information storage area, and stores the personality data into the personality data storage area,

a personality data storage step that stores the personality data stored in the personality data storage area with correlating to the user identification information,

a second reception processing step that receives a request information for requesting an acquirement of an information correlated to the user and the user identification information stored in the received information storage area, and stores them into a second received information storage area, when the request information and the user identification information are sent from the terminal device to the server

device,

a request information analyzing step that generates a characteristic data indicating a characteristic of the request information by analyzing the request information, and stores the generated characteristic data into a characteristic data storage area,

a personality data searching step that searches the personality data stored with correlated to the user identification information from among the personality data stored in the personality data storage unit,

a communication information generation step that generates a communication information correlated to the user using the characteristic data stored in the characteristic data storage area and the searched personality data, and stores it into a communication information storage area, and

a sending processing step that makes the server device to send the communication information stored in the communication information storage area to the terminal device, and makes the terminal device to output the communication information.

9. The information providing method of server device according to claim 8, wherein the personality data generation step generates a vocabulary distribution data, which indicates an appearance frequency of each word, by classifying a character information in the user input information by words, and generates the personality data by comparing the generated vocabulary distribution data and a standard vocabulary distribution data previously generated as a standard used when the personality data is generated.

10. The information providing method of server device according to claim 8, wherein the personality data generation step generates a personality data by choosing plural elements as elements of specifying the personality, and rating the chosen element on the scales of a predetermined number.

11. The information providing method of server device according to claim 8, wherein the personality data generation step generates new personality data by analyzing the user input information with referencing the personal data stored in the personality data storage unit when the user input information is provided from the terminal device, and stores them into the personality data storing unit accumulatively.

12. The information providing method of server device according to claim 8, wherein the request information analyzing step generates the characteristic data by extracting at least one word characterizing the whole of the request information from among words included in a character information of the request information, and interchanges the generated information with the terminal device.

13. The information providing method of the server device according to claim 8, further comprising;

an encryption processing step that encrypts the user input information using a key acquired from an encryption definition file management unit,

a data storage step that stores the first user input information, which is encrypted by the encryption processing unit, with correlating to the user identification information,

a data searching step that searches the first user input information correlated to the user identification information from among the first user input information stored in the data storage unit using the second user input information as a search key word, then, searches the user input information in connection with the characteristic data from among the searched first user input information using the second user input information, and

a decryption processing step that decrypts the searched user input information using the key acquired from the encryption definition file management unit,

wherein the communication information generation step generates the communication information using the characteristic data, the personality data and the searched user input information.

14. The information providing method of the server device according to claim 8 which constructs a information succession system having;

an application server that executes sending and receiving of information via a network,

an encryption definition management server that manages an encryption definition file which contains an encryption key for encrypting the information, and

a database server that stores the information encrypted by the encryption key;

wherein the encryption definition management server manages a first encryption definition file in which all of dummy files and real encryption definition files are encrypted, a second encryption definition file which is encrypted after renewing the information, and extracts the desired encryption definition key using a standard character string determined as necessary.

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In re Application of: TSUCHIYA, TOSHIKO
Application No. 12808924
Filed: June 17, 2010
For: SERVER DEVICE, INFORMATION PROVIDING METHOD AND INFORMATION SUCCESSION SYSTEM

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

MAILED

JUN 14 2011

DIRECTOR OFFICE
TECHNOLOGY CENTER 2400

This is a decision on the request to participate in the PCT- Patent Prosecution Highway (PPH) pilot program and the petition under 37 CFR 1.102(d), filed April 8, 2011, to make the above-identified application special.

The petition is **GRANTED.**

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

(1) The relationship between the corresponding U.S. application for which participation in the PCT-PPH pilot program is requested and the PCT application satisfies one of the following:

(a) The U.S. application is a national stage entry of the corresponding PCT application.

(b)The U.S. application is a national application which forms the basis for the priority claim in the corresponding PCT application.

(c) The U.S. application is a national stage entry of another PCT application (which can be filed in any competent receiving office) which claims priority to the corresponding PCT application.

(d) The U.S. application is a national application claiming foreign/domestic priority to the corresponding PCT application.

(e) The U.S. application is a continuing application (continuation, divisional, or continuation-in-part) of the U.S. application which satisfies one of the above (a) to (d) scenarios.

(2) The latest work product in the international phase of the PCT application corresponding to the U.S. application indicates at least one claim in the PCT application has novelty, inventive step and industrial applicability. In case any observation is described in Box VIII of the WO/ISA, or WO/IPEA, or IPER which forms the basis for the PCT-PPH request, applicant must identify and explain why the claim(s) is/are not subject to any observation described in Box VIII irrespective of whether an amendment is submitted to correct the observation described in Box VIII.

(3) All the claims in each U.S. application for which a request for participation in the PCT-PPH pilot program is made must sufficiently correspond to one or more of those claims indicated as having novelty, inventive step and industrial applicability and free of any observation described in Box VIII in the latest work product of the corresponding PCT application.

(4) Substantive examination of the U.S. application for which participation in the PCT-PPH pilot program is requested has not begun.

(5) Applicant must submit a copy of the latest international work product which indicated that the claim(s) has/have novelty, inventive step and industrial applicability along with an English translation thereof if the copy of the latest international work product is not in the English language.

(6) Applicant must submit a copy of the claims from the corresponding PCT application which were indicated as having novelty, inventive step and industrial applicability in the latest work product of the PCT application along with an English translation thereof and a statement that the English translation is accurate if the claims are not in the English language. Applicant is required to submit a claims correspondence table in English. The claims correspondence table must indicate how all the claims in the U.S. application sufficiently correspond to the claims indicated as having novelty, inventive step and industrial applicability in the latest international work product. *If the claims in the U.S. application for which participation in the PCT-PPH pilot program is requested are identical to the claims from the corresponding PCT application, and are in the English language, applicant may just indicate such in the PCT-PPH request and it will not be necessary for applicant to submit a copy of the claims from the corresponding PCT application.*

(7) Applicant must submit an information disclosure statement (IDS) listing the documents cited in the international work products (ISR, WOIISA, WOIIPEA, PER) of the PCT.

(8) The request for participation in the PCT-PPH pilot program and all the supporting documents must be submitted to the USPTO via EFS-Web and indexed with the following document description: "Petition to make special under PCT-Patent Pros Hwy. Any preliminary amendments and IDS submitted with the PCT-PPH documents must be separately indexed as a preliminary amendment and IDS, respectively.

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

Telephone inquiries concerning this decision should be directed to Chau Nguyen at 571-272-3126.

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

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

/Chau Nguyen/

Chau Nguyen
QAS, Technology Center 2400

Claims:

1. An epicyclic gear stage for a wind turbine gearbox comprising

a sun gear,

an annulus gear,

at least two planet gears, engaged with the sun gear and the annulus gear,

a planet carrier for carrying the planet gears, and

a torque transfer part for transferring torque from the wind turbine rotor

wherein said torque transfer part is flexible connected to said at least one planet carrier flange with at least three flexible ball-and-socket joints transferring torque from said wind turbine rotor to said at least one planet carrier flange,

c h a r a c t e r i z e d i n t h a t

the ball part of said flexible ball-and-socket joints is part of said torque transfer part.

2. An epicyclic gear stage according to claim 1, wherein said planet carrier comprises at least a first and a second planet carrier flange.

3. An epicyclic gear stage according to claim 2, wherein the socket part of said at least three flexible ball-and-socket joints is part of only one of said first and second planet carrier flanges.

4. An epicyclic gear stage according to any for the preceding claims, wherein the ball part of said at least three flexible ball-and-socket joints are formed in one piece with the torque transfer part.

5. An epicyclic gear stage according to any of the preceding claims 1 to 3, wherein the ball part of said at least three flexible ball-and-socket joints is connected to said torque transfer part by means of one or more threads.

6. An epicyclic gear stage according to any of the preceding claims, wherein the torque transfer part and the planet carrier is connected by means of said at least three flexible ball-and-socket joints so that a free space occurs between the torque transfer part and the planet carrier flange in said at least three flexible ball-and-socket joints.

7. An epicyclic gear stage according to of the claims 2-6, wherein torque from the wind turbine rotor is transferred via a torque transfer part connected to said planet carrier at one or more torque transferring zones,

where said one or more torque transferring zones are located between a first and a second plane, said planes being substantially perpendicular to an axis of rotation of the sun gear,

where the first plane is flush with a first inner side of said first planet carrier flange at a position where the gear shaft is carried by said first planet carrier flange, and

where the second plane is flush with a second inner side of said second planet carrier flange at a position where the gear shaft is carried by said second planet carrier flange.

8. An epicyclic gear stage according to any of claims 2 to 7, wherein said first planet carrier flange and said second planet carrier flange are formed in one part.

9. An epicyclic gear stage according to any of the preceding claims, wherein said one or more flexible ball-and-socket joints is held in place by one or more flange rings attached to said planet carrier.

10. An epicyclic gear stage according to claim 9, wherein said one or more flange rings is held in place by means of bolts.

11. An epicyclic gear stage according to claim 9 or 10, wherein said one or more flange rings is made of a bearing-sleeve material.

12. An epicyclic gear stage according to any of the preceding claims, wherein said sun gear and said planet gear and said annulus gear are single helical gears.

13. An epicyclic gear stage according to any of the preceding claims, wherein said annulus gear rotates during operation.

14. A wind turbine gearbox comprising one or more epicyclic gear stages according to claims 1 to 13.

15. A wind turbine comprising a wind turbine gearbox according to claim 14.

PATENT COOPERATION TREATY

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DANEMARK

RECEIVED
- 6 APR. 2010
PATENTGRUPPEN A/S

INIT: MWP
Art. 19: 7/6-10
Demand: 7/7-10
FRIST: IDS: 7/7-10

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)

Applicant's or agent's file reference P 07 167 WO	Date of mailing (day/month/year) 07/04/2010 **FOR FURTHER ACTION** See paragraphs 1 and 4 below
International application No. PCT/DK2008/000441	International filing date (day/month/year) 19/12/2008
Applicant VESTAS WIND SYSTEM A/S	

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 the notes on the accompanying sheet.

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

3. [ ] **With regard to 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**

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

   The applicant may submit comments on an informal basis on the written opinion of the International Searching Authority to the International Bureau. The International Bureau will send a copy of such comments to all designated Offices unless an international preliminary examination report has been or is to be established. These comments would also be made available to the public but not before the expiration of 30 months from the priority date.

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

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

   See the Annex to Form PCT/IB/301 and, for details about the applicable time limits, Office by Office, see the *PCT Applicant's Guide*, 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	Nathalie Kermani

PATENT COOPERATION TREATY

PCT

INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

Applicant's or agent's file reference P 07 167 WO	**FOR FURTHER ACTION**	see Form PCT/ISA/220 as well as, where applicable, item 5 below.
International application No. PCT/DK2008/000441	International filing date *(day/month/year)* 19/12/2008	(Earliest) Priority Date *(day/month/year)* 20/12/2007
Applicant VESTAS WIND SYSTEM A/S		

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.

[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. 6a
      [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/DK2008/000441

A. CLASSIFICATION OF SUBJECT MATTER
INV. F03D11/02 F16H1/28

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)
F16H F03D

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

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
A	EP 1 544 504 A (WINERGY AG [DE]) 22 June 2005 (2005-06-22) the whole document	1-15
A	WO 2005/050059 A (HANSEN TRANSMISSIONS INT [BE]; SMOOK WARREN [BE]; BOGAERT ROGER [BE]) 2 June 2005 (2005-06-02) the whole document	1-15
A	WO 03/014566 A (HANSEN TRANSMISSIONS INT [BE]; DE WILDE MARCEL [BE]; FLAMANG PETER [BE]) 20 February 2003 (2003-02-20) the whole document	1-15
A	WO 2005/050058 A (HANSEN TRANSMISSIONS INT [BE]; SMOOK WARREN [BE]; BOGAERT ROGER [BE]) 2 June 2005 (2005-06-02) the whole document	1-15

☐ Further documents are listed in the continuation of Box C. ☒ See patent family annex.

* Special categories of cited documents :

"A" document defining the general state of the art which is not considered to be of particular relevance
"E" earlier document but published on or after the international filing date
"L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)
"O" document referring to an oral disclosure, use, exhibition or other means
"P" document published prior to the international filing date but later than the priority date claimed

"T" later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention
"X" document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone
"Y" document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art.
"&" document member of the same patent family

Date of the actual completion of the international search	Date of mailing of the international search report
23 March 2010	07/04/2010

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

1

INTERNATIONAL SEARCH REPORT

Information on patent family members

International application No
PCT/DK2008/000441

Patent document cited in search report		Publication date	Patent family member(s)			Publication date
EP 1544504	A	22-06-2005	AT	441044	T	15-09-2009
			DE	10360693	A1	14-07-2005
			DK	1544504	T3	14-12-2009
			ES	2331950	T3	21-01-2010
WO 2005050059	A	02-06-2005	AU	2004291731	A1	02-06-2005
			CN	1813143	A	02-08-2006
			CN	101265957	A	17-09-2008
			EP	1685336	A1	02-08-2006
			JP	2007518938	T	12-07-2007
			JP	2008196702	A	28-08-2008
			US	2008153657	A1	26-06-2008
			US	2006160655	A1	20-07-2006
WO 03014566	A	20-02-2003	EP	1417412	A1	12-05-2004
			US	2004219020	A1	04-11-2004
WO 2005050058	A	02-06-2005	AU	2004291730	A1	02-06-2005
			CA	2535318	A1	02-06-2005
			CN	1849468	A	18-10-2006
			EP	1685337	A1	02-08-2006
			JP	4372157	B2	25-11-2009
			JP	2007525623	T	06-09-2007
			US	2008274849	A1	06-11-2008

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/DK2008/000441	19.12.2008	20.12.2007

International Patent Classification (IPC) or both national classification and IPC
INV. F03D11/02 F16H1/28

Applicant
VESTAS WIND SYSTEM A/S

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

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43*bis*.1(a)(i) with regard to novelty, inventive step 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:	Date of completion of this opinion	Authorized Officer
European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Fax: +49 89 2399 - 4465	see form PCT/ISA/210	Giorgini, Gabriele Telephone No. +49 89 2399-7244

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/DK2008/000441

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	1-15
	No:	Claims	
Inventive step (IS)	Yes:	Claims	1-15
	No:	Claims	
Industrial applicability (IA)	Yes:	Claims	1-15
	No:	Claims	

2. Citations and explanations

   see separate sheet

POINT V

V.1 The subject-matter of claim 1 meets the requirements of Art. 33(2) and (3) PCT.

Indeed, D1: EP 1 544 504 A, which is considered as the closest prior art, discloses an epicyclic gear stage for a wind turbine with a planet carrier (8), an internally toothed hollow gear (4), and a rotor (1) born with a rotating part of the transmission in a large bearing, which is mounted on the hollow gear. The planet carrier is "flexible" connected to housing and rotor via elastic elements (20).

However, D1 fails to disclose that:

- flexible ball-and-socket joints are used in order to transfer the torque from the rotor to the planet carrier;
- the ball part of the flexible ball-and-socket joints is part of the rotor.

The technical problem underlying the invention is to reduce the misalignment of the planet axles and thereby to mitigate edge loading of the gear teeth and planet bearings .

According to the apparatus of claim 1, said technical problem is solved by the above mentioned distinguishing features.

Taking into consideration that neither D1 or the other documents cited in the search report consider the possibility of modifying the device of D1 including the above mentioned technical features, the skilled person would not arrive to the subject-matter of claim 1 without exercise of an inventive step.

The subject-matter of claim is therefore novel and inventive.

V.2 Claims 2 to 15 meet the novelty and inventive step requirements of Art 33(2) and (3) PCT as they are formulated as depending on a claim which does meet said requirements.

V.3 The following objections are nevertheless raised:

- To meet the requirements of Rule 6.3(b) PCT the independent claim should

be properly cast in the two part form, with those features which in combination are part of the prior art (D1) being placed in the preamble.

- The features of the claims are not provided with reference signs placed in parentheses (Rule 6.2(b) PCT).
- Contrary to the requirements of Rule 5.1(a)(ii) PCT, the relevant background art disclosed in the document D1 is not mentioned in the description, nor are these documents identified therein.

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:	12/808,926	Filing date:	June 17, 2010
First Named Inventor:	Abdelhalim Mostafi		
Title of the Invention:	Epicyclic Gear Stage for a Wind Turbine Gearbox, a Wind Turbine Gearbox and a Wind Turbine		

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/DK2008/000441

The international date of the corresponding PCT application(s) is/are: December 19, 2008

I. List of Required Documents:

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

☑ Is attached

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

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

☑ Is attached.

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

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

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

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.:	12/808,926
First Named Inventor:	

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

☐ Is attached

☑ Has already been filed in the above-identified U.S. application on June 17, 2010

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

☐ Are attached.

☑ Have already been filed in the above-identified U.S. application on June 17, 2010

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1	1	Similar in scope; minor changes
2	2	Similar in scope; minor changes
3	3	Similar in scope; minor changes
4	4	Combination of claims 1 and 4; multiple dependency deleted
5	5	Combination of claims 1 and 5; multiple dependency deleted
6	6	Combination of claims 1 and 6; multiple dependency deleted
7	7	Combination of claims 2 and 7; multiple dependency deleted
8	8	Combination of claims 2 and 8; multiple dependency deleted
9	9	Combination of claims 1 and 9; multiple dependency deleted
10	10	Similar in scope; minor changes
11	11	Combination of claims 9 and 11; multiple dependency deleted
12	12	Combination of claims 1 and 12; multiple dependency deleted
13	13	Combination of claims 1 and 13; multiple dependency deleted
14	14	Combination of claims 1 and 14; multiple dependency deleted
15	15	Similar in scope; no change

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

Signature /Steven W. Benintendi/	Date August 16, 2010
Name (Print/Typed) Steven W. Benintendi	Registration Number 56,297

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.
12/808,926	06/17/2010	Abdelhalim Mostafi	VWS-94US	6193

26875 7590 10/12/2010
WOOD, HERRON & EVANS, LLP
2700 CAREW TOWER
441 VINE STREET
CINCINNATI, OH 45202

EXAMINER
HOLMES, JUSTIN

ART UNIT	PAPER NUMBER
3655	

MAIL DATE	DELIVERY MODE
10/12/2010	PAPER

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

WOOD, HERRON & EVANS, LLP
2700 CAREW TOWER
441 VINE STREET
CINCINNATI OH 45202

In re Application of	:	
MOSTAFI, ABDELHALIM	:	DECISION ON REQUEST TO
Application No. 12/808,926	:	PARTICIPATE IN PATENT
Filed: June 17, 2010	:	PCT/PROSECUTION HIGHWAY
Attorney Docket No. VWS-97US	:	PROGRAM AND PETITION
For: EPICYCLIC GEAR STAGE FOR A WIND TURBINE GEARBOX, A WIND TURBINE GEARBOX AND A WIND TURBINE	:	37 CFR 1.102(d)

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

The request and petition are GRANTED.

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

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

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

All other inquiries concerning the examination or status of the application should be directed to Edward Look, the SPE of Art Unit 3745, and (571)272-4820 for Class 416/170 and also accessible in the PAIR system at http://www.uspto.gov/ebc.index.html.

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

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

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

The petition is **granted.**

/Henry C. Yuen/

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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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JEROME D. JACKSON (JACKSON PATENT LAW OFFICE)
211 N. UNION STREET, SUITE 100
ALEXANDRIA, VA 22314

MAILED
JAN 24 2011
OFFICE OF PETITIONS

In re Application of	:	
Albert Cohen	:	
Application No. 12/808,962	:	ON PETITION
Filed: N/A	:	
Title: Pendular Engine	:	
Attorney Docket No. 268.002		

This is a decision on the petition under 37 CFR 1.102(c)(1), filed December 17, 2010, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required.

The instant petition includes a statement (PTO/SB/130 form) by the applicant's attorney that the applicant is 65 years of age. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-6059. Telephone inquiries related to OPAP processing should be directed to their hotline at (271) 272-4000

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

A. Kelley

Alicia Kelley
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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OCT 12 2010

PCT LEGAL ADMINISTRATION

Wilson, Sonsini, Goodrich & Rosati
650 Page Mill Road
Palo Alto, CA 94304-1050

In re Application of
RAFAELI et al.
Application No.: 12/809,055
PCT No.: PCT/US2008/082263
Int. Filing Date: 03 November 2008
Priority Date: 02 November 2007
Attorney Docket No.: 36824-702.831
For: COMPOUNDS FOR TREATING ABNORMAL CELLULAR PROLIFERATION

DECISION ON PETITION UNDER 37 CFR 1.137(b)

The petition to revive under 37 CFR 1.137(b) filed 17 June 2010 in the above-captioned application is hereby **GRANTED** as follows:

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

A review of the application file reveals that applicant has submitted the basic national fee and the requirements of 37 CFR 1.137(b) have been satisfied. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/809,153	06/18/2010	William J. Blickley	2007U039.US	7481

25959 7590 09/14/2010
UNIVATION TECHNOLOGIES, LLC
5555 SAN FELIPE, SUITE 1950
HOUSTON, TX 77056

EXAMINER
ROSENBAUM, MARK

ART UNIT	PAPER NUMBER
3725	

NOTIFICATION DATE	DELIVERY MODE
09/14/2010	ELECTRONIC

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

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

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

univationlaw@univation.com

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UNIVATION TECHNOLOGIES, LLC
5555 SAN FELIPE, SUITE 1950
HOUSTON TX 77056

In re Application of	:
BLICKLEY, WILLIAM J. et al	: DECISION ON REQUEST TO
Application No. 12/809,153	: PARTICIPATE IN PATENT
Filed: June 18, 2010	: PROSECUTION HIGHWAY
Attorney Docket No. 2007U039.US	: PILOT PROGRAM AND PETITION
For: SEPARATOR ROTARY FEEDER AND	: TO MAKE SPECIAL UNDER
METHOD OF USING THE SAME	: 37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed July 15, 2010 to make the above-identified application special.

The request and petition are Dismissed.

A grantable request to participate in the PPH program and petition to make special require:
(1) The U.S. application must disclose an eligible relationship to one or more PCT applications filed in the 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.

With regard to Item #3, the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claims in the EPO/PCT application. The Claims Correspondence Table in the petition is deficient. Current US application contains claims 18-45 (a total of 28 claims) which are not sufficiently corresponding to allowable claims 1-17 of EPO/PCT search opinion. It must be noted the newly added claim 37 is broadened version from the EPO/PCT claim 1. Thus, Item #3 is not satisfied and for this reason the petition can not be granted. Claims 37-45 must be cancelled before the petition can be granted.

With regard to Item #6, a copy of EPO/PCT cited prior art references must be filed for the examiner's consideration, namely, DE. 6 277 162 (HOECKER FRANK [DE]) 21 August 2001 (2001-08-21) and US 1 693 754 A (HENRY NELSON B) 4 December 1928 (1928-12-04).

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

Applicant is given a time period of **ONE MONTH or THIRTY DAYS**, whichever is longer, from the mailing date of this decision to correct the deficiencies. **NO EXTENSION OF TIME UNDER 37 CFR 1.136 IS PERMITTED.** If the deficiencies are not corrected with the time period given, the application will await action in its regular turn. Response must be filed via EFS-Web. Currently, the application is undergoing pre-examination processing.

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

Petition is **dismissed**.

/Henry C. Yuen/

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

2 7 AUG 2010

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COLGATE-PALMOLIVE COMPANY
909 RIVER ROAD
PISCATAWAY NJ 08855

In re Application of YIANAKOPOULOS, Georges, et al. Application No.: 12/809,170 PCT No.: PCT/US2007/087884 Int. Filing Date: 18 December 2007 Priority Date: None Docket No.: 8093-00-HC For: DEGREASING ALL PURPOSE CLEANING COMPOSITIONS AND METHODS	DECISION ON PETITION UNDER 37 CFR 1.47(a)

This is a decision on applicants' renewed Petition Under 37 CFR 1.47(a), filed in the United States Patent and Trademark Office (USPTO) on 18 June 2010.

BACKGROUND

On 18 June 2010, applicants filed transmittal letter, accompanied by *inter alia,* the basic national fee and a petition under 37 CFR 1.47(a).

DISCUSSION

A petition under 37 CFR 1.47 must be accompanied by: (1) the fee under 37 CFR 1.17(h), (2) proof of pertinent facts, namely that the inventor refuses to sign after being presented with the application papers or cannot be reached after diligent effort, (3) a statement of the last known address of the inventor, and (4) an oath or declaration by the 37 CFR 1.47(a) applicant on behalf of himself or herself and the nonsigning applicant.

Item (1) and (4) have been met. The petition fee has been paid. The declaration complies with 37 CFR 1.497(a)-(b) and 1.47.

Item (2) has not been satisfied. The stated last known address is not the one to which the application was mailed. Clarification is required.

Item (3) has not been satisfied. Applicants state the last known address of Patricia Pagnoul as 15, Rue Briand B-4000 Seraing, Belgium. This is not the address to which the application and declaration were sent. Clarification is required.

CONCLUSION

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

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

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

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Telephone: 571-272-3292

UNITED STATES PATENT AND TRADEMARK OFFICE

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JAN 03 2011

PCT LEGAL ADMINISTRATION

COLGATE-PALMOLIVE COMPANY
909 RIVER ROAD
PISCATAWAY NJ 08855

In re Application of	:	
YIANAKOPOULOS, Georges, et al.	:	
Application No.: 12/809,170	:	DECISION
PCT No.: PCT/US2007/087884	:	
Int. Filing Date: 18 December 2007	:	ON PETITION UNDER
Priority Date: None	:	
Docket No.: 8093-00-HC	:	37 CFR 1.47(a)
For: DEGREASING ALL PURPOSE CLEANING COMPOSITIONS AND METHODS	:	

This is a decision on applicants' renewed Petition Under 37 CFR 1.47(a), filed in the United States Patent and Trademark Office (USPTO) on 27 October 2010.

BACKGROUND

On 27 August 2010, the Office mailed Decision On Petition Under 37 CFR 1.47(a) dismissing applicants' petition without prejudice.

On 27 October 2010, applicants filed a renewed petition under 37 CFR 1.47(a).

DISCUSSION

A petition under 37 CFR 1.47 must be accompanied by: (1) the fee under 37 CFR 1.17(h), (2) proof of pertinent facts, namely that the inventor refuses to sign after being presented with the application papers or cannot be reached after diligent effort, (3) a statement of the last known address of the inventor, and (4) an oath or declaration by the 37 CFR 1.47(a) applicant on behalf of himself or herself and the nonsigning applicant.

Item (1) and (4) have been met. The petition fee has been paid. The declaration complies with 37 CFR 1.497(a)-(b) and 1.47.

Items (2) and (3) have been satisfied. A complete copy of the application papers, including the declaration were sent to the inventor at the inventor's last known address and after the passage of sufficient time, a signed oath or declaration has not been returned. Applicants state the last known address of Patricia Pagnoul as Rue Briand 15, Seraing 4100, Belgium.

CONCLUSION

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

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

A notice of the filing of the application under 37 CFR 1.47(a) will be published in the Official Gazette.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application, including accordation of a 35 U.S.C. §371(c)(1), (c)(2) and (c)(4) date of **18 June 2010**.

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Telephone: 571-272-3292

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JAN 03 2011

PCT LEGAL ADMINISTRATION

Patricia Pagnoul
Rue Briand 15
Seraing 4100
Belgium

In re Application of
YIANAKOPOULOS, Georges, et al.
Application No.: 12/809,170
PCT No.: PCT/US2007/087884
Int. Filing Date: 18 December 2007
Priority Date: None
Docket No.: 8093-00-HC
For: DEGREASING ALL PURPOSE CLEANING COMPOSITIONS AND METHODS

Dear Ms. Pagnoul:

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

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

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Telephone: 571-272-3292

COLGATE-PALMOLIVE COMPANY
909 RIVER ROAD
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909 RIVER ROAD
PISCATAWAY NJ 08855

MAILED
JAN 03 2011
PCT LEGAL ADMINISTRATION

In re Application of	:	
YIANAKOPOULOS, Georges, et al.	:	
Application No.: 12/809,170	:	DECISION
PCT No.: PCT/US2007/087884	:	
Int. Filing Date: 18 December 2007	:	ON PETITION UNDER
Priority Date: None	:	
Docket No.: 8093-00-HC	:	37 CFR 1.47(a)
For: DEGREASING ALL PURPOSE	:	
CLEANING COMPOSITIONS AND	:	
METHODS	:	

This is a decision on applicants' renewed Petition Under 37 CFR 1.47(a), filed in the United States Patent and Trademark Office (USPTO) on 27 October 2010.

BACKGROUND

On 27 August 2010, the Office mailed Decision On Petition Under 37 CFR 1.47(a) dismissing applicants' petition without prejudice.

On 27 October 2010, applicants filed a renewed petition under 37 CFR 1.47(a).

DISCUSSION

A petition under 37 CFR 1.47 must be accompanied by: (1) the fee under 37 CFR 1.17(h), (2) proof of pertinent facts, namely that the inventor refuses to sign after being presented with the application papers or cannot be reached after diligent effort, (3) a statement of the last known address of the inventor, and (4) an oath or declaration by the 37 CFR 1.47(a) applicant on behalf of himself or herself and the nonsigning applicant.

Item (1) and (4) have been met. The petition fee has been paid. The declaration complies with 37 CFR 1.497(a)-(b) and 1.47.

Items (2) and (3) have been satisfied. A complete copy of the application papers, including the declaration were sent to the inventor at the inventor's last known address and after the passage of sufficient time, a signed oath or declaration has not been returned. Applicants state the last known address of Patricia Pagnoul as Rue Briand 15, Seraing 4100, Belgium.

CONCLUSION

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

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

A notice of the filing of the application under 37 CFR 1.47(a) will be published in the Official Gazette.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application, including accordation of a 35 U.S.C. §371(c)(1), (c)(2) and (c)(4) date of **18 June 2010**.

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Telephone: 571-272-3292

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Patricia Pagnoul
Rue Briand 15
Seraing 4100
Belgium

MAILED
JAN 03 2011
PCT LEGAL ADMINISTRATION

In re Application of
YIANAKOPOULOS, Georges, et al.
Application No.: 12/809,170
PCT No.: PCT/US2007/087884
Int. Filing Date: 18 December 2007
Priority Date: None
Docket No.: 8093-00-HC
For: DEGREASING ALL PURPOSE CLEANING COMPOSITIONS AND METHODS

Dear Ms. Pagnoul:

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

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

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
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PCT LEGAL ADMINISTRATION

COLGATE-PALMOLIVE COMPANY
909 RIVER ROAD
PISCATAWAY NJ 08855

In re Application of	:	DECISION ON
BONNECHERE et al.	:	
Application No.: 12/809,189	:	PETITION UNDER
PCT No.: PCT/US2007/087886	:	
Int. Filing Date: 18 December 2007	:	37 CFR § 1.47(b)
Priority Date: None	:	
Attorney Docket No.: 7999-00-HC	:	
For: ALKALINE CLEANING COMPOSITIONS	:	

This is a decision on applicant's renewed petition under 37 CFR 1.47(b) filed in the United States Patent and Trademark Office (USPTO) on 28 October 2010. The petition is **DISMISSED** without prejudice.

BACKGROUND

On 18 December 2007, applicant filed international application PCT/US2007/087886, which designated the US and did not claim a priority date. A copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) from the International Bureau on 25 June 2009. The thirty-month period for paying the basic national fee in the United States expired at midnight on 18 June 2010.

On 18 June 2010, applicant filed a submission for entry into the national stage in the United States which was accompanied by, *inter alia*, the U.S. Basic National Fee and a petition under 37 CFR 1.47(b). The petition was accompanied by, *inter alia*, a statement of facts by Michael F. Morgan with documents in support thereof, a declaration of inventors, and a copy of an assignment from Colgate-Palmolive (Research & Development) Inc. to Colgate-Palmolive Company.

On 28 July 2010, a decision was mailed dismissing without prejudice applicant's petition under 37 CFR 1.47(b). Specifically, it was noted that an oath or declaration by the 37 CFR 1.47(b) applicant on behalf of and as agent for the non-signing inventor had not been provided and proof that the 37 CFR 1.47(b) applicant has sufficient proprietary interest in the application had not been provided.

On 28 October 2010, applicant submitted the instant renewed petition under 37 CFR 1.47(b) which was accompanied by, *inter alia*, a declaration of inventors, copies of employment agreements and English translations thereof for non-signing inventors Baudoin MERTENS and Genevieve Bonnechere, and a copy of an "Invention Record" for the Colgate-Palmolive Company titled "Alkaline cleaning composition."

DISCUSSION

A petition under 37 CFR 1.47(b) must be accompanied by: (1) the fee under 37 CFR 1.17(g), (2) factual proof that the inventor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the inventor, (4) an oath or declaration by the 37 CFR 1.47(b) applicant on behalf of and as agent for the non-signing inventor, (5) proof that the 37 CFR 1.47(b) applicant has sufficient proprietary interest in the application, and (6) a showing that such action is necessary to preserve the rights of the parties or to prevent irreparable damage.

As noted in the decision mailed 28 July 2010, items (1), (2), (3), and (6) have been met.

Item (4) has now been met as well.

Item (5) still has not been met. Regarding the "Invention Record," an "Invention Record" is not an assignment. Moreover, it is not clear that the invention of the "Invention Record" document and the invention of the present application are the same invention. *Cf. In Re Gray*, 115 USPQ 80 (Comm'r Pat. 1956) (An assignment of an application and any "reissue, division, or continuation of said application" does not itself establish an assignment of a continuation-in-part application.) See MPEP 409.03(f). Regarding the employment agreements and the English translations thereof, attention is again directed to MPEP § 409.03 which states in part:

> When an inventor has agreed in writing to assign an invention described in an application deposited pursuant to 37 CFR 1.47(b), a copy of that agreement should be submitted. If an agreement to assign is dependent on certain specified conditions being met, it must be established by a statement of facts by someone with first hand knowledge of the circumstances in which those conditions have been met. A typical agreement to assign is an employment agreement where an employee (nonsigning inventor) agrees to assign to his or her employer (37 CFR 1.47(b) applicant) all inventions made during employment. When such an agreement is relied on, it must be established by a statement of a person having firsthand knowledge of the facts that the invention was made by the employee while employed by the 37 CFR 1.47(b) applicant.

A statement by a person having firsthand knowledge of the facts that the invention was made by the employees (Mr. MERTENS and Ms. Bonnechere) while employed by the 37 CFR 1.47(b) applicant has not been provided. Additionally, an Appendix regarding inventions has not been provided for Ms. Bonnechere.

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

CONCLUSION

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

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

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

/Daniel Stemmer/

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

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JUN 06 2011

PCT LEGAL ADMINISTRATION

COLGATE-PALMOLIVE COMPANY
909 RIVER ROAD
PISCATAWAY NJ 08855

In re Application of	:	DECISION ON
BONNECHERE et al.	:	
Application No.: 12/809,189	:	PETITION UNDER
PCT No.: PCT/US2007/087886	:	
Int. Filing Date: 18 December 2007	:	37 CFR § 1.47(b)
Priority Date: None	:	
Attorney Docket No.: 7999-00-HC	:	
For: ALKALINE CLEANING COMPOSITIONS	:	

This is a decision on applicants' petition under 37 CFR 1.47(a) filed in the United States Patent and Trademark Office (USPTO) on 18 February 2011. The petition is **GRANTED**.

BACKGROUND

On 18 December 2007, applicant filed international application PCT/US2007/087886, which designated the US and did not claim a priority date. A copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) from the International Bureau on 25 June 2009. The thirty-month period for paying the basic national fee in the United States expired at midnight on 18 June 2010.

On 18 June 2010, applicant filed a submission for entry into the national stage in the United States which was accompanied by, *inter alia*, the U.S. Basic National Fee and a petition under 37 CFR 1.47(b). The petition was accompanied by, *inter alia*, a statement of facts by Michael F. Morgan with documents in support thereof, a declaration of inventors, and a copy of an assignment from Colgate-Palmolive (Research & Development) Inc. to Colgate-Palmolive Company.

On 28 July 2010, a decision was mailed dismissing without prejudice applicant's petition under 37 CFR 1.47(b). Specifically, it was noted that an oath or declaration by the 37 CFR 1.47(b) applicant on behalf of and as agent for the non-signing inventor had not been provided and proof that the 37 CFR 1.47(b) applicant has sufficient proprietary interest in the application had not been provided.

On 28 October 2010, applicant submitted a renewed petition under 37 CFR 1.47(b) which was accompanied by, *inter alia*, a declaration of inventors, copies of employment agreements and English translations thereof for non-signing inventors Baudoin MERTENS and Genevieve Bonnechere, and a copy of an "Invention Record" for the Colgate-Palmolive Company titled "Alkaline cleaning composition."

On 20 December 2010, a decision was mailed dismissing without prejudice applicants' petition under 37 CFR 1.47(b). Specifically, it was noted that proof that the 37 CFR 1.47(b) applicant has sufficient proprietary interest in the application had not been provided.

On 18 February 2011, applicants filed the instant petition under 37 CFR 1.47(a) which was accompanied by a declaration of inventors signed by previously non-signing inventor Genevieve Bonnechere.

DISCUSSION

Because one of the joint inventors has executed a 37 CFR 1.497 declaration of inventors, the petition is properly treated under 37 CFR 1.47(a) rather than 37 CFR 1.47(b).

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

As noted in the decision mailed 28 July 2010, items (1) and (3) have been met. The required fee (item (1)) has been paid and the last known address of non-signing inventor Baudoin MERTENS (item (3)) has been provided.

As noted in the decision mailed 20 December 2010, item (2) has been met regarding non-signing inventor Baudoin MERTENS.

The declaration of inventors filed 18 February 2011 executed by Genevieve BONNECHERE satisfies item (4).

CONCLUSION

For the reasons set forth above, applicants' renewed petition under 37 CFR 1.47(a) is **GRANTED**.

As provided in 37 CFR 1.47(a), a notice of the filing of this application will be forwarded to each of the non-signing inventors at their respective last known address of record.

A notice of the filing of the application under 37 CFR 1.47(a) will be published in the Official Gazette.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application, including the accordation of a 35 U.S.C. §§371(c)(1), (c)(2), and (c)(4) date and a 35 U.S.C. 371 date of **18 February 2011**.

/Daniel Stemmer/

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Mr. Baudouin Mertens
Avenue de la dame 34
5100 Dave
BELGIUM

MAILED
JUN 06 2011
PCT LEGAL ADMINISTRATION

In re Application of
BONNECHERE et al.
Application No.: 12/809,189
PCT No.: PCT/US2007/087886
Int. Filing Date: 18 December 2007
Priority Date: None
Attorney Docket No.: 7999-00-HC
For: ALKALINE CLEANING COMPOSITIONS

Dear Mr. Mertens:

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

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

/Daniel Stemmer/

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

COLGATE-PALMOLIVE COMPANY
909 RIVER ROAD
PISCATAWAY NJ 08855

UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/809,204	06/18/2010	Masashi Yamasaki	NANJP0114US	7672

23908 7590 08/13/2010
RENNER OTTO BOISSELLE & SKLAR, LLP
1621 EUCLID AVENUE
NINETEENTH FLOOR
CLEVELAND, OH 44115

EXAMINER

ART UNIT	PAPER NUMBER
3725	

MAIL DATE	DELIVERY MODE
08/13/2010	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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RENNER OTTO BOISSELLE & SKLAR, LLP
1621 EUCLID AVENUE
NINETEENTH FLOOR
CLEVELAND OH 44115

In re Application of:
YAMASAKI, MASASHI
Serial No.: 12/809,204
Filed: June 18, 2010
Docket: NANJP0114US
Title:
DESKTOP ELECTRIC STIRRER

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

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed June 18, 2010, to make the above-identified application special.

The request and petition are **DISMISSED**.

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

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

The request to participate in the PPH program and petition met all conditions except Item #6 above. The request to participate in the PPH program and petition fail to include a copy of the JPO cited references in the PCT search report of 1/20/2009, namely, Japan Patent Publication No. 2001-511382; JP 49-85110; JP 51-232006; JP 52-115695; JP 53-1552661; JP 55-70041; JP-47-87465; JP 49-43591; EP 999776; DE 69826868; AU 6574798; WO 1999/005945; ES 2300682; and CA 2295522.

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

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

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

Petition is **dismissed**.

/Henry C. Yuen/

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

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/809,204	06/18/2010	Masashi Yamasaki	NANJP0114US	7672

23908 7590 08/23/2010
RENNER OTTO BOISSELLE & SKLAR, LLP
1621 EUCLID AVENUE
NINETEENTH FLOOR
CLEVELAND, OH 44115

EXAMINER
ROSENBAUM, MARK

ART UNIT	PAPER NUMBER
3725	

MAIL DATE	DELIVERY MODE
08/23/2010	PAPER

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

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

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RENNER OTTO BOISSELLE & SKLAR, LLP
1621 EUCLID AVENUE
NINETEENTH FLOOR
CLEVELAND OH 44115

In re Application of:
YAMASAKI, MASASHI
Serial No.: 12/809,204
Filed: June 18, 2010
Docket: NANJP0114US
Title:
DESKTOP ELECTRIC STIRRER

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

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

The request and petition are **GRANTED**.

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

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

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

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

This application will be docketed to an examiner for examination commensurate with this decision.

Telephone inquiries concerning this decision should be directed to Henry C. Yuen at 571-272-4856. All other inquiries concerning the examination or status of the application should be directed to Dana Ross, the SPE of Art Unit 3725, and 571-272-4480 for Class 6241/169 and also accessible in the PAIR system at http://www.uspto.gov/ebc.index.html.

Petition is **granted**.

/Henry C. Yuen/

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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22 NOV 2010

PCT LEGAL ADMINISTRATION

BIRCH STEWART KOLASCH & BIRCH
P.O. BOX 747
FALLS CHURCH, VA 22040-0747

In re Application of	:	
MCCREA, et al.	:	DECISION ON PETITION
Serial No.: 12/809,217	:	
PCT No.: PCT/US2008/087138	:	UNDER 37 CFR 1.47(a)
Int. Filing Date: 17 December 2008	:	
Priority Date: 20 December 2007	:	
Atty Docket No.: 4124-0141PUS2	:	
For: IONOMERS FOR IMPROVED COMPRESSION	:	
SET IN CERTAIN COPOLYMERS	:	

This decision is in response to applicant's petition under 37 CFR 1.47(a) filed 12 October 2010 in the United States Patent and Trademark Office (USPTO) to accept the application without the signature of inventor Keith Kurczewski.

BACKGROUND

On 17 December 2008, applicant filed international application PCT/US2008/087138 which claimed priority to a previous application filed 20 December 2007. Pursuant to 37 CFR 1.495, the thirty-month period for paying the basic national fee in the United States was set to expire at midnight on 20 June 2010.

On 18 June 2010, applicant filed a transmittal letter for entry into the national stage in the United States, which was accompanied by the requisite basic national fee as required by 35 U.S.C. 371(c)(1).

On 29 July 2010, applicant was mailed a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) informing applicant of the need to provide an executed oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. Applicant was given two months to respond and advised that this time period could be extended with a proper petition and payment of fees.

On 12 October 2010, applicant filed the present petition under 37 CFR 1.47(a) accompanied by a petition for a one-month extension of time and payment of the appropriate extension of time fee.

DISCUSSION

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

Applicant has satisfied items 1, 3 and 4.

As to item (2), the statement of Cynthia Fleury indicates that the mailing to inventor Kurczewski was returned as the inventor had moved. As stated in the Manual of Patent Examination Procedure (MPEP), Section 409.03(d) Proof of Unavailability or Refusal, "Copies of documentary evidence such as internet searches, certified mail return receipts, cover letters of instructions, telegrams, that support a finding that the nonsigning inventor could not be found or reached should be made part of the statement. The steps taken to locate the whereabouts of the nonsigning inventor should be included in the statement of facts." These materials have not been supplied in the present petition. The statement of Ms. Fleury references two attached exhibits, however, the exhibits were not provided to the USPTO. In addition, applicant has not included copies of the internet and white pages searches performed in an attempt to obtain a current address for the inventor. As such, it is not possible to grant applicant's petition at this time.

CONCLUSION

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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BIRCH STEWART KOLASCH & BIRCH
P.O. BOX 747
FALLS CHURCH VA 22040-0747

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MAR 25 2011

PCT LEGAL ADMINISTRATION

In re Application of	:	
MCCREA, et al.	:	
U.S. Application No.: 12/809,217	:	DECISION ON PETITION
PCT No.: PCT/US2008/087138	:	
Int. Filing Date: 17 December 2008	:	UNDER 37 CFR 1.47(a)
Priority Date: 20 December 2007	:	
Attorney Docket No.: 4124-0141PUS2	:	
For: IONOMERS FOR IMPROVED COMPRESSION	:	
SET IN CERTAIN COPOLYMERS	:	

This decision is in response to applicant's "RESPONSE TO DECISION ON PETITION " filed 22 February 2011 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 22 November 2010, applicant was mailed a decision dismissing applicant's petition under 37 CFR 1.47. Applicant was afforded two months to respond and advised that this period could be extended pursuant to 37 CFR 1.136(a).

On 22 February 2011, applicant filed the presently discussed paper which is being treated as a renewed petition under 37 CFR 1.47(a) accompanied by a petition for a one-month extension of time and payment of the appropriate extension of time fee. The response is timely filed.

DISCUSSION

As detailed in the decision mailed 22 November 2010, a petition under 37 CFR 1.47(a) must be accompanied by (1) the fee under 37 CFR 1.17(g), (2) factual proof that the missing joint investor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the missing inventor, and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and on behalf of the non-signing joint inventor. Applicant previously satisfied items 1, 3 and 4.

As detailed in applicant's response of 22 February 2011, applicant has located the previously non-signing inventor and currently provided a declaration signed by Mr. Kurczewski. As applicant has now provided signed declarations by all of the inventors listed on the published international application, the renewed petition under 37 CFR 1.47(a) is dismissed as moot.

CONCLUSION

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

The application has an international filing date of 17 December 2008 under 35 U.S.C. 363, and will be given a date of **22 February 2011** under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/809,218	06/18/2010	Philip Richard Jacobsen Carne Kjaer	VWS-78US	7728

26875 7590 08/11/2010
WOOD, HERRON & EVANS, LLP
2700 CAREW TOWER
441 VINE STREET
CINCINNATI, OH 45202

EXAMINER	
ART UNIT	PAPER NUMBER
2839	

MAIL DATE	DELIVERY MODE
08/11/2010	PAPER

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

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

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

WOOD, HERRON & EVANS, LLP
2700 CAREW TOWER
441 VINE STREET
CINCINNATI OH 45202

In re Application of
KJAER et al.
Application No.: 12/809,218
Filed: 18 June 2010
Attorney Docket No.: VWS-78US
For: METHOD FOR CONTROLLING A COMMON OUTPUT FROM AT LEAST TWO WIND TURBINES, A CENTRAL WIND TURBINE CONTROL SYSTEM, A WIND PARK AND A CLUSTER OF WIND PARKS

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

This is a decision on the request to participate in the PCT Patent Prosecution Highway (PCT-PPH) pilot program and the petition under 37 CFR 1.102(d), filed on 18 June 2010, to make the above-identified application special.

The request and petition are **GRANTED**.

Discussion

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

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

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

(3) Applicant must submit a copy of the claim(s) from the PCT application(s) that have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate;

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

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

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

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

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

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
P.O. Box 1450
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ExxonMobil Research & Engineering Company
P.O. Box 900
1545 Route 22 East
Annandale NJ 08801-0900

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NOV 08 2011

PCT LEGAL ADMINISTRATION

In re Application of: MIZAN, Tahmid, I., et al. :
U.S. Application No.: 12/809,294 :
PCT No.: PCT/US2007/026042 :
International Filing Date: 20 December 2007 :
Priority Date: 20 December 2007 :
Attorney's Docket No.: 2007EM354 :
For: MULTI-STAGE CO-PROCESSING OF BIOFEEDS FOR MANUFACTURING OF DIESEL RANGE HYDROCARBONS :

COMMUNICATION

This communication is issued in response to applicants' "Response To Missing Requirements Under 35 U.S.C. 371" filed on 15 September 2011. No petition fee is required.

BACKGROUND

On 20 December 2007, applicants filed international application PCT/US2007/026042. The international application did not claim an earlier priority date, and it designated the United States. The deadline for submission of the basic national fee was thirty months from the priority date, i.e., 20 June 2010.

The published international application identified the third inventor as Zhig**ou** HOU.

On 18 June 2010, applicants filed a Transmittal Letter requesting entry into the U.S. national stage accompanied by, among other materials, payment of the basic national fee.

On 20 September 2011, applicants filed an executed declaration that identified the first name of inventor HOU as "Zhig**uo**."

On 29 August 2011, the United States Designated/Elected Office (DO/EO/US) issued a "Notification Of Missing Requirements" (Form PCT/DO/EO/905) requiring submission of an oath or declaration in compliance with 37 CFR 1.497. The Notification indicated that the declaration filed on 20 September 2011 was defective on the present record based on the inconsistency in the first name of inventor HOU.

On 15 September 2011, applicants filed the "Response To Missing Requirements Under 35 U.S.C. 371" considered herein.

DISCUSSION

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

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

Applicants' "Response To Missing Requirements Under 35 U.S.C. 371" confirms that the correct name of inventor HOU is Zhi**guo** HOU, as set forth on the declaration filed on 20 September 2010, and that this inventor's name was incorrectly listed as Zhi**gou** HOU on the international application as the result of an inadvertent typographical error. Under these circumstances, a petition under 37 CFR 1.182 is not required to correct the error in the inventor's name set forth on the international application. The correct name of record for the first inventor is accepted as Zhi**guo** HOU, as set forth in the declaration filed on 20 September 2010.

It is strongly suggested that applicants submit a supplemental application data sheet (ADS) correctly setting forth the name of inventor HOU in order to insure that, should a patent issue herein, this inventor is properly identified thereon (see MPEP section 605.04(c).

CONCLUSION

The correct name of the first inventor is accepted as Zhi**guo** HOU.

The application is being referred to the National Stage Processing Branch of the Office of PCT Operations for further processing in accordance with this communication. The date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) is 20 September 2010.

/RichardMRoss/

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

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JUL 19 2011

PCT LEGAL ADMINISTRATION

RIM
1000 LOUISIANA STREET
FIFTY-THIRD FLOOR
HOUSTON TX 77002

In re Application of :
YEUNGLING, Jo-Ann, et al. :
Application No.: 12/809,320 :
PCT No.: PCT/CA2008/002274 :
Int. Filing Date: 20 December 2008 : DECISION
Priority Date: 20 December 2007 :
Att. Docket No.: 9506.003.PCUS00 :
For: METHOD AND SYSTEM FOR THE :
DELIVERY OF LARGE CONTENT :
ASSETS TO A MOBILE DEVICE :
OVER A MOBILE NETWORK :

Applicant's petition under 37 CFR 1.137(b), filed in the United States Patent and Trademark Office on 13 May 2011, is **GRANTED**.

Applicant states that the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional, as required by 37 CFR 1.137(b)(3). The appropriate reply and petition fee have been submitted. A terminal disclaimer is not required as the application was filed on or after 08 June 1995. Accordingly, all requirements under 37 CFR 1.137(b) have been satisfied.

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

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Telephone: 571-272-3292

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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E I DU PONT DE NEMOURS AND COMPANY
LEGAL PATENT RECORDS CENTER
BARLEY MILL PLAZA 25/1122B
4417 LANCASTER PIKE
WILMINGTON, DE 19805

MAILED
APR 11 2011
OFFICE OF PETITIONS

In re Application of	:	
Brian McGonigle	:	
Application No. 12/809,324	:	DECISION ON PETITION
Filed: June 18, 2010	:	TO WITHDRAW
Attorney Docket No. **BB1640 USPCT**	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed March 11, 2011.

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

A review of the file record indicates that the power of attorney to attorneys/agents associated with Customer Number 23906 has been revoked by the applicants of the patent application on March 29, 2011. Accordingly, the request to withdraw under 37 CFR § 1.36(b) is moot.

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

Telephone inquires concerning this decision should be directed to the undersigned at 571-272-4584.

/JoAnne Burke/
JoAnne Burke
Petitions Examiner
Office of Petitions

cc: POTTER ANDERSON & CORROON LLP
ATTN: JANET E. REED, PH.D.
P.O. BOX 951
WILMINGTON DE 19899-0951

PTO/SB/20PCT-JP (05-10)
Approved for use through 01/31/2012. OMB 0651-0058
U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE
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REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE JAPAN PATENT OFFICE (JPO) AND THE USPTO

Application No:	12809363	Filing date:	2008-06-18
First Named Inventor:	Hideya TAKAHASHI		
Title of the Invention:	METHOD FOR MANUFACTURING DIALKYLALUMINUM MONOHALIDE		

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/JP2009/058616

The international date of the corresponding PCT application(s) is/are: 2009/05/07

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 JPO AND THE USPTO

(continued)

Application No.:	12809363
First Named Inventor:	Hideya TAKAHASHI

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

☑ Is attached

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

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

☑ Are attached.

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

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1	1	Corresponds
2	2	Corresponds
3	3	Corresponds

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

Signature /Daniel P. Lent/	Date 2010-09-20
Name (Print/Typed) Daniel P. Lent	Registration Number 44867

Privacy Act Statement

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

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

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

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

To: MIYAZAKI, Teruo

107-0052
8th Floor, 16th Kowa Bldg.,
9-20, Akasaka 1-chome, Minato-ku,
Tokyo 107-0052 JAPAN

PCT

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43*bis*.1)

Date of mailing *(day/month/year)*	09.06.2009
Applicant's or agent's file reference 09-0075-NAA	**FOR FURTHER ACTION** See paragraph 2 below

International application No.	International filing date *(day/month/year)*	Priority date *(day/month/year)*
PCT/JP2009/058616	07.05.2009	12.11.2008

International Patent Classification (IPC) or both national classification and IPC
Int.Cl. C07F5/06(2006.01)i

Applicant
NIPPON ALUMINUM ALKYLS, LTD.

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

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

2. **FURTHER ACTION**

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

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

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

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

Name and mailing address of the ISA/ Japanese Patent Office (ISA/JP)	Date of completion of this opinion	Authorized officer
100-8915 4-3, Kasumigaseki 3-chome, Chiyoda-ku, Tokyo Facsimile No.	01.06.2009	4H 9045 SEKI, (関 美祝) Telephone No. 03-3581-1101 ex.3443

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/JP2009/058616

Box No. I Basis of this opinion

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

   [X] the international application in the language in which it was filed.

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

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

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

   a. (means)

   [ ] on paper

   [ ] in electronic form

   b. (time)

   [ ] in the international application as filed

   [ ] together with the international application in electronic form

   [ ] subsequently to this Authority for the purposes of search

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

5. Additional comments:

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/JP2009/058616

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

1. Statement

Novelty (N)	Claims	1-3	YES
	Claims		NO
Inventive step (IS)	Claims	1-3	YES
	Claims		NO
Industrial applicability (IA)	Claims	1-3	YES
	Claims		NO

2. Citations and explanations:

Document 1: JP 63-239288 A (Texas Alkyls Inc. Ltd.), 05 October 1988

The invention as in claims 1 through 3 is not disclosed in above mentioned document cited in the ISR or any of the relevant precedent documents, and is not known by the skilled person.
Therefore, the invention as in claims 1 through 3 is novel, and involves an inventive step.

特 許 協 力 条 約

発信人　日本国特許庁（国際調査機関）

代理人

宮 崎　昭 夫

RECEIVED JUN. 10. 2009 WAKABAYASHI PATENT AGENCY

あて名
〒１０７－００５２
東京都 港区 赤坂１丁目９番２０号
第１６興和ビル８階

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

発送日 （日.月.年）　０９．０６．２００９	
出願人又は代理人 の書類記号　０９－００７５－ＮＡＡ	今後の手続きについては、下記２を参照すること。

国際出願番号 ＰＣＴ／ＪＰ２００９／０５８６１６	国際出願日 （日.月.年）　０７．０５．２００９	優先日 （日.月.年）　１２．１１．２００８

国際特許分類（ＩＰＣ）Int.Cl. C07F5/06(2006.01)i

出願人（氏名又は名称）
日本アルキルアルミ株式会社

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
０１．０６．２００９

名称及びあて先 日本国特許庁（ＩＳＡ／ＪＰ） 郵便番号１００－８９１５ 東京都千代田区霞が関三丁目４番３号	特許庁審査官（権限のある職員） 関　美祝 電話番号　０３－３５８１－１１０１　内線　３４４３	４Ｈ　９０４５

様式ＰＣＴ／ＩＳＡ／２３７（表紙）（２００７年４月）

国際調査機関の見解書

国際出願番号　ＰＣＴ／ＪＰ２００９／０５８６１６

第Ｉ欄　見解の基礎

１．言語に関し、この見解書は以下のものに基づき作成した。

☑ 出願時の言語による国際出願

☐ 出願時の言語から国際調査のための言語である ＿＿＿＿＿＿ 語に翻訳された、この国際出願の翻訳文（ＰＣＴ規則12.3(a)及び23.1(b)）

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

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

ａ．タイプ　☐ 配列表

☐ 配列表に関連するテーブル

ｂ．フォーマット　☐ 紙形式

☐ 電子形式

ｃ．提出時期　☐ 出願時の国際出願に含まれていたもの

☐ この国際出願と共に電子形式により提出されたもの

☐ 出願後に、調査のために、この国際調査機関に提出されたもの

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

５．補足意見：

国際調査機関の見解書

国際出願番号　ＰＣＴ／ＪＰ２００９／０５８６１６

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

１．　見解

新規性（N）	請求項	１－３	有
	請求項		無
進歩性（ＩＳ）	請求項	１－３	有
	請求項		無
産業上の利用可能性（ＩＡ）	請求項	１－３	有
	請求項		無

２．　文献及び説明

文献１：JP 63-239288 A（ﾃｷｻｽ ｱﾙｷﾙｽﾞ，ｲﾝｺｰﾎﾟﾚｲﾃｯﾄﾞ）1988.10.05

請求項1-3に係る発明は、国際調査報告で引用された上記文献又は当該発明に関連があると認められるいずれの文献にも記載されておらず、かつ、当業者に自明なものでもない。

したがって、請求項1-3は、新規性及び進歩性を有する。

VERIFICATION

I, Haruko OKA, of c/o Wakabayashi Patent Agency, 16th Kowa Bldg., No. 9-20, Akasaka 1-chome, Minato-ku, Tokyo 107-0052 Japan, hereby declare that I am conversant with Japanese and English languages and that I am the translator of the documents attached and certify that to the best of my knowledge and belief the attached is a true and correct translation of International Patent Application No. PCT/JP2009/058616, filed in the Japanses languadge on May 7, 2009, which is entitled "METHOD FOR MANUFACTURING DIALKYLALUMINUM MONOHALIDE"

Haruko Oka

Haruko OKA

September 9, 2010

Date

CLAIMS

1. A method for manufacturing dialkylaluminum monohalide characterized in that zinc halide is reacted with trialkylaluminium to produce dialkylzinc and dialkylaluminum monohalide, and after the dialkylzinc is separated from a reaction product by distillation, metal aluminum in which a molar ratio is 0.40 or more to zinc component, that is dissolved in the reaction product, is mixed with the reaction product, and then the mixture is distilled to separate the dialkylaluminum monohalide which substantially includes no zinc component.

2. The method for manufacturing dialkylaluminum monohalide according to claim 1, characterized in that the metal aluminum includes transition metal in which an atomic ratio is 0.0010 or more and 0.10 or less to aluminum.

3. The method for manufacturing dialkylaluminum monohalide according to claim 1, characterized in that the trialkylaluminum is triethylaluminum.

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.
12/809,363	06/18/2010	Hideya Takahashi	WPA0028US	8291

23413 7590 06/09/2011
CANTOR COLBURN LLP
20 Church Street
22nd Floor
Hartford, CT 06103

EXAMINER
MEADOWS, JAMES H

ART UNIT	PAPER NUMBER
1621	

NOTIFICATION DATE	DELIVERY MODE
06/09/2011	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):

usptopatentmail@cantorcolburn.com

UNITED STATES PATENT AND TRADEMARK OFFICE

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

JUN 0 9 2011

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

In re Application of	:	DECISION ON REQUEST TO
TAKAHASHI ET AL.	:	PARTICIPATE IN PATENT
Application No. 12/809,363	:	PROSECUTION HIGHWAY
Filed: June 18, 2010	:	PROGRAM AND PETITION
Attorney Docket No. WPA0028US	:	TO MAKE SPECIAL UNDER
	:	37 CFR 1.102(a)

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

The request and petition are **DENIED**.

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

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

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

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

Examination of the U.S. application has begun. Accordingly, petition is denied.

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

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

Cecilia Tsang
Supervisory Patent Examiner
TC 1600

CLAIMS

1. A wind turbine for providing electrical power to a grid under low output voltage and variable power conditions, said wind turbine comprising an AC generator having a stator and a rotor with variable pitch blades operationally connected thereto, said wind turbine comprising;

- an output power sensor;

- an output current sensor;

- a first sample and hold for holding a first value established before the low output voltage condition;

- a second sample and hold for holding a second value established before the low output voltage condition;

- a rotor inverter controller comprising:

  - a power to current converter for receiving the value from the first sample and hold and generating a current reference signal,
  - an error detector for generating signals dependent on an error between the current reference signal and an output current signal from the current sensor,
  - a PWM coupled to the error detector for generating rotor drive currents to establish stator output current values dependent on the reference current signal; and
  - blade pitch controller for receiving the value from the second sample and hold and a signal from the output power sensor and adjusting the pitch of the variable pitch blades dependent upon the output power signal during low voltage condition and the value from the second sample and hold.

2. A method for controlling a wind turbine system during a low voltage condition, said method comprising the steps of:

- measuring output power;

- measuring output current;

- storing a power system parameter value established before the low voltage condition;

- storing a rotor system parameter value established before the low voltage condition;

- comparing the power system parameter value to a parameter value dependent on the measured output current and controlling output current to be substantially dependent on the stored power system parameter value; and

- receiving a value dependent on the output power and controlling blade pitch to maintain the value of the stored rotor system parameter value at substantially the same value during a low voltage condition as it was before the low voltage condition.

3. A wind turbine generator including a rotor having variable pitch blades operationally connected thereto, an AC generator for supplying output current electricity, and output power and output current sensors to provide signals dependent on output power and current, respectively, said wind turbine generator comprising;

- a current feedback control system for receiving an output current signal indicative of output current and maintaining the level of output current of the wind turbine at substantially the same level during a low voltage condition as its level during a normal conditions; and

- a blade pitch control system for receiving output power signals indicative of output power so as to vary the pitch of the blades to maintain a rotor speed that is substantially the same before and during a low voltage condition.

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:	VWS-69US	Filing date:	10-28-2010
First Named Inventor:	Allan Holm Jørgensen		
Title of the Invention:	APPARATUS AND METHOD FOR OPERATING A WIND TURBINE UNDER LOW UTILITY GRID VOLTAGE CONDITIONS		

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

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

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

The corresponding PCT application number(s) is/are: PCT/EP2008/067696

The international filing date of the corresponding PCT application(s) is/are: 12-17-2008

I. List of Required Documents:

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

☐ Is attached

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

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

☒ Is attached.

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

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

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

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.:	12/809,379
First Named Inventor:	Allan Holm Jørgensen

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 8/5/10 and 6/18/10

(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 8/5/10 and 6/18/10

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1	1	Same scope
2	2	Same scope
3	3	Same scope

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

Signature /William R. Allen/	Date
Name (Print/Typed) William R. Allen	Registration Number 48389

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.
12/809,379	10/28/2010	Allan Holm Jørgensen	VWS-69US	8340

26875 7590 01/26/2011
WOOD, HERRON & EVANS, LLP
2700 CAREW TOWER
441 VINE STREET
CINCINNATI, OH 45202

EXAMINER
WAKS, JOSEPH

ART UNIT	PAPER NUMBER
2839	

MAIL DATE	DELIVERY MODE
01/26/2011	PAPER

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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WOOD, HERRON & EVANS, LLP
2700 CAREW TOWER
441 VINE STREET
CINCINNATI OH 45202

In re Application of
Jorgensen et al
Application No.: 12/809,379
Filed: 28 October 2010
Attorney Docket No.: VWS-69US
For: APPARATUS AND METHOD FOR OPERATING A WIND TURBINE UNDER LOW UTILITY GRID VOLTAGE CONDITIONS

: 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 07 December 2010, to make the above-identified application special.

The request and petition are **GRANTED**.

Discussion

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

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

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

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

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

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

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

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

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

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

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

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

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

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

MAILED
DEC 23 2010
PCT LEGAL ADMINISTRATION

In re Application of JING et al :
U.S. Application No.: 12/809,388 :
PCT Application No.: PCT/US2008/086760 :
Int. Filing Date: 15 December 2008 :
Priority Date Claimed: 26 December 2007 : DECISION
Attorney Docket No.: 63720US002 :
For: REMOVABLE ANTIFOGGING COATINGS, :
ARTICLES, COATING COMPOSITIONS, :
AND METHODS :

This is in response to applicant's petition under 37 CFR 1.47(a) filed on 18 November 2010.

BACKGROUND

On 15 December 2008, applicant filed international application PCT/US2008/086760, which claimed priority of an earlier China application filed 26 December 2007. The thirty-month period for paying the basic national fee in the United States expired on 28 June 2010.

On 18 June 2010, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

On 20 July 2010, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905), which indicated that an oath or declaration in compliance with 37 CFR 1.497 must be filed.

On 18 November 2010, applicant filed the present petition under 37 CFR 1.47(a).

On 23 November 2010, the DO/EO/US mailed a Notification of Defective Response (Form PCT/DO/EO/916).

DISCUSSION

A petition under 37 CFR 1.47(a) must be accompanied by: (1) an oath or declaration by each applicant on his or her own behalf and on behalf of the nonsigning joint inventors, (2) factual proof that the missing joint inventors refuse to join in the application or cannot be reached after diligent effort, (3) the fee set forth in §1.17(i), and (4) the last known addresses of the nonsigning joint inventors.

With regard to item (1) above, applicant has submitted a declaration signed by the available inventors each on his/her own behalf and on behalf of the nonsigning inventor.

With regard to item (2) above, MPEP 409.03(d) states in relevant part,

> A refusal by an inventor to sign an oath or declaration when the inventor has not been presented with the application papers does not itself suggest that the inventor is refusing to join the application unless it is clear that the inventor understands exactly what he or she is being asked to sign and refuses to accept the application papers. A copy of the application papers should be sent to the last known address of the nonsigning inventor, or, if the nonsigning inventor is represented by counsel, to the address of the nonsigning inventor's attorney. . . . It is reasonable to require that the inventor be presented with the application papers before a petition under 37 CFR 1.47 is granted since such a procedure ensures that the inventor is apprised of the application to which the oath or declaration is directed. In re Gray, 115 USPQ 80 (Comm'r Pat. 1956).
>
> Where a refusal of the inventor to sign the application papers is alleged, the circumstances of the presentation of the application papers and of the refusal must be specified in a statement of facts by the person who presented the inventor with the application papers and/or to whom the refusal was made. Statements by a party not present when an oral refusal is made will not be accepted.
>
> Proof that a bona fide attempt was made to present a copy of the application papers (specification, including claims, drawings, and oath or declaration) to the nonsigning inventor for signature, but the inventor refused to accept delivery of the papers or expressly stated that the application papers should not be sent, may be sufficient. When there is an express oral refusal, that fact along with the time and place of the refusal must be stated in the statement of facts. When there is an express written refusal, a copy of the document evidencing that refusal must be made part of the statement of facts. The document may be redacted to remove material not related to the inventor's reasons for refusal.
>
> When it is concluded by the 37 CFR 1.47 applicant that a nonsigning inventor's conduct constitutes a refusal, all facts upon which that conclusion is based should be stated in the statement of facts in support of the petition or directly in the petition. If there is documentary evidence to support facts alleged in the petition or in any statement of facts, such evidence should be submitted. Whenever a nonsigning inventor gives a reason for refusing to sign the application oath or declaration, that reason should be stated in the petition.

The petition states that joint inventor Jinyu Chen refuses to sign the application papers. Although the petition adequately demonstrates that a bona fide attempt was made to present a copy of the application papers to inventor Chen for signature (see Exhibit L), the petition does

not sufficiently illustrate that inventor Chen received such papers. In particular, documentary evidence from the carrier FedEx has not been provided. Information based on hearsay (see Exhibit M) is not acceptable. As stated in MPEP 409.03(d), it is reasonable to require that the inventor be presented with the application papers before a petition under 37 CFR 1.47 is granted since such a procedure ensures that the inventor is apprised of the application to which the oath or declaration is directed.

With regard to item (3) above, applicant has provided the requisite petition fee.

With regard to item (4) above, the petition states the last known address of the nonsigning inventor.

CONCLUSION

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

The Notification of Defective Response (Form PCT/DO/EO/916) mailed on 23 November 2010 was sent prematurely and is hereby VACATED.

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

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

Bryan Lin

Bryan Lin
PCT Legal Examiner
PCT Legal Office

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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PCT LEGAL ADMINISTRATION

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

In re Application of JING et al	:	
U.S. Application No.: 12/809,388	:	
PCT Application No.: PCT/US2008/086760	:	
Int. Filing Date: 15 December 2008	:	
Priority Date Claimed: 26 December 2007	:	DECISION
Attorney Docket No.: 63720US002	:	
For: REMOVABLE ANTIFOGGING COATINGS,	:	
ARTICLES, COATING COMPOSITIONS,	:	
AND METHODS	:	

This is in response to applicant's renewed petition under 37 CFR 1.47(a) filed on 17 February 2011.

BACKGROUND

On 15 December 2008, applicant filed international application PCT/US2008/086760, which claimed priority of an earlier China application filed 26 December 2007. The thirty-month period for paying the basic national fee in the United States expired on 28 June 2010.

On 18 June 2010, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

On 20 July 2010, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905), which indicated that an oath or declaration in compliance with 37 CFR 1.497 must be filed.

On 18 November 2010, applicant filed a petition under 37 CFR 1.47(a).

On 23 November 2010, the DO/EO/US mailed a Notification of Defective Response (Form PCT/DO/EO/916).

On 23 December 2010, this Office mailed a decision dismissing the 18 November 2010 petition.

On 17 February 2011, applicant filed the instant renewed petition under 37 CFR 1.47(a).

DISCUSSION

The renewed petition includes a declaration executed by the previously nonsigning inventor, which is a proper response to the decision mailed 23 December 2010.

CONCLUSION

For the reasons above, the renewed petition under 37 CFR 1.47(a) is DISMISSED AS MOOT.

The application has an International Filing Date under 35 U.S.C. 363 of 15 December 2008, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 17 February 2011.

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

Bryan Lin
PCT Legal Examiner
PCT Legal Office

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

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PCT LEGAL ADMINISTRATION

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

In re Application of	:	
BANSAL et al.	:	DECISION
Application No.: 12/809,419	:	
PCT No.: PCT/US2009/068019	:	
Int. Filing Date: 15 December 2009	:	
Priority Date: 15 December 2008	:	
Attorney's Docket No.: A10266	:	
For: HOLLOW CORE FIBER POWER	:	
COMBINER AND DIVIDER	:	

This notification is in response to applicants' petition under 37 CFR 1.182 filed 01 February 2011.

BACKGROUND

On 15 December 2009, applicants filed international application PCT/US2009/068019 which designated the U.S. and claimed a priority date of 15 December 2008. A copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) from the International Bureau on 01 July 2010. The thirty-month period for paying the basic national fee in the United States expired at midnight on 15 June 2011.

On 18 June 2010, applicants filed a transmittal letter for entry into the national stage in the United States, which was accompanied by, *inter alia*, the Basic National Fee and a declaration of inventors.

On 23 November 2010, the United States Designated/Elected Office (DO/EO/US) mailed a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating, *inter alia*, that applicant must provide an oath or declaration of the inventors in compliance with 37 CFR 1.497(a)-(b) because the declaration submitted 18 June 2010 included changes and could not be accepted as properly executed.

On 01 February 2011, applicants filed the instant petition under 37 CFR 1.182.

DISCUSSION

The petition fee has been paid. The submission filed 01 February 2011 concerning the name of the third-named inventor explains the difference in the inventor's name as set forth in the international application (John Sugrim) and the declaration of inventors filed 18 June 2010 (Chandraika (John) Sugrim) and that the name on the declaration is the desired name. This explanation of the difference in names is accepted and noted for the record. The inventor's name has been changed in USPTO records.

Declaration of Inventors

The declaration filed 18 June 2010 is not sufficient because it contains non-initialed alterations (the citizenship of Daiichiro Tanaka and the name of the third inventor). 37 CFR 1.52(c). "Any changes made in ink in the application or oath prior to signing should be initialed and dated by the applicants prior to execution of the oath or declaration. The Office will require a new oath or declaration if the alterations are not initialed and dated." MPEP § 605.04(a). Item I.

CONCLUSION

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

Applicant is hereby given the time limit of **TWO (2) MONTHS** from the mail date of this communication in order to file a declaration in compliance with 37 CFR 1.497(a)-(b) and 37 CFR 1.52(c). Extensions of time may be obtained under 37 CFR 1.136(a).

Failure to timely file a proper response to this decision in a timely manner will result in abandonment of the application with regards to national stage prosecution in the United States.

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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MAR 27 2012
OFFICE OF PETITIONS

Seed Intellectual Property Law Group PLLC
701 Fifth Avenue, Suite 5400
Seattle WA 98104

In re Application of : DECISION ON REQUEST TO
Christian WENGERTER et al. : PARTICIPATE IN PPH PROGRAM
Application No. 12/809,423 : AND PETITION TO MAKE SPECIAL
Filed: August 16, 2010 : UNDER 37 CFR 1.102(a)
Atty. Docket No.: 736156.401USPC :
For: CONTROL CHANNEL SIGNALING USING A COMMON SIGNALING FIELD FOR TRANSPORT FORMAT AND REDUNDANCY VERSION

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed January 20, 2012 to make the above-identified application special.

The petition and request are **DISMISSED**.

A grantable request to participate in the PPH (patent prosecution highway) program and petition to make special require:

(1) the U.S. application must validly claim priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to to one or more applications filed in the EPO (European Patent Office) or to a PCT application that does not contain any priority claim, or is a national stage entry of a PCT application that does not contain any priority claim;

(2) applicant must submit a copy of the allowable/patentable claim(s) from the 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 allowability/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate; and

(6) applicant must submit an IDS listing the documents cited by the EPO examiner in the EPO office action along with copies of documents except U.S. patents or U.S. patent application publications.

Requirements (1) to (2), and (4) to (6) above are considered to have been met. However, the request to participate in the PPH program and petition fail to meet requirement (3).

Regarding the requirement of condition (3), it is not apparent that the claims submitted with the instant application sufficiently correspond to the claims in the EPO application, for example see claim 1.

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

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

Telephone inquiries concerning this decision should be directed to Robert DeWitty, Petition Attorney, Office of Petitions at 571-272-8427.

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

Thurman K Page

David Bucci
Petitions Examiner
Office of Petitions

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: MC1-019914 US PCT	Application Number (if known): 12/809,436	Filing date: 17 November 2010

First Named Inventor: Gehan Anil Joseph Amaratunga

Title: Grid Synchronisation

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: Supplemental Preliminary Amendment

Signature /Christopher P Harris/	Date 27-Oct-2011
Name (Print/Typed) Christopher P. Harris	Registration Number 43,660

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.

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: MC1-019914 US PCT	Application Number (if known): 12/809,436	Filing date: 17 November 2010

First Named Inventor: Gehan Anil Joseph Amaratunga

Title: Grid Synchronisation

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: Supplemental Preliminary Amendment

Signature /Christopher P Harris/	Date 27-Oct-2011
Name (Print/Typed) Christopher P. Harris	Registration Number 43,660

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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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.

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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 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.
12/809,436	11/17/2010	Gehan Anil Joseph Amaratunga	MC1-019914 US PCT	8585

26294 7590 11/18/2011
TAROLLI, SUNDHEIM, COVELL & TUMMINO L.L.P.
1300 EAST NINTH STREET, SUITE 1700
CLEVELAND, OH 44114

EXAMINER
FUREMAN, JARED

ART UNIT	PAPER NUMBER
2836	

MAIL DATE	DELIVERY MODE
11/18/2011	PAPER

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

TAROLLI, SUNDHEIM, COVELL & TUMMINO L.L.P.
1300 EAST NINTH STREET, SUITE 1700
CLEVELAND OH 44114

In re Application of	:	
AMARATUNGA et al.	:	DECISION ON PETITION
Application No. 12/809,436	:	TO MAKE SPECIAL UNDER
Filed: November 17, 2010	:	THE GREEN TECHNOLOGY
Attorney Docket No. MC1-020194 US ORD	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed on October 27, 2011, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **GRANTED**.

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

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

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

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

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

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

/Colleen Dunn/

Colleen Dunn
TQAS, TC 2800

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COMMISSIONER FOR PATENTS
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ERICSSON INC.
6300 LEGACY DRIVE
M/S EVR 1-C-11
PLANO TX 75024

MAILED
DEC 30 2010
PCT LEGAL ADMINISTRATION

In re Application of	:	DECISION ON
ALONSO et al	:	
Application No: 12/809,471	:	
PCT No.: PCT/EP2007/064368	:	
Int. Filing Date: 20 February 2007	:	PETITION UNDER
Priority Date: NA	:	
Attorney's Docket No.: P244403-US1	:	
For: SELECTION OF ... METHODS	:	37 CFR 1.47(a)

This is in response to the "PETITION UNDER 37 CFR 1.47(a)" filed on 01 November 2010.

BACKGROUND

On 20 February 2007, applicants filed international application PCT/IB2007/064368.

On 18 June 2010, applicants filed a transmittal letter for entry into the national stage in the United States, which was accompanied by, inter alia, the requisite basic national fee as required by 35 U.S.C. 371(c)(1). However, no executed declaration or oath was submitted at such time.

On 05 August 2010, the United States Designated/Elected Office (DO/EO/US) mailed a "NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)" (Form PCT/DO/EO/905) which informed applicants, *inter alia*, that "the oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the international application number and international filing date... either 37 CFR 1.66 or 37 CFR 1.68" The notification set two (2) months from the date of this notice or 32 months from the priority date for the application, whichever is later. Failure to properly respond will result in abandonment."

On 01 November 2010, petitioner filed the present petition, a declaration in support of filing on behalf of non-signing joint inventor John Michael Walker by Jennifer Lynn Hardin accompanied, inter alia, an executed Declaration without the signature of joint inventor Walker.

DISCUSSION

A petition under 37 CFR 1.47(a) must be accompanied by (1) the fee under 37 CFR 1.17(g), (2) factual proof that the missing joint inventor refuses to execute the application or

cannot be reached after diligent effort, (3) a statement of the last known address of the missing inventor, and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and on behalf of the non-signing joint inventor.

Furthermore, section 409.03(d) of the Manual of Patent Examining Procedure (M.P.E.P.) **Proof of Unavailability or Refusal**, the relevant sections states, in part:

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

> When it is concluded by the **37 CFR 1.47** applicant that a nonsigning inventor's conduct constitutes a refusal, all facts upon which that conclusion is based should be stated in the statement of facts in support of the petition or directly in the petition. If there is documentary evidence to support facts alleged in the petition or in any statement of facts, such evidence should be submitted. Whenever a nonsigning inventor gives a reason for refusing to sign the application oath or declaration, that reason should be stated in the petition.

Petitioner has satisfied items (1) and (3) - (4) of 37 CFR 1.47(a) but not item (2).

Regarding item (1), petitioner has been charged the proper fee of $200.00 under 37 CFR 1.17(g) to Deposit Account No.: 50-1379.

Regarding item (2), the averments of Ms. Hardin are not sufficient to support a finding that the nonsigning joint inventor, Mr. Walker, refuses to sign. Even though Ms. Hardin states that she mailed a copy of the application papers to him on May 21, 2010, the package (the application papers) was undeliverable as Mr. Walker has moved. As result, Mr. Walker has not received the application papers as required as required under MPEP. 409.03(d).

Where the Office is being asked to accept the silence of the nonsigning inventor as evidence of a refusal to sign, petitioner must provide some evidence that the application materials have been received by the nonsigning applicants. Absent further firsthand evidence that the application and request for signature were received by the nonsigning inventors, item (2) cannot be considered satisfied.

Because it appears that Mr. Walker has moved and does not reside in his last known address, then petitioner is under an obligation to try to find or reach him. Where there is an inability to find or reach a joint inventor "after diligent effort, " petitioner may file a statement of facts that fully describes the exact facts which are relied on to establish that a diligent effort was made under **37 CFR 1.47**.

Also, Ms. Hardin declaration "I have no forwarding address" fails to show diligent effort to locate him because no search for the above non-signing inventor's new address by using a broad search in the internet, using a phone directory, talking to his former co-workers and talking to the human resource office has been attempted .

Accordingly, at this time it can not be concluded that the nonsigning co-inventor refuses to sign or could not be reached after diligent effort as stipulated under 37 CFR 1.47(a).

Regarding item (3), it petitioner has provided a statement of the last known address of the missing inventor.

> John Michael Walker
> Gerstkamp 87
> 2592 Dan Haag, Netherlands

Regarding item (4), petitioner has provided a properly executed declaration signed without the signature of joint inventor Mr. Walker.

Consequently, the petition does not satisfy all the items under 37 CFR 1.47(a).

CONCLUSION

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

If reconsideration of the merits of the petition under 37 CFR 1.47(a) is desired, applicant must file a request for reconsideration within **TWO (2) MONTHS** from the mail date of this Decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)." No additional petition fee is required. Extensions of time may be obtained under 37 CFR 1.136(a).

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

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

UNITED STATES PATENT and TRADEMARK OFFICE

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MAILED
APR 27 2011
PCT LEGAL ADMINISTRATION

In re Application of	:	DECISION ON
ALONSO et al	:	
Application No: 12/809,471	:	
PCT No.: PCT/EP2007/064368	:	
Int. Filing Date: 20 February 2007	:	PETITION UNDER
Priority Date: NA	:	
Attorney's Docket No.: P244403-US1	:	
For: SELECTION OF ... METHODS	:	37 CFR 1.47(a)

This is in response to the "RENEWED PETITION UNDER 37 CFR 1.47(a)" filed on 28 February 2011.

BACKGROUND

In a decision from this Office on 30 December 2010, the petition filed on 01 November 2010 was dismissed. The decision indicated that petitioner failed to meet item (2) under 37 CFR 1.47(a).

On 28 February 2011, petitioner submitted a renewed petition accompanied, inter alia, with a declaration of Manuel Lorenzo.

DISCUSSION

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

Petitioner has still not satisfied item (2) of 37 CFR 1.47(a).

Regarding item (2), petitioner has still not met this item because although Mr. Lorenzo talked via telephone to Mr. Walker at his new place of employment on March 9, 2010 and he indicated that he refused to sign any and all such oaths and declarations, Mr. Walker has still not been presented with a copy of the application papers of the above aforementioned application. There is no evidence on the record or that has been provided that shows that the application papers have been presented to Mr. Walker before he refused to sign the required papers. The last petition showed that the application were mailed to Mr. Walker via UPS but were undeliverable as UPS tracking receipt indicated that Mr. Walker no longer resided at his last known address.

Before a refusal can be alleged, it must be demonstrated that a bona fide attempt was made to present a copy of the application papers (specification, including claims, drawings, and oath or declaration) to the non-signing inventor for signature. Absent further firsthand evidence that the application and request for signature were received by the nonsigning inventor, item (2) cannot be considered satisfied as required under MPEP 409.03(d).

Consequently, the petition does not satisfy all the items under 37 CFR 1.47(a).

CONCLUSION

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

If reconsideration of the merits of the petition under 37 CFR 1.47(a) is desired, applicant must file a request for reconsideration within **TWO (2) MONTHS** from the mail date of this Decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)."

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

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

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ERICSSON INC.
6300 LEGACY DRIVE
M/S EVR 1-C-11
PLANO TX 75024

MAILED
AUG 18 2011
PCT LEGAL ADMINISTRATION

In re Application of	:	DECISION ON
ALONSO et al	:	
Application No: 12/809,471	:	
PCT No.: PCT/EP2007/064368	:	
Int. Filing Date: 20 February 2007	:	PETITION UNDER
Priority Date: NA	:	
Attorney's Docket No.: P244403-US1	:	
For: SELECTION OF ... METHODS	:	37 CFR 1.47(a)

This is in response to the "RENEWED PETITION UNDER 37 CFR 1.47(a)" filed on 24 June 2011.

BACKGROUND

In a decision from this Office on 27 April 2011, the petition filed on 28 February 2011 was dismissed. The decision indicated that petitioner failed to meet item (2) under 37 CFR 1.47(a).

On 24 June 2011, petitioner submitted a renewed petition accompanied, inter alia, with a copy of a letter sent to non-signing inventor John Walker by Roger S. Burleigh to Walker's current employer.

DISCUSSION

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

The renewed petition of 24 June 2011 has satisfied item (2) under 37 CFR 1.47(a).

Regarding item (2), a statement by Mr. Weatherford indicates as provided by the letter of Mr. Burleigh that a copy of the application papers were mailed to Mr. Walker's current employer for his review and signature on May 6, 2001 and received there on May 09, 2011 (UPS confirmation), and the required papers have not been returned signed.

Consequently, at this time it can be concluded that Mr. Walker has refused to sign the documents.

Petitioner has now satisfied item (2) under 37 CFR 1.47(a), thus completing the requirements under 37 CFR 1.47(a).

CONCLUSION

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

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for continued processing under 35 U.S.C. 371.

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

A notice of the filing of the application under 37 CFR 1.47(a) will be published in the Official Gazette.

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

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John Michael Walker
Gerstkamp 87
2592 Dan Haag, Netherlands

MAILED
AUG 18 2011
PCT LEGAL ADMINISTRATION

In re Application of
ALONSO et al
Application No: 12/809,471
PCT No.: PCT/EP2007/064368
Int. Filing Date: 20 February 2007
Priority Date: NA
Attorney's Docket No.: P244403-US1
For: SELECTION OF ... METHODS

Dear: Walker,

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

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

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ARLINGTON VA 22204

In re Application of HAYEK (Deceased) Application No.: 12/809,493 PCT No.: PCT/EP08/67767 Int. Filing Date: 17 December 2008 Priority Date: /18 December 2007 Attorney Docket no.: ICB0550 For: SOLAR POWERED ELECTRIC MOTOR VEHICLE	DECISION ON REQUEST UNDER 37 CFR 1.42

This is a decision on applicant's request under 37 CFR 1.42 along with an executed declaration filed in the United States Patent and Trademark Office (USPTO) on 19 January 2011.

BACKGROUND

On 18 June 2010, applicant filed a Transmittal Letter requesting entry into the national stage in the United States of America under 35 U.S.C. § 371 with, *inter alia*, the requisite basic national fee.

On 19 August 2010, a Notification of Missing Requirements was mailed to applicant indicating that an oath or declaration executed by the inventors in compliance with 37 CFR 1.497(a) and (b) and the surcharge for filing the oath and declaration after the thirty month period, was required.

On 19 January 2011, applicant filed a response to the Notification including a declaration executed by the legal representatives of the deceased inventor.

DISCUSSION

At the outset, it is noted that the response requires a three month extension of time, which was charged to applicant's deposit account per his authorization.

37 CFR § 1.42 requires that in the case of the death of the inventor, the legal representative of the deceased inventor may make the necessary oath or declaration, and apply for and obtain a patent.

37 CFR 1.497(a)(3) requires that the declaration identify each inventor and the country of citizenship of each inventor. 37 CFR 1.497(b)(2) requires the declaration to state the relationship of the person (under 37 CFR 1.42) making the declaration for a deceased inventor (i.e. heir or legal representative). 37 CFR 1.497(b)(2) further states that, if the person signing the oath or declaration is the legal representative of a deceased inventor, the oath or declaration must state that the person is a legal representative and indicate the citizenship, residency and mailing address of the legal representative.

The declaration submitted on 19 January 2011 is executed by Naylor Hayek and Marianne Hayek, who are identified as the legal representatives of the deceased inventor. However, the declaration fails to identify the country of citizenship for either of the legal representatives for the deceased inventor. The declaration as submitted does not meet the

requirements for compliance with 37 CFR 1.497(a) and (b). Accordingly, it is inappropriate, at this time, to accord the application status under 37 CFR 1.42.

Because the declaration as submitted is not acceptable, the requirements of 35 U.S.C. 371(c) have not been met.

Applicant is reminded that the USPTO does not accept a declaration that has been altered.

Section 602.01 of the MPEP states the following:

> The wording of an oath or declaration cannot be amended, altered or changed in any manner after it has been signed. If the wording is not correct or if all of the required affirmations have not been made, or if it has not been properly subscribed to, a new oath or declaration must be required....

Any changes made in ink in the application or oath prior to signing should be initialed and dated by the applicants prior to execution of the oath or declaration. The Office will not consider whether non-initialed and/or nondated alterations were made before or after signing of the oath or declaration but will require a new oath or declaration.

CONCLUSION

For the above reasons, the request for status under 37 CFR 1.42 is **DISMISSED WITHOUT PREJUDICE**.

Applicant is required to correct the above-noted defects including the furnishing of a oath/declaration in compliance with 37 CFR 1.42 and 1.497 within TWO (2) MONTHS from the mail date of this Decision.

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

/Cynthia M. Kratz/
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PCT Legal Office
Office of PCT Legal Administration
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In re Application of HAYEK (Deceased) Application No.: 12/809,493 PCT No.: PCT/EP08/67767 Int. Filing Date: 17 December 2008 Priority Date: /18 December 2007 Attorney Docket no.: ICB0550 For: SOLAR POWERED ELECTRIC MOTOR VEHICLE	DECISION ON REQUEST UNDER 37 CFR 1.42

This is a decision on applicant's "Submission of Replacement Declaration", which is treated as a request under 37 CFR 1.42 along with a newly executed declaration filed in the United States Patent and Trademark Office (USPTO) on 10 June 2011.

BACKGROUND

On 18 June 2010, applicant filed a Transmittal Letter requesting entry into the national stage in the United States of America under 35 U.S.C. § 371 with, *inter alia*, the requisite basic national fee.

On 19 August 2010, a Notification of Missing Requirements was mailed to applicant indicating that an oath or declaration executed by the inventors in compliance with 37 CFR 1.497(a) and (b) and the surcharge for filing the oath and declaration after the thirty month period, was required.

On 19 January 2011, applicant filed a response to the Notification including a declaration executed by the legal representatives of the deceased inventor. On 13 April 2011, a decision was mailed to applicant indicating that the declaration was not acceptable as it was not in compliance with 37 CFR 1.497(a) and (b).

DISCUSSION

37 CFR § 1.42 requires that in the case of the death of the inventor, the legal representative of the deceased inventor may make the necessary oath or declaration, and apply for and obtain a patent.

37 CFR 1.497(a)(3) requires that the declaration identify each inventor and the country of citizenship of each inventor. 37 CFR 1.497(b)(2) requires the declaration to state the relationship of the person (under 37 CFR 1.42) making the declaration for a deceased inventor (i.e. heir or legal representative). 37 CFR 1.497(b)(2) further states that, if the person signing the oath or declaration is the legal representative of a deceased inventor, the oath or declaration must state that the person is a legal representative and indicate the citizenship, residency and mailing address of the legal representative.

The declaration submitted on 10 June 2011 is executed by Naylor Hayek and Marianne Hayek, who are identified as the legal representatives of the deceased inventor Nicolas Georges

Hayek. The declaration identifies the country of citizenship for the legal representatives of the deceased inventor and meets the requirements for compliance with 37 CFR 1.497(a) and (b). Accordingly, it is appropriate, at this time, to accord the application status under 37 CFR 1.42.

CONCLUSION

For the above reasons, the request for status under 37 CFR 1.42 is **GRANTED**.

The declaration by the legal representatives for deceased inventor submitted on 10 June 2011 is accepted as a proper declaration under 37 CFR 1.497(a) and (b).

The application will be forwarded to the United States Designated/Elected Office for further processing. The 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date is 10 June 2011.

/Cynthia M. Kratz/
Cynthia M. Kratz
Attorney Advisor
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UNITED STATES PATENT AND TRADEMARK OFFICE

10 AUG 2010

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The Law Offices of Michael E. Kondoudis
888 16TH Street, N.W.
Washington, DC 20006

In re Application of BEN-SHMUEL, Eran U.S. Application No.: 12/809,535 PCT No.: PCT/IL2008/001572 Int. Filing Date: 03 December 2008 Priority Date: 03 December 2007 Attorney Docket No.: 0230.0003 For: TREATING MIXABLE MATERIALS BY RADIATION	**DECISION ON PETITION UNDER 37 CFR 1.137(b)**

Applicant's petition to revive under 37 CFR 1.137(b) filed on 18 June 2010 is hereby **GRANTED** as follows:

The appropriate fees and petition fee for a small entity have been paid. Applicant made the required statement pursuant to 37 CFR 1.137(b)(3). A terminal disclaimer is not required. Accordingly, all requirements under 37 CFR 1.137(b) have been satisfied.

A declaration in compliance with 37 CFR 1.497(a) and (b) was not submitted.

This application is being forwarded to the United States Designated/Elected Office for further processing including mailing a Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US) (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497(a) and (b) and a $65.00 surcharge fee are required.

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

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FINNEGAN, HENDERSON, FARABOW,
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901 NEW YORK AVENUE, NW
WASHINGTON, DC 20001-4413

MAILED

NOV 03 2011

OFFICE OF PETITIONS

Applicant(s): LEGRAND, ET AL.
Appl. No.: 12/809,544
International Filing Date: December 17, 2008
Title: COMPOSITION COMPRISING AN ALKANOLAMINE, AN AMINO ACID AND AN ASSOCIATIVE POLYMER
Attorney Docket: 05725.1852
Pub. No.: US 2011/0117037 A1
Pub. Date: May 19, 2011

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on July 19, 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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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.
12/809,555	06/18/2010	Christian Hubschwerlen	66535.000028	9247

21967 7590 04/13/2012
HUNTON & WILLIAMS LLP
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EXAMINER
MCDOWELL, BRIAN E

ART UNIT	PAPER NUMBER
1624	

MAIL DATE	DELIVERY MODE
04/13/2012	PAPER

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

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

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Jeff B. Vockrodt
HUNTON & WILLIAMS LLP
INTELLECTUAL PROPERTY DEPARTMENT
2200 Pennsylvania Avenue, N.W.
WASHINGTON DC 20037

APR 1 3 2012

In re Application of	:
Hubschwerlen et al	:
Serial No.: 12/809,555	:Decision on Petition
Filed : 18 June 2010	:
Attorney Docket No.: 66535.000028	:

This letter is in response to the Petition under 37 C.F.R. 1.181, 1.182 and/or 1.183 filed on 17 February 2012 requesting reconsideration of the appeal and pre-appeal conference request. Because the underlying concern is the restriction requirement, this petition is being considered under 37 CFR 1.144. No fee is required for this type of petition.

BACKGROUND

This application was filed as an international application in compliance with 35 U.S.C. 371 and as such is entitled to re-consideration under unity of invention practice described in MPEP Chapter 1800.

On 11 August 2011, the examiner set forth a restriction requirement which divided claims 1-11 and 13-15 into four groups. An election of species was also required. No prior art was cited to show that the shared or corresponding technical feature failed to make a contribution over the prior art.

On 11 October 2011, applicants elected Group I, claims 1-9 and 11 drawn to compounds and a particular species of Formula I. The elections were made with traverse.

On 26 October 2012, the examiner prepared an Ex Parte Quayle action in which claims 1-9 and 11 were objected to for reciting non-elected subject matter. Claims 13-15 were withdrawn from

consideration as being directed to non-elected inventions. The examiner considered the traversal and made the requirement FINAL. Applicants were directed to amend the claims to represent appropriate subject matter.

On 27 December 2011, applicants filed a Notice of Appeal concurrent with a Pre-appeal Brief Conference Request.

The Notice of Appeal was found not acceptable because no claim has been rejected twice.

On 17 February 2012, applicants filed this petition.

DISCUSSION

The file history and petition have been considered carefully.

On 11 August 2011, the Examiner placed claims 1-11 and 13-15 into four groups as follows:

> Group I, Claims 1-9 and 11, drawn to compounds of formula I and simple compositions thereof wherein G is 3-oxo-3, 4-dihydro-2H-benzol[1,4]thiazine-6-yl.
>
> Group II, Claims 1-9 and 11, drawn to compounds of formula I and simple compositions thereof not embraced by Group I (e.g., wherein one of Z1-3 is N).
>
> Group III, Claim 10, drawn to medicaments comprising the compounds of either Groups I or II (Applicant must elect one group).
>
> Group IV, Claims 13-15, drawn to a method of treating/preventing a bacterial infection in a patient via administrating compounds of either group I or II (Applicant must elect one group) to a patient in need thereof.

Claims 10 and 12 are no longer currently pending. Paragraph 20.09 of the International Search and Preliminary Examination Guidelines, published in January 2004, requires that unity of invention be considered in view of the claims as currently pending. See:

> "However, especially when the claims have been substantially limited, the examiner should bear in mind that the following questions may require special consideration at the amendment stage:
>
> (i) *Unity of invention:* Do the amended claims satisfy the requirement of Rule 13? When considering this matter, paragraphs of chapter 10 are applicable;..."

Because Claim 10 has been cancelled, this petition decision will not address the Group III.

A. Concerning the lack of unity requirement between Groups (I and II) and Group IV.

PCT unity of invention rules permits the Office to restrict between product and process inventions when the product does not make a contribution over the prior art. See Example 1 of the ISPE Guidelines, Chapter 10.

> "Example 1
>
> Claim 1: A method of manufacturing chemical substance X.
>
> Claim 2: Substance X.
>
> Claim 3: The (method of) use of substance X as an insecticide.
>
> Unity exists between claims 1, 2 and 3. The special technical feature common to all the claims is substance X. However, if substance X is known in the art, unity would be lacking because there would not be a special technical feature common to all the claims."

To support a lack of unity determination between product Groups (I and II) and process Group IV, the examiner was required to provide prior art teaching the shared technical feature. This was not done in the original restriction or the Ex parte Quayle action. For this reason, unity of invention is present between product Groups (I and II) and process Group IV.

A. Concerning the lack of unity made between Group I and Group II.

The examiner has placed alternatives of a Markush claim 1 into two groups and defined the second group as compounds or compositions not embraced by the first group. This type of intraclaim restriction, where a claim is placed into two or more groups based upon alternative limitations and a "catch-all" group is created for other embodiments, made on 11 August 2011, is counter to MPEP 803.02 and the 9 February 2011 Federal Register Notice entitled "Supplemental Examination Guidelines for Determining Compliance with 35 U.S.C. 112 and for treatment of Related Issues in Patent Applications." This Notice applies to both national applications filed under 35 U.S.C. 111(a) and national stage applications filed in compliance with 35 U.S.C. 371. Page 7166 sets forth guidelines for the treatment of Markush-type claims:

> "Under principles of compact prosecution, the examiner should also require the applicant to elect a species or group of indistinct species for search and examination (i.e., an election of species). If the examiner does not find the species or group of indistinct species in the prior art, then the examiner should extend the search to those additional species that fall within the scope of a permissible Markush claim. In other words, the examiner should extend the search to the species that share a single structural similarity and a common use. The improper Markush claim should be examined for patentability over the prior art with respect to the elected species or group of indistinct species, as well as the species that share a single structural similarity and a common use with the elected species or group of indistinct species (i.e., the species that would fall within the scope of a proper Markush claim)."

C. Concerning the objection to Markush claims.

The Examiner has indicated that product Claims 1-9 and 11 are in condition for allowance to the extent that they read upon compounds of formula I and simple compositions thereof wherein G is

3-oxo-3, 4-dihydro-2H-benzol[1,4]thiazine-6-yl. The examiner then required applicants to amend the claims to represent appropriate subject matter. This objection is counter to MPEP 803.02, 809, and 821.04(a) which permits applicants to retain non-elected alternatives within a Markush claim. This is also counter to the examination practice set forth in MPEP 803.02 and the Federal Register Notice of 2011.

It is noted that applicants seek to re-instate the Notice of Appeal and the request for a Pre-appeal Brief Conference. Because the Office cannot maintain the finality of the Ex parte Quayle action, and because no claims have been rejected on the merits, the request to file a Notice of Appeal would be pre-mature and a Request for a Pre-appeal Brief Conference would be untimely.

DECISION

The petition filed on 17 February 2012 is **GRANTED-IN-PART** as follows.

The restriction required between Groups I, II and IV has been withdrawn.

The objection to the Markush claims and requirement to amend the claims to represent appropriate subject matter are both withdrawn.

The finality of the Ex Parte Quayle action mailed 26 October 2011 has been withdrawn as premature and incomplete.

The Notice of Appeal and Pre-Appeal Conference request both filed 27 December 2011 remain un-entered and dismissed, respectively.

The application will be forwarded to the examiner for preparation of an Office action on Claims 1-9, 11 and 13-15 consistent with this petition decision. Markush claims will be examined according to MPEP 803.02 and the Federal Register Notice of 2011.

Any request for reconsideration under 37 CFR 1.181 should be filed within TWO months of the mail date of this decision.

Should there be any questions regarding this decision, please contact Quality Assurance Specialist Julie Burke by mail addressed to Director, Technology Center 1600, PO BOX 1450, ALEXANDRIA, VA 22313-1450, or by telephone at (571) 272-0512 or by Official Fax at 703-272-8300.

Dan Sullivan
(Acting) Director, Technology Center 1600

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SUITE 2800
SEATTLE WA 98101-2347

In re Application of	:	
ABADIE et al.	:	DECISION ON
Application No.: 12/809,559	:	
PCT No.: PCT/EP2008/068002	:	PAPERS
Int. Filing Date: 19 December 2008	:	
Priority Date: 21 December 2007	:	UNDER 37 CFR 1.42
Attorney's Docket No.: BREV134936	:	
For: DEVICE FOR TRANSPORTING . . . HOUSING	:	

This is a decision on applicants' submissions filed in the United States Patent and Trademark Office (USPTO) on 20 September 2010 and 03 November 2010, which have properly been treated as a request for status under 37 CFR 1.42.

BACKGROUND

On 19 December 2008, applicants filed international application PCT/EP2008/068002, which designated the United States and claimed a priority date of 21 December 2007. A copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) from the International Bureau on 09 July 2009. The thirty-month period for paying the basic national fee in the United States expired at midnight on 21 June 2010.

On 18 June 2010, applicants filed a transmittal letter for entry into the national stage in the United States accompanied by, *inter alia*, the basic national fee.

On 08 September 2010, the United States Designated/Elected Office (DO/EO/US) issued a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating, *inter alia*, that a declaration of inventors in compliance with 37 CFR 1.497(a)-(b) was required.

On 20 September 2010, applicants filed a submission which was accompanied by, *inter alia*, a declaration of the inventors. The declaration included an indication that inventor Pascale ABADIE is deceased.

On 30 September 2010, the DO/EO/US issued a NOTIFICATION OF DEFECTIVE RESPONSE (Form PCT/DO/EO/916) was mailed indicating, *inter alia*, that the declaration of inventors filed 20 September 2010 was not sufficient because it was an improper composite declaration.

On 03 November 2010, applicants filed a submission stating that the declaration of inventors filed 20 September 2010 was a proper request under 37 CFR 1.42 and was not an improper composite declaration.

DISCUSSION

The declaration of inventors filed 20 September 2010 was not an improper composite declaration. Accordingly, the NOTIFICATION OF DEFECTIVE RESPONSE mailed 30 September 2010 is hereby VACATED.

The submission filed 20 September 2010 has been reviewed and has been found in compliance with 37 CFR 1.42.

The declaration filed 20 September 2010 is in compliance with 37 CFR 1.497(a)-(b).

CONCLUSION

For the above reasons, the NOTIFICATION OF DEFECTIVE RESPONSE mailed 30 September 2010 is VACATED.

For the above reasons, the request for status under 37 CFR 1.42 is **ACCEPTED**.

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

/Daniel Stemmer/

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

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/809,592	06/20/2010	Tal Muskal	47822	9551

67801 7590 01/28/2011
MARTIN D. MOYNIHAN d/b/a PRTSI, INC.
P.O. BOX 16446
ARLINGTON, VA 22215

EXAMINER

ART UNIT	PAPER NUMBER
2161	

MAIL DATE	DELIVERY MODE
01/28/2011	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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MARTIN D. MOYNIHAN d/b/a PRTSI, INC.
P.O. BOX 16446
ARLINGTON VA 22215

In re Application of:
MUSKAL, Tal et al.
Application No. 12/809,592
Filed: June 20, 2010
For: **SYSTEM AND METHOD FOR INVOKING FUNCTIONALITIES USING CONTEXTUAL RELATIONS**

DECISION ON PETITION UNDER 37 C.F.R. § 1.84(a)(2) TO ACCEPT COLOR DRAWINGS

This is a decision on the petition under 37 C.F.R. § 1.84(a)(2), filed on June 20, 2010, requesting acceptance of color drawings.

The petition requests that the color drawings/photographs be accepted in lieu of black and white drawings.

A grantable petition under 37 C.F.R. § 1.84(a)(2) must be accompanied by a fee set forth under 37 C.F.R. § 1.17(h), explanation why the color drawings are necessary, 3 (three) sets of the color drawings in question, and the specification must contain, or be amended to contain, the following language as the first paragraph in that portion of the specification relating to the brief description of the drawings:

"the file of this patent contains at least one drawing executed in color. Copies of this patent with color drawing(s) will be provided by the Patent and Trademark Office upon request and payment of the necessary fee."

The petition was filed electronically with the required fee, and a single set of color drawings (Figures 1, 3, 4, and 14-17), which is acceptable. However, the amendment to the specification filed on June 20, 2010 has not been entered. M.P.E.P. 714(II) specifies that any amendment to the specification "must begin on a separate sheet entitled 'Amendments to the Specification.'" As a result, the specification of the instant application does not contain the required notification described above.

Accordingly, the petition is **DISMISSED**.

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
(571) 272-1732

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.
12/809,592	06/20/2010	Tal Muskal	47822	9551

67801 7590 05/20/2011
MARTIN D. MOYNIHAN d/b/a PRTSI, INC.
P.O. BOX 16446
ARLINGTON, VA 22215

EXAMINER

ART UNIT	PAPER NUMBER
2161	

MAIL DATE	DELIVERY MODE
05/20/2011	PAPER

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

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

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P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
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MARTIN D. MOYNIHAN d/b/a PRTSI, INC.
P.O. Box 16446
Arlington, VA 22215

In re Application of:
Tal MUSKAL et al.
Application No. 12/809,592
Filed: June 20, 2010
For: SYSTEM AND METHOD FOR INVOKING FUNCTIONALITIES USING CONTEXTUAL RELATIONS

DECISION ON PETITION UNDER 37 C.F.R. § 1.84(a)(2) TO ACCEPT COLOR DRAWINGS

This is a decision on the re-newed petition under 37 C.F.R. § 1.84(a)(2), filed on 24 February 2011, requesting acceptance of color drawings.

The petition requests that the color drawings of Figs. 1, 3, 4 and 14-17 be accepted in lieu of black and white drawing.

A grantable petition under 37 C.F.R. § 1.84(a)(2) must be accompanied by a fee set forth under 37 C.F.R. § 1.17(h), 3 (three) sets of the color drawings in question, and the specification must contain, or be amended to contain, the following language as the first paragraph in that portion of the specification relating to the brief description of the drawings:

"the file of this patent contains at least one drawing executed in color. Copies of this patent with color drawing(s) will be provided by the Patent and Trademark Office upon request and payment of the necessary fee."

The petition was filed with the required fee and was filed with three (3) sets of color drawings of Figures 1, 3, 4 and 14-17. The specification did contain the required notification described above.

The petition is **GRANTED**.

/Vincent N. Trans/
Vincent N. Trans, SPRE/QAS
Technology Center 2100
Computer Architecture and Software
(571) 272-3613

1 6 AUG 2010

UNITED STATES PATENT AND TRADEMARK OFFICE

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

DAVID KLEIN
DEKEL PATENT LTD.
BEIT HAROF'IM
18 MENUHA VENAHALA STREET, ROOM 27
REHOVOT 76209 IL ISRAEL

In re Application of DAPHA	:	
Application No.: 12/809,623	:	DECISION ON
PCT No.: PCT/IL08/01635	:	
Int. Filing: 17 December 2008	:	PETITION TO REVIVE
Priority Date: 17 December 2007	:	
Attorney Docket No.: 1877DAP-US	:	UNDER 37 CFR 1.137(b)
For: HYPER-OSMOTIC EYE CONTACT LENS	:	

The petition to revive under 37 CFR 1.137(b) filed 21 June 2010 in the above captioned application is hereby **GRANTED** as follows:

Applicant's statement that "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional" satisfies the requirement of 37 CFR 1.137(b)(3). The petition fee has been paid.

Applicant submitted the basic national fee. Applicant also submitted the executed declaration, in compliance with 37 CFR 1.497 and the surcharge for filing the declaration after the thirty month period.

This application is being referred to the National Stage Processing Branch of the Office of PCT Operations for further processing. The 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date is 21 June 2010.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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Patent No. : 8096655 B2
Application No.: 12/809623
Inventor(s) : Ofer Daphna
Issued : January 17, 2012
Title : HYPER-OSMOTIC EYE CONTACT LENS
Attorney Docket No.: 1877DAP-US

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: 571-273-0025
ATTN: Office of Petitions

If a fee (currently $100) was previously submitted for consideration of a Request for Certificate of Correction, under CFR 1.323, to correct assignment data, no additional fee is required.

Tasneem Siddiqui
For Mary Diggs (Supervisor)
Decisions & Certificates of Correction Branch
(703) 756-1593 or (703) 756-1814
Date: 01/31/2012

Address: David Klein
DEKEL PATENT LTD.
BEIT HAROFIM
18 MENUHA VENAHALA STREET, ROOM 27
REHOVOT, 76209
ISRAEL

ts

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

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

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

Application No.:	12809652	Filing Date:	06-21-2010
First Named Inventor:	Allan Holm Jorgensen		
Attorney Docket No.:	VWS-68US		
Title of the Invention:	APPARATUS AND METHOD FOR CONTROLLING THE REACTIVE POWER FROM A CLUSTER OF WIND TURBINES CONNECTED TO A UTILITY GRID		

THIS REQUEST FOR PARTICIPATION IN THE 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 PATENT PROSECUTION HIGHWAY (PPH) PILOT PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PPH PILOT PROGRAM.

The above-identified application (1) validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more corresponding EPO application(s) or to a PCT application that does not contain any priority claim, or (2) is a national stage entry of a PCT application that does not contain any priority claim.

The EPO/PCT application number(s) is/are: PCT/EP08/67694

The filing date of the EPO/ PCT application(s) is/are: 11-17-2008

I. List of Required Documents:

a. **A copy of all EPO office actions (which are relevant to patentability) in the above-identified EPO application(s) or a copy of a positive Extended European Search Report (EESR) if no EPO office actions have been issued by the EPO**

☑ Is attached.*

b. **A copy of all claims which were determined to be patentable by EPO in the above-identified EPO application(s)**

☑ Is attached.*

c. **(1) An information disclosure statement listing the documents cited in the EPO office actions**

☐ Is attached.

☑ Has already been filed in the above-identified U.S. application on 06-21-2010

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

☐ Are attached.

☑ Have already been filed in the above-identified U.S. application on 06-21-2010

*English translations of the documents along with a statement that the English translation are accurate are also attached if the documents are not in the English language.

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 PATENT PROSECUTION HIGHWAY (PPH) PILOT PROGRAM BETWEEN EPO AND THE USPTO

(continued)

Application No.:	12/809,652
First Named Inventor:	Allan Holm Jorgensen

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in EPO Application	Explanation regarding the correspondence
1	1	Same or similar in scope
2	2	Same or similar in scope
3	3	Same or similar in scope
4	4	Same or similar in scope
5	5	Same or similar in scope
6	6	Same or similar in scope
7	7	Same or similar in scope
8	8	Same or similar in scope
9	9	Same or similar in scope
10	10	Same or similar in scope

III. All the claims in the US application sufficiently correspond to the patentable/allowable claims in the EPO application.

Signature /William R. Allen/	Date 2010-08-06
Name (Print/Typed) William R. Allen	Registration Number 48,389

Privacy Act Statement

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/809,652	08/05/2010	Allan Holm Jorgensen	VWS-68US	9847

26875 7590 10/29/2010
WOOD, HERRON & EVANS, LLP
2700 CAREW TOWER
441 VINE STREET
CINCINNATI, OH 45202

EXAMINER
GONZALEZ, JULIO C

ART UNIT	PAPER NUMBER
2839	

MAIL DATE	DELIVERY MODE
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.

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Alexandria, VA 22313-1450
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WOOD, HERRON & EVANS, LLP
2700 CAREW TOWER
441 VINE STREET
CINCINNATI OH 45202

In re Application of
JORGENSEN et al.
Application No.: 12/809,652
Filed: 05 August 2010
Attorney Docket No.: VWS-68US
For: APPARATUS AND METHOD FOR CONTROLLING THE REACTIVE POWER FROM A CLUSTER OF WIND TURBINES CONNECTED TO A UTILITY GRID

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

This is a decision on the request to participate in the PCT Patent Prosecution Highway (PCT-PPH) pilot program and the petition under 37 CFR 1.102(a), filed 06 August 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) and (3-7) above are considered to have been met. However, the request to participate in the PPH pilot program and petition fails meet condition (2).

Regarding the requirement of condition (2), application has failed to identify and explain why the claims are not subject to the observation in Box VIII as set forth on the PCT/IPEA/409 form.

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

PTO/SB/20EP (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 PROSECUTION HIGHWAY (PPH) PILOT PROGRAM BETWEEN EUROPEAN PATENT OFFICE (EPO) AND THE USPTO

Application No.:	12809652	Filing Date:	06-21-2010
First Named Inventor:	Allan Holm Jorgensen		
Attorney Docket No.:	VWS-68US		
Title of the Invention:	APPARATUS AND METHOD FOR CONTROLLING THE REACTIVE POWER FROM A CLUSTER OF WIND TURBINES CONNECTED TO A UTILITY GRID		

THIS REQUEST FOR PARTICIPATION IN THE 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 PATENT PROSECUTION HIGHWAY (PPH) PILOT PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PPH PILOT PROGRAM.

The above-identified application (1) validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more corresponding EPO application(s) or to a PCT application that does not contain any priority claim, or (2) is a national stage entry of a PCT application that does not contain any priority claim.

The EPO/PCT application number(s) is/are: PCT/EP08/67694

The filing date of the EPO/ PCT application(s) is/are: 11-17-2008

I. List of Required Documents:

a. **A copy of all EPO office actions (which are relevant to patentability) in the above-identified EPO application(s) or a copy of a positive Extended European Search Report (EESR) if no EPO office actions have been issued by the EPO**

☑ Is attached.*

b. **A copy of all claims which were determined to be patentable by EPO in the above-identified EPO application(s)**

☑ Is attached.*

c. **(1) An information disclosure statement listing the documents cited in the EPO office actions**

☐ Is attached.

☑ Has already been filed in the above-identified U.S. application on 06-21-2010

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

☐ Are attached.

☑ Have already been filed in the above-identified U.S. application on 06-21-2010

*English translations of the documents along with a statement that the English translation are accurate are also attached if the documents are not in the English language.

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 PATENT PROSECUTION HIGHWAY (PPH) PILOT PROGRAM BETWEEN EPO AND THE USPTO

(continued)

Application No.:	12/809,652
First Named Inventor:	Allan Holm Jorgensen

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in EPO Application	Explanation regarding the correspondence
1	1	Same or similar in scope
2	2	Same or similar in scope
3	3	Same or similar in scope
4	4	Same or similar in scope
5	5	Same or similar in scope
6	6	Same or similar in scope
7	7	Same or similar in scope
8	8	Same or similar in scope

III. All the claims in the US application sufficiently correspond to the patentable/allowable claims in the EPO application.

Signature /William R. Allen/	Date 2010-11-29
Name (Print/Typed) William R. Allen	Registration Number 48,389

Privacy Act Statement

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/809,652	08/05/2010	Allan Holm Jorgensen	VWS-68US	9847

26875 7590 12/14/2010
WOOD, HERRON & EVANS, LLP
2700 CAREW TOWER
441 VINE STREET
CINCINNATI, OH 45202

EXAMINER
GONZALEZ, JULIO C

ART UNIT	PAPER NUMBER
2839	

MAIL DATE	DELIVERY MODE
12/14/2010	PAPER

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

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UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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WOOD, HERRON & EVANS, LLP
2700 CAREW TOWER
441 VINE STREET
CINCINNATI OH 45202

In re Application of
JORGENSEN et al.
Application No.: 12/809,652
Filed: 05 August 2010
Attorney Docket No.: VWS-68US
For: APPARATUS AND METHOD FOR CONTROLLING THE REACTIVE POWER FROM A CLUSTER OF WIND TURBINES CONNECTED TO A UTILITY GRID

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

This is a decision on the request to participate in the PCT Patent Prosecution Highway (PCT-PPH) pilot program and the petition under 37 CFR 1.102(a), filed 06 August 2010 and renewed on 29 November 2010, to make the above-identified application special.

The request and petition are **GRANTED**.

Discussion

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

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

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

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

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

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

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

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

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

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

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

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

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

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

PTO/SB/420 (05-10)
Approved for use through 05/31/2010. OMB 0651-0062
U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE
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PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Attorney Docket Number: VWS-84US	Application Number (if known): 12/809,722	Filing date: 06/21/2010

First Named Inventor: John Bech

Title: METHOD FOR CONTROLLING A GRID VOLTAGE

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 /William R. Allen/	Date 09-17-2010
Name (Print/Typed) William R. Allen	Registration Number 48389

***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" and (ii) "Elimination of Classification Requirement in the Green Technology Pilot Program," available on the USPTO web site at http://www.uspto.gov/patents/init_events/green_tech.jsp):

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

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

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

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

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

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

Privacy Act Statement

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/809,722	09/16/2010	John Bech	VWS-84US	1152

26875 7590 12/20/2010
WOOD, HERRON & EVANS, LLP
2700 CAREW TOWER
441 VINE STREET
CINCINNATI, OH 45202

EXAMINER

ART UNIT	PAPER NUMBER
2838	

MAIL DATE	DELIVERY MODE
12/20/2010	PAPER

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

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

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United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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WOOD, HERRON & EVANS, LLP
2700 CAREW TOWER
441 VINE STREET
CINCINNATI OH 45202

In re Application of	:	
BECH et al	:	DECISION ON PETITION
Application No. 12/809,722	:	TO MAKE SPECIAL UNDER
Filed: September 16, 2010	:	THE GREEN TECHNOLOGY
Attorney Docket No. VWS-84US	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed on September 17, 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 2838 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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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

23657
FOX ROTHSCHILD LLP
997 Lenox Drive, Bldg. #3
Lawrenceville, NJ 08648

MAILED

OCT 15 2010

PCT LEGAL ADMINISTRATION

In re Application of :
ANDRIOLETTI *et al* :
Application No.: 12/809,745 :
PCT No.: PCT/EP2008/010493 :
Int. Filing Date: 11 December 2008 :
Priority Date: 20 December 2007 :
Docket No.: C3281 PCT/US P41000 USA :
For: DEFOAMERS :

DECISION

This is a decision on the declaration filed in the international application pursuant to PCT Rule 4.17(iv) which has been treated as a petition under 37 CFR 1.42. No fee is required.

BACKGROUND

On 21 June 2010, applicants filed papers to enter the national stage of PCT/EP2008/010493 which was accompanied by, *inter alia*, a copy of a declaration submitted pursuant to PCT Rule 4.17(iv).

DISCUSSION

37 CFR 1.42 *When the Inventor is Dead*, states, in part:

> In case of the death of the inventor, the legal representative (executor, administrator, etc.) of the deceased inventor may make the necessary oath or declaration, and apply for and obtain the patent.

The declaration filed pursuant to PCT Rule 4.17(iv) in the international application is signed by five of the six named inventors. The box for joint inventor, William LA MARCA is not signed. This inventor is listed as deceased.

Alexandra La Marca is listed as the heir of William LA MARCA in the PCT Request. Ms. La Marca signed the PCT Request.

An application may be made by the heir of the inventor, if there is no will or the will did not appoint an executor and the estate was under the sum required by state law for the appointment of an administrator. The heirs should identify themselves as the legal representative of the deceased inventor in the oath or declaration. *See* MPEP § 409.01(a).

Here, Ms. La Marca is not listed as the legal representative on the declaration filed pursuant to PCT Rule 4.17(iv). In addition, the declaration does not list the citizenship, residence, and mailing address of the legal representative required by 37 CFR 1.497(b)(2). Ms. La Marca must also sign the declaration itself as the legal representative of the deceased inventor. *See* PCT Newsletter October 2005, No. 10/2005.

CONCLUSION

For the reasons discussed above, applicants' petition under 37 CFR 1.42 is **DISMISSED** without prejudice.

Applicants are required to provide an oath or declaration in compliance with 37 CFR 1.497(a) and (b) within a time limit of **TWO (2) MONTHS** from the mail date of this decision. Extension of time may be granted under 37 CFR 1.136(a).

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

James Thomson

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

UNITED STATES PATENT AND TRADEMARK OFFICE

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23657
FOX ROTHSCHILD LLP
997 Lenox Drive, Bldg. #3
Lawrenceville, NJ 08648

MAILED
JUN 07 2011
PCT LEGAL ADMINISTRATION

In re Application of
ANDRIOLETTI *et al*
Application No.: 12/809,745
PCT No.: PCT/EP2008/010493
Int. Filing Date: 11 December 2008
Priority Date: 20 December 2007
Docket No.: C3281 PCT/US P41000 USA
For: DEFOAMERS

DECISION

This is a decision on the renewed petition under 37 CFR 1.42 filed 14 April 2010.

BACKGROUND

On 15 October 2010, a decision dismissing applicants' petition under 37 CFR 1.42 was mailed. Applicants were given two months to respond with extensions of time available.

On 14 April 2011, applicants submitted a declaration executed by a legal representative on behalf of deceased inventor, William LA MARCA. Applicants included a four-month extension request and $1,730.00 extension fee.

DISCUSSION

In the prior decision, it was noted that the declaration filed in the international application pursuant to PCT Rule 4.17(iv) was not accepted under 37 CFR 1.42 for several reasons. *See* Decision, 15 October 2010.

In the renewed response, applicants submitted a copy of a declaration executed by the legal representative of the deceased inventor. This declaration consists of a copy of the declaration filed in the international application which is executed by five of the six named inventors. The box for the deceased inventor is not signed and the inventor is listed as deceased. The legal representative, Alexandra La Marca, signed a Declaration Supplemental Sheet which lists the name of the deceased inventor and records the residence, mailing address and citizenship of the legal representative.

The supplemental sheet contains non-initialed changes regarding her residence and mailing address of the legal representative. *See* MPEP § 605.04(a). Regardless, this declaration is acceptable for purposes of entering the national phase of the United States as it satisfies the requirements of 37 CFR 1.497(a) and (b). Acceptance of a

non-initialed altered declaration as sufficient for purposes of 371(c) does not prohibit the examiner from requiring correction at a later date.

CONCLUSION

The papers filed under 37 CFR 1.42 are **ACCEPTED**.

Applicants have completed the requirements for acceptance under 35 U.S.C. 371(c). The application has an international filing date of 11 December 2008, under 35 U.S.C. 363, and a 35 U.S.C. 371 date of 14 April 2011.

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

James Thomson

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

UNITED STATES PATENT AND TRADEMARK OFFICE

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WOLF GREENFIELD & SACKS, P.C.
600 ATLANTIC AVENUE
BOSTON, MA 02210-2206

MAILED

NOV 22 2011

OFFICE OF PETITIONS

In re Application of Kelly et al. :
Application No. 12/809,751 :
Int'l Filing Date: December 19, 2008 :
Attorney Docket No. A0729.70006US00 :
Pub. No.: US 2011/0021815 A1 :
Pub. Date: January 27, 2011 :

Decision on Request

This is a decision on the request for a corrected patent application publication under 37 C.F.R. § 1.221(b) filed March 3, 2011.

The request is **granted**.

The corrected patent application publication will be published in due course, unless the patent issues before the application is republished.

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

Christopher Bottorff
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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.
12/809,758	10/26/2010	Lawrence Edward Nussbaum	GHKSYD15.001APC	1284

20995 7590 10/18/2011
KNOBBE MARTENS OLSON & BEAR LLP
2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE, CA 92614

EXAMINER
BARRON JR, GILBERTO

ART UNIT	PAPER NUMBER
2432	

NOTIFICATION DATE	DELIVERY MODE
10/18/2011	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):

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

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OCT 17 2011

DIRECTOR OFFICE
TECHNOLOGY CENTER 2400

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P.O. Box 1450
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Ian W. Gillies
KNOBBE MARTENS OLSON & BEAR LLP
2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE CA 92614

In re Application of: KAGEYAMA, S. et al.
Application No.: **12/809,758**
Filed: June 21, 2010
Attorney Docket No.: GHKSYD15.001APC
For: SYSTEM AND METHOD FOR SECURING DATA

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 06, 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 requires:

(1) 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) is:

(Case I) – 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 IPAU; or
(Case II) – is an application which is the basis of a valid priority claim under the Paris Convention for the application filed in IPAU; or
(Case III) – is an application which shares a common priority document with the application filed in IPAU; or
(Case IV) – and the IPAU application are derived from/related to a PCT application having no priority.

Provisional applications, plant applications, design applications, reissue applications, reexamination proceedings, and applications subject to a secrecy order are excluded and not subject to participation in the PPH.

Where the IPAU 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 IPAU application that contains the allowable/patentable claims and the IPAU priority application claimed in the U.S. application;

(2) At least one claim was determined by IPAU to be allowable/patentable. Applicant must submit a copy of:
   a. The allowable/patentable claim(s) from the IPAU application(s);
   b. An English translation of the allowable/patentable claim(s), if the claims were published in a language other than English);
   c. A statement that the English translation is accurate; and
   d. If the IPAU office action does not explicitly state that a particular claim is allowable, the applicant must include a statement in the request for participation in the PPH program or in the transmittal letter accompanying the request for participation that no rejection has been made in the IPAU office action regarding that claim, and therefore, the claim is deemed allowable by IPAU;

(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 IPAU 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 IPAU, or the claims in the USPTO are narrower in scope than the claims in the IPAU. In this regard, a claim that is narrower in scope occurs when a IPAU 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 IPAU is not considered to sufficiently correspond. and
   b. Submit a claim correspondence table in English indicating how all the claims in the U.S. application correspond to the allowable/patentable claims in the IPAU Application(s). Dependent claims with addition limitations must be clearly identified in the claims correspondence table;

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

(5) The applicant must file a request for participation in the PPH program and a request that the U.S. application be advanced out of turn for examination by order of the Director to expedite the business of the Office under 37 CFR 1.102(a).

(6) 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 IPAU 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 IPAU application is a first action allowance then no office

action from the IPAU is necessary should be indicated on the request/petition form;

b. The applicant must submit copies of any office actions (which are relevant to patentability) from the IPAU application(s) issued after the grant of the request for participation in the PPH program in the USPTO (especially where IPAU might have reversed a prior holding of allowability).

c. An English language translation of the IPAU office action(s) (if the office action(s) are not in the English language); and

d. A statement that the English translation is accurate;

(7) Applicant must submit:

a. An IDS listing the documents cited by the IPAU examiner in the IPAU office action (unless already filed in this application); and

b. Copies of all the documents cited in the IPAU 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. Thus, above-identified application has been accorded **"special"** status.

Accordingly, the petition is **GRANTED.**

Telephone inquiries concerning this decision should be directed to Beatriz Prieto at 571-272-3902. A second point of contact is Hassan Kizou at 571-272-3088. All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc/index.html.

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

/Beatriz Prieto/

Beatriz Prieto, Quality Assurance Specialist
Technology Center 2400

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60 Long Ridge Road
Suite 407
Stamford CT 06902

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OCT 20 2010
PCT LEGAL ADMINISTRATION

In re Application of SIMONSEN et al. Application No.: 12/809,762 PCT No.: PCT/GB2008/051217 Int. Filing Date: 19 December 2008 Priority Date: 21 December 2007 Attorney Docket No.: CHAP-035 For: MONITORING APPARATUS AND METHOD	:	DECISION REGARDING SUBMISSION UNDER 37 CFR 1.42

This decision is issued in response to the declaration filed 30 August 2010 which is being treated as a Submission under 37 CFR 1.42. No petition fee is required.

BACKGROUND

On 19 December 2008, applicant filed international application PCT/GB2008/051217 which claimed a priority date of 21 December 2007. On 02 July 2009, a copy of the international application was communicated to the United States Patent And Trademark Office ("USPTO") by the International Bureau. The deadline for payment of the basic national fee was 21 June 2010 (thirty months from the priority date).

On 21 June 2010, applicant filed a transmittal letter for entry into the national stage in the United States accompanied by, among other materials, payment of the basic national fee; a copy of the international application; and a preliminary amendment.

On 28 July 2010, the United States Designated/Elected Office (DO/EO/US) mailed a Notification of Missing Requirements (Form PCT/DO/EO/905) requiring an oath or declaration in compliance with 37 CFR 1.497 and the surcharge fee required under 37 CFR 1.492(e). The notification set a two-month time limit in which to respond.

On 30 August 2010, applicant filed a declaration executed by Michael Noel Kiernan and Hanne Simonsen, on behalf of deceased inventor, Jan Simonsen.

DISCUSSION

37 CFR 1.42 *When the Inventor is Dead*, states, in part:

> In case of the death of the inventor, the legal representative (executor, administrator, etc.) of the deceased inventor may make the necessary oath or declaration, and apply for and obtain the patent.

37 CFR 1.497(b)(2) states the following:

> (2) If the person making the oath or declaration or any supplemental oath or declaration is not the inventor (§§ 1.42, 1.43, or § 1.47) the oath or declaration shall state the relationship of the person to the inventor, and, upon information and belief, the facts which the inventor would have been required to state. If the person signing is the legal representative of a deceased inventor, the oath or declaration shall also state that the person is a legal representative and the citizenship, residence, and mailing address of the legal representative.

The declaration filed 30 August 2010 was executed by Hanne Simonsen as "legal representative" to the deceased inventor, Jan Simonsen. The declaration provides the residence, post office address, and country of citizenship for the deceased inventor and the legal representative. Therefore, the declaration is acceptable under 37 CFR 1.42 and complies with 37 CFR 1.497(a)-(b).

CONCLUSION

The papers filed under 37 CFR 1.42 are **ACCEPTED**.

This application is being forwarded to the National Stage Processing Branch of the International Division for continued national stage processing.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

VAN DYKE, GARDNER, LINN & BURKHART, LLP
SUITE 207
2851 CHARLEVOIX DRIVE, S.E.
GRAND RAPIDS MI 49546

MAILED
DEC 28 2010
OFFICE OF PETITIONS

In re Application of	:	
Michael Mackert	:	
Application No. 12/809,797	:	NOTICE
Filed: July 15, 2010	:	
Attorney Docket No. **MOS01 P-174**	:	

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

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

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

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

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.

Inquiries related to this communication should be directed to the undersigned at (571) 272-2783.

/Tredelle D. Jackson/
Paralegal Specialist
Office of Petitions

cc: **FREDERICK S. BURKHART**
2851 CHARLEVOIX DRIVE, S.E.
SUITE 207
P.O. BOX 888695
GRAND RAPIDS MI 49588-8695

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.
12/809,836	06/21/2010	Tadahiro Yasuda	HRB-KK-1001	1639

21302 7590 11/05/2010
KNOBLE, YOSHIDA & DUNLEAVY
EIGHT PENN CENTER
SUITE 1350, 1628 JOHN F KENNEDY BLVD
PHILADELPHIA, PA 19103

EXAMINER

ART UNIT	PAPER NUMBER
3753	

MAIL DATE	DELIVERY MODE
11/05/2010	PAPER

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

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

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KNOBLE, YOSHIDA & DUNLEAVY
EIGHT PENN CENTER
SUITE 1350, 1628 JOHN F KENNEDY BLVD
PHILADELPHIA PA 19103

In re Application of	:
YASUDA, TADAHIRO	: DECISION ON REQUEST TO
Application No. 12/809,836	: PARTICIPATE IN PATENT
Filed: June 21, 2010	: PCT/PROSECUTION HIGHWAY
Attorney Docket No. HRB-KK-1001	: PROGRAM AND PETITION
For: FLOW RATE RATIO CONTROLLING APPARATUS	: 37 CFR 1.102(d)

This is a decision on the renewed request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed November 4, 2010, to make the above-identified application special.

The request and petition are Dismissed.

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

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO/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.

The request to participate in the PPH program and petition met all conditions except Item #5 above.

The International Search Report filed on June 21, 2010 does not include any positive Opinion as to the patentability of the claims 1-2. The international Search Opinion showing the patentability of claim s 1-2 is required.

Applicant is encouraged to cite and submit all relevant prior art references, if any, to facilitate examination in this application. Currently, this application is undergoing pre-examination processing.

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

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

Petition is **dismissed**.

/Henry C. Yuen/

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/809,836	06/21/2010	Tadahiro Yasuda	HRB-KK-1001	1639

21302 7590 11/12/2010
KNOBLE, YOSHIDA & DUNLEAVY
EIGHT PENN CENTER
SUITE 1350, 1628 JOHN F KENNEDY BLVD
PHILADELPHIA, PA 19103

EXAMINER

ART UNIT	PAPER NUMBER
3753	

MAIL DATE	DELIVERY MODE
11/12/2010	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

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KNOBLE, YOSHIDA & DUNLEAVY
EIGHT PENN CENTER
SUITE 1350, 1628 JOHN F KENNEDY BLVD
PHILADELPHIA PA 19103

In re Application of	:
YASUDA, TADAHIRO	:DECISION ON REQUEST TO
Application No. 12/809,836	: PARTICIPATE IN PATENT
Filed: June 21, 2010	: PCT/PROSECUTION HIGHWAY
Attorney Docket No. HRB-KK-1001	:PROGRAM AND PETITION
For: FLOW RATE RATIO CONTROLLING APPARATUS	: 37 CFR 1.102(d)

This is a decision on the renewed request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed November 10, 2010, to make the above-identified application special.

The request and petition are granted.

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

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

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

The applicant is encouraged to cite and submit all relevant prior art references, if any, to facilitate examination in this application. This application will be forwarded to an examiner for examination.

Telephone inquiries concerning this decision should be directed to Henry C. Yuen at 571-272-4856. All other inquiries concerning the examination or status of the application should be directed to Stephen Hepperle, the SPE of Art Unit 3753, and 571-272-4913 for Class 137/488 and also accessible in the PAIR system at http://www.uspto.gov/ebc.index.html.

Petition is **granted**.

/Henry C. Yuen/

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

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WOOD, HERRON & EVANS, LLP
2700 CAREW TOWER
441 VINE STREET
CINCINNATI OH 45202

MAILED

AUG 20 2010

PCT LEGAL ADMININSTRATION

In re Application of	:	
BISCHOFF, et al.	:	DECISION ON PETITION
U.S. Application No.: 12/809,837	:	
PCT No.: PCT/EP2008/010499	:	UNDER 37 CFR 1.497(d)
Int. Filing Date: 11 December 2008	:	
Priority Date: 28 December 2007	:	
Atty Docket No.: KUKAR-41	:	
For: ROBOT AND METHOD FOR MONITORING	:	
THE TORQUE ON SUCH A ROBOT	:	

This decision is in response to applicant's request to correct inventorship under 37 C.F.R. § 1.497(d) filed 21 June 2010 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 11 December 2008, applicant filed international application PCT/EP2008/010499, which claimed priority of an earlier application filed 28 December 2008. A copy of the International Application was forwarded to the United States Patent and Trademark Office (USPTO) from the International Bureau (IB) on 09 July 2009. Pursuant to 37 CFR 1.495, the thirty-month period for paying the basic national fee in the United States expired at midnight on 28 June 2009.

On 21 June 2009, applicant filed a transmittal letter for entry into the national stage in the United States, which was accompanied by, among other items, payment of the requisite basic national fee as required by 35 U.S.C. 371(c)(1) and the petition discussed herein to add Ralf Koeppe as an inventor in the present U.S. National stage application.

DISCUSSION

A request under 37 CFR 1.497(d) [formally, 37 CFR 1.48] to correct an error in naming inventorship requires:

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

(2) an oath or declaration by the actual inventor(s) as required by 37 CFR 1.63;

(3) the fee set forth in 37 CFR 1.17(h); and

(4) if an assignment has been executed by any of the original named inventors, the written consent of the assignee in compliance with 37 CFR 3.73(b).

Applicant has satisfied all four items detailed above and it is proper to grant applicant's petition at this time.

CONCLUSION

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

This application is being forwarded to the United States Designated/Elected Office (US/DO/EO) for continued processing including the issuance of a Notification of Acceptance (Form PCT/DO/EO/903) indicating a 35 U.S.C. (c)(1), (c)(2) and (c)(4) date of **21 June 2010**.

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

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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.
12/809,874	06/21/2010	Nobuharu Nagaoka	SAA-123-A	1783

21828 7590 10/20/2010
CARRIER BLACKMAN AND ASSOCIATES
43440 WEST TEN MILE ROAD
EATON CENTER
NOVI, MI 48375

EXAMINER

ART UNIT	PAPER NUMBER
2624	

NOTIFICATION DATE	DELIVERY MODE
10/20/2010	ELECTRONIC

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

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

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

cbalaw@gmail.com
cbalaw@ameritech.net
wblackman@ameritech.net

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CARRIER BLACKMAN AND ASSOCIATES
43440 WEST TEN MILE ROAD
EATON CENTER
NOVI MI 48375

In re Application of	:	
NAGAOKA, NOBUHARU et al.	:	DECISION ON REQUEST TO
Application No. 12/809,874	:	PARTICIPATE IN PATENT
Filed: June 21, 2010	:	PROSECUTION HIGHWAY
Attorney Docket No. **SAA-123-A**	:	PROGRAM AND PETITION
	:	TO MAKE SPECIAL UNDER
	:	37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed September 8, 2010 to make the above-identified application special.

The request and petition are **GRANTED**.

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

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

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

Telephone inquiries concerning this decision should be directed to Doris To at 571-272-7629.

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

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

/Doris To/

Doris To
Quality Assurance Specialist
Technology Center 2600
Communications

UNITED STATES PATENT AND TRADEMARK OFFICE

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

OSHA LIANG L.L.P.
TWO HOUSTON CENTER
909 FANNIN, SUITE 3500
HOUSTON, TX 77010

MAILED

NOV 07 2011

OFFICE OF PETITIONS

In re Application of Talon et al. :
Application No. 12/809,883 :
Int'l Filing Date: December 15, 2008 :
Attorney Docket No. 17381/030001 :
Pub. No.: US 2010/0294221 A1 :
Pub. Date: November 25, 2010 :

Decision on Request

This is a decision on the request for a corrected patent application publication under 37 C.F.R. § 1.221(b) filed January 20, 2011.

The request is **dismissed**

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

37 C.F.R. § 1.221(b) states,

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

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

The mistakes identified in the instant request are not material Office as required under 37 C.F.R. § 1.1221(b). Specifically, the mistakes do not affect the public's ability to appreciate the

[1] *See* Changes to Implement Eighteen-Month Publication of Patent Applications; Final Rule, 65 Fed. Reg. 57023, 57038 (Sept. 20, 2000), 1239 Off. Gaz. Pat. Office 63, 75 (Oct. 10, 2000). *See also* Section 1130 of the Manual of Patent Examining Procedure (8th ed., Rev. 8, July 2010).

technical disclosure of the patent application publication, determine the scope of the patent application publication, or determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent. *See* MPEP § 1130(B). Therefore, relief under 37 C.F.R. § 1.221(b) is unwarranted and the request is dismissed.

Applicants are advised that a "request for republication of an application previously published" may be filed under 37 C.F.R. § 1.221(a). The request must include a copy of the application, which complies with the Office's electronic filing system requirements set forth in 37 C.F.R. § 1.18(d), and include the required processing fee set forth in 37 C.F.R. § 1.17(i).

If the request for republication does not comply with the electronic filing system requirements, the republication will not take place and the publication fee set forth in 37 C.F.R. § 1.18(d) will be refunded. However, the processing fee will be retained.

Guidance for filing a request for a Pre-Grant Publication, such as a request for republication, may be found at the links below:

http://www.uspto.gov/patents/process/file/efs/guidance/index.jsp

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

Any request for republication under 37 C.F.R. § 1.221(a), must be submitted via the EFS system as a "Pre-Grant Publication" and questions or any request for reconsideration of the instant decision should be addressed as follows:

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

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

Christopher Bottorff
Petitions Examiner
Office of Petitions

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.
12/809,887		Carsten Bruun ANDERSEN	5789-181PUS	1854

27799 7590 09/09/2010
COHEN, PONTANI, LIEBERMAN & PAVANE LLP
551 FIFTH AVENUE
SUITE 1210
NEW YORK, NY 10176

EXAMINER

ART UNIT	PAPER NUMBER
2839	

MAIL DATE	DELIVERY MODE
09/09/2010	PAPER

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

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

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COHEN, PONTANI, LIEBERMAN & PAVANE LLP
551 FIFTH AVENUE
SUITE 1210
NEW YORK NY 10176

In re Application of	
Carsten ANDERSEN	**: DECISION ON REQUEST TO**
Application No.: 12/809,887	**: PARTICIPATE IN THE PCT PATENT**
Filed: 21 June 2010	**: PROSECUTION HIGHWAY PILOT**
Attorney Docket No.: 5789-181PUS	**: PROGRAM AND PETITION**
For: DRIVE TRAIN FOR A WIND	**: TO MAKE SPECIAL UNDER**
TURBINE	**: 37 CFR 1.102(d)**

This is a decision on the request to participate in the PCT Patent Prosecution Highway (PCT-PPH) pilot program and the petition under 37 CFR 1.102(d), filed 25 June 2010, to make the above-identified application special.

The request and petition are **DISMISSED**.

Discussion

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

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

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

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

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

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

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

along with an English translation thereof and a statement that the English translation is accurate if the latest international work product is not in the English language;

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

Conditions (1-6) 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), contrary to applicant's assertion, WIPO has not submitted copies of the references from the International Search Report.

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

Response must be filed via the Electronic Filing System (EFS) 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

Attorney Docket # 5789-181PUS

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of Carsten Bruun ANDERSEN et al. Serial No.: 12/809,887 Filed: June 21, 2010 For: A Drive Train for a Wind Turbine	Examiner: Group Art:

Mail Stop **Petitions**
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO DECISION ON REQUEST TO
PARTICIPATE IN PATENT PROSECUTION HIGHWAY PROGRAM

SIR:

This is a Response to the September 9, 2010 Decision on applicant's June 25, 2010 Request and Petition to Participate in the PPH ("Decision") in connection with the above-identified patent application. The subject application is a U.S. National Stage application of a PCT application. Copies of the references cited in IDS previously filed in the subject application were not provided to the U.S. PTO because applicant believed that such copies were already provided to the U.S. PTO by WIPO in accordance with standard PCT practice. However, the Decision dismissed applicant's Request and Petition because "WIPO has not submitted copies of the references from the International Search Report". In response, applicant has enclosed copies

of the references cited in the International Search Report. Accordingly, it is respectfully requested that the June 25, 2010 Request and Petition be granted.

It is believed that no fees or charges are required at this time in connection with the present application. However, if any fees or charges are required at this time, they may be charged to our Patent and Trademark Office Deposit Account No. 03-2412.

Respectfully submitted,
COHEN PONTANI LIEBERMAN & PAVANE LLP

By /Edward M. Weisz/

Edward M. Weisz
Reg. No. 37,257
551 Fifth Avenue, Suite 1210
New York, New York 10176
(212) 687-2770

Dated: September 27, 2010

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/809,887		Carsten Bruun ANDERSEN	5789-181PUS	1854

27799 7590 10/25/2010
COHEN, PONTANI, LIEBERMAN & PAVANE LLP
551 FIFTH AVENUE
SUITE 1210
NEW YORK, NY 10176

EXAMINER

ART UNIT	PAPER NUMBER
2839	

MAIL DATE	DELIVERY MODE
10/25/2010	PAPER

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

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

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

Cohen, Pontani, Lieberman & Pavane LLP
551 Fifth Avenue
Suite 1210
New York Ny 10176

In re Application of	:	
Carsten ANDERSEN	:	DECISION ON REQUEST TO
Application No. 12/809,887	:	PARTICIPATE IN PATENT
Filed: 6/21/2010	:	PROSECUTION HIGHWAY
Attorney Docket No. 5789-181PUS	:	PILOT PROGRAM AND PETITION
For: DRIVE TRAIN FOR A	:	TO MAKE SPECIAL UNDER
WIND TURBINE	:	37 CFR 1.102(d)

This is a decision on the request to participate in the PCT Patent Prosecution Highway (PCT-PPH) pilot program and the petition under 37 CFR 1.102(d), filed 25 June 2010, and renewed request, filed 27 September 2010, to make the above-identified application special.

The request and petition are **GRANTED**.

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

1. The U.S. application must disclose an eligible relationship to one or more PCT applications where the ISA or IPEA are the JPO, EPO, KIPO, or USPTO;
2. At least one claim in the PCT application has novelty, inventive step, and industrial applicability and must be free of any observations in Box VIII in the latest work product in the international stage or applicant must identify and explain why the claims 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 English;
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;
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, 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 English; and

7. Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with 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.

Response must be filed via the Electronic Filing System (EFS) with the Document Code PPH.PET.652.

Telephone inquiries concerning this decision should be directed to Michael Day at 571-272-1568.

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

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

Michael Day
TQAS
Technology Center 2800- Semiconductors,
Electrical & Optical Systems & Components

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/801,921	07/01/2010	Hongyu Li	2230.1040	8306

21171 7590 09/07/2010
STAAS & HALSEY LLP
SUITE 700
1201 NEW YORK AVENUE, N.W.
WASHINGTON, DC 20005

EXAMINER

ART UNIT	PAPER NUMBER
2431	

MAIL DATE	DELIVERY MODE
09/07/2010	PAPER

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

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

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UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

Paul Kravetz
Staas & Halsey LLP
Suite 700
1201 New York Avenue, N.W.
Washington DC 20005

In re Application of: Hongyu Li Application No. 12/801,921 Attorney Docket No. 2230.1040 Filed: July 1, 2010 For: Method, Apparatus and System for Selecting Service Network	))))))	**DECISION ON PETITION UNDER 37 C.F.R. ɜ 1.84(a)(2) TO ACCEPT COLOR DRAWINGS**

This is a decision on the petition under 37 C.F.R. 1.84(a)(2), filed July 1, 2010, requesting acceptance of color drawings.

The petition is **GRANTED**.

REGULATIONS AND PRACTICE

37 C.F.R. § 1.84(a)(2) states:

(2) *Color.* On rare occasions, color drawings may be necessary as the only practical medium by which to disclose the subject matter sought to be patented in a utility or design patent application or the subject matter of a statutory invention registration. The color drawings must be of sufficient quality such that all details in the drawings are reproducible in black and white in the printed patent. Color drawings are not permitted in international applications (see PCT Rule 11.13), or in an application, or copy thereof, submitted under the Office electronic filing system. The Office will accept color drawings in utility or design patent applications and statutory invention registrations only after granting a petition filed under this paragraph explaining why the color drawings are necessary. Any such petition must include the following:

(i) The fee set forth in § 1.17(h);

(ii) Three (3) sets of color drawings;

(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.

DECISION

The petition and preliminary amendment, satisfies conditions (i) - (iii) above; therefore, the petition is **GRANTED**.

The application file is being forwarded to the Examiner of record.

Any inquiry regarding this decision should be directed the undersigned whose telephone number is (571) 272-3612.

/Tod Swann/

Tod Swann, SPE/WQAS
Technology Center 2400
Network, Multiplexing, Cable and Security

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.
12/809,934	06/21/2010	Shinya Kubota	107348.00758	1026

4372 7590 10/14/2010
ARENT FOX LLP
1050 CONNECTICUT AVENUE, N.W.
SUITE 400
WASHINGTON, DC 20036

EXAMINER

ART UNIT	PAPER NUMBER
3618	

NOTIFICATION DATE	DELIVERY MODE
10/14/2010	ELECTRONIC

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

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

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

DCIPDocket@arentfox.com
IPMatters@arentfox.com
Patent_Mail@arentfox.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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OCT 13 2010

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

In re application of Kubota et al. Application No. 12/809,934 Filed: June 21, 2010 For: BATTERY COOLING AIR INTAKE STRUCTURE	**DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(d)**

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

The request and petition are **GRANTED**.

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

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

The request to participate in the PPH pilot program complies with the above requirements. Therefore, the above-identified application has been accorded "special" status.

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

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

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

/ Mikado Buiz /

Mikado Buiz,
Quality Assurance Specialist
Technology Center 3600

BM/BM: 10/13/10

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United States Patent and Trademark Office
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DEC 20 2010

PCT LEGAL ADMINISTRATION

Roy Kiesel Ford Doody & Thurmon
9100 Bluebonnet Centre Blvd, Suite 100
BATON ROUGE LA 70809

In re Application of BANNISTER	:	DECISION ON
Application No.: 12/809,953	:	
PCT No.: PCT/US08/87810	:	PETITION UNDER
Int. Filing: 19 December 2008	:	
Priority Date: 21 December 2007	:	37 CFR 1.137(b)
Attorney Docket No: 11064.003	:	
For: IMPROVED METHOD OF	:	
MANUFACTURING A POLYPROPYLENE BAG	:	

The petition to revive under 37 CFR 1.137(b) filed 23 November 2010 in the above-captioned application is hereby **GRANTED** as follows:

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

A review of the application file reveals that the basic national fee has been provided. The required petition fee of $1620 was also paid. Thus, the requirements of 37 CFR 1.137(b) have been satisfied. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

This application is being forwarded to the United States Designated/Elected Office for further processing including issuance of a Notification of Missing Requirements, indicating that an oath or declaration, in compliance with 37 CFR 1.497(a) and (b), is required along with the surcharge for filing the oath or declaration after the thirty-month period.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/809,972		Caleb CARROLL	CMARK.00001	1262

22858 7590 10/15/2010
CARSTENS & CAHOON, LLP
13760 NOEL ROAD, SUITE 900
DALLAS, TX 75240

EXAMINER

ART UNIT	PAPER NUMBER
2612	

MAIL DATE	DELIVERY MODE
10/15/2010	PAPER

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

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

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CARSTENS & CAHOON, LLP
13760 NOEL ROAD, SUITE 900
DALLAS TX 75240

In re Application of	:	
CARROLL, CALEB	:	DECISION ON REQUEST TO
Application No. 12/809,972	:	PARTICIPATE IN PATENT
Filed: ----------	:	PROSECUTION HIGHWAY
Attorney Docket No. **CMARK.00001**	:	PROGRAM AND PETITION
	:	TO MAKE SPECIAL UNDER
	:	37 CFR 1.102(d)

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

The request and petition are **GRANTED**.

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

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

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

The application is undergoing pre-examination processing. Once it is released for examination, the application will be forwarded to the examiner for action on the merits commensurate with this decision.

Telephone inquiries concerning this decision should be directed to Doris To at 571-272-7629.

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

/Doris To/

Doris To
Quality Assurance Specialist
Technology Center 2600
Communications

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Alexandria, VA 22313-1450
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NOV 18 2010

PCT LEGAL ADMINISTRATION

DUANE MORRIS LLP - San Diego
101 WEST BROADWAY
SUITE 900
SAN DIEGO CA 92101-8285

In re Application of: DUFT, Bradford, J. :
U.S. Application No.: 12/809,974 :
PCT No.: PCT/US2008/014026 :
International Filing Date: 22 December 2008 :
Priority Date: 21 December 2007 :
Attorney's Docket No.: E3697-00169 :
For: TREATMENT OF FIBROTIC :
CONDITIONS :

DECISION
(37 CFR 1.181)

This decision is issued in response to the "Petition Under 37 CFR §1.53(e) and (a)" filed 08 October 2010, treated herein as a petition under 37 CFR 1.181 requesting acceptance of the declaration originally filed on 21 June 2010. No petition fee is required.[1]

BACKGROUND

On 22 December 2008, applicant filed international application PCT/US2008/014026. The international application claimed a priority date of 21 December 2007, and it designated the United States. The deadline for submitting the basic national fee was thirty months from the priority date, i.e., 21 June 2010.

On 21 June 2010, applicants filed a Transmittal Letter requesting entry into the U.S. national stage accompanied by, among other materials, payment of the basic national fee,, an application data sheet (ADS), and an executed declaration.

On 12 July 2010, the United States Designated/Elected Office (DO/EO/US) issued a "Notification Of Missing Requirements" (Form PCT/DO/EO/905) requiring submission of an oath or declaration in compliance with 37 CFR 1.497, the surcharge for filing the oath or declaration later than thirty months after the priority date, and sequence listing materials.

On 08 October 2010, applicant filed a response to the Notification Of Missing Requirements (with required extension fee). The response included sequence listing materials, a copy of the previously filed declaration, and the "Petition Under 37 CFR §1.53(e) and (a)" considered herein as a petition under 37 CFR 1.181.

[1] Applicant included a $400 petition fee with the present petition. This unnecessary petition fee will be refunded to Deposit Account 04-1679.

DISCUSSION

The Notification Of Missing Requirements mailed 12 July 2010 required submission of an oath or declaration in compliance with 37 CFR 1.497 "identifying the application by the international application number and international filing date." In the present petition, applicant asserts that the declaration filed with the original national stage submission on 21 June 2010 did identify the application by the international application and international filing date in compliance with 37 CFR 1.497. Applicants therefore request that the declaration filed on 21June 2010 be accepted and accorded the original 21 June 2010 filing date.

A review of the declaration filed on 21 June 2010 reveals that the declaration does not specifically indicate the international application number and international filing date of the application to which it was directed (the lines on the first page of the declaration where such information would be entered have been left blank). However, the declaration does identify the specification to which it is directed sufficiently for the declaration to be accepted in compliance with 37 CFR 1.497 (see MPEP section 602(VI)), and it includes all information required under 37 CFR 1.497. The declaration filed on 21 June 2010 is therefore properly accepted in satisfaction of the declaration requirement under 35 U.S.C. 371(c) and 37 CFR 1.497, as requested by applicant in the present petition.[2] Because the acceptable declaration was filed prior to the expiration of thirty months from the priority date, the surcharge listed on the Notification Of Missing Requirements is not necessary herein.

In view of the above, the date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) for the present national stage application in 21June 2010.

CONCLUSION

The petition under 37 CFR 1.181 for acceptance under 37 CFR 1.497 of the declaration filed on 21 June 2010 is **GRANTED**.

This application is being referred to the National Stage Processing Branch of the Office of PCT Operations for further processing in accordance with this decision, including consideration of the sequence listing materials filed by applicants concurrently with the present petition. The date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) is 21 June 2010.

/RichardMRoss/

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

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[2] It is noted that the declaration does contain the international application number and international filing date, but this information is listed as part of a claim of foreign priority directed to such international application. Such a claim of foreign priority is inappropriate in the national stage of an international application (see MPEP section 1893.03(c)(III)).

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APR 26 2011

PCT LEGAL ADMINISTRATION

Nokia, Inc.
6021 Connection Drive, MS 2-5-520
Irving TX 75039

In re Application of ANDERSSON et al.
Application No.: 12/810,003
PCT No.: PCT/EP07/11338
Int. Filing: 21 December 2007
Priority Date: none
Attorney Docket No.: NC62349US-PCT
For: IMPROVEMENTS IN OR RELATING TO USER INTERFACES AND ASSOCIATED APPARATUS AND METHODS

: DECISION ON

: PETITION

:UNDER 37 CFR 1.47(a)

This is a decision on applicant's Petition Under 37 CFR 1.47(a) filed in the United States Patent and Trademark Office on 23 February 2011. Petitioner's request for a five month extension of time is granted.

BACKGROUND

On 23 July 2010, a Notification of Missing Requirements (FORM PCT/DO/EO/905) was mailed to applicant indicating *inter alia*, that an oath or declaration, in accordance with 37 CFR 1.497(a) and (b), and the surcharge for filing the oath or declaration after the thirty month period was required.

On 23 February 2011, applicant filed a response to the 905 along with a petition under 37 CFR 1.47(a) and a declaration, executed by the joint inventors on behalf of the nonsigning inventor. The petition under 37 CFR 1.47(a) in an attempt to satisfy the requirements of 35 U.S.C. 371(c)(4), requested the acceptance of the application without the signature of inventor ALEJANDRO SANGUINETTI, alleging that the inventor refuses to sign the application.

DISCUSSION

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

Applicant satisfied Item (1) with the submission of the petition fee.

With respect to Item (2), MPEP Section 409.03(d) II. Refusal to Join, states in pertinent part:

> Where a refusal of the inventor to sign the application papers is alleged, the circumstances of the presentation of the application papers and of the refusal must be specified in a statement of facts by the person who presented the inventor with the application papers and/or to whom the refusal was made. Statements by a party not present when an oral refusal is made will not be accepted. *Proof that a bona fide attempt was made to present a copy of the application papers (specification, including claims, drawings, and oath or declaration) to the nonsigning inventor for signature*, but the inventor refused to accept delivery of the papers or expressly stated that the application papers should not be sent, may be sufficient. When there is an express oral refusal, that fact along with the time and place of the refusal must be stated in the statement of facts. When there is an express written refusal, a copy of the document evidencing that refusal must be made part of the statement of facts. The document may be redacted to remove material not related to the inventor's reasons for refusal.
>
> When it is concluded by the 37 CFR 1.47 applicant that a nonsigning inventor's conduct constitutes a refusal, all facts upon which the conclusion is based should be stated in a statement of facts in support of the petition or directly in the petition. If there is documentary evidence to support facts alleged in the petition or any statement of facts, such evidence should be submitted. Whenever a nonsigning inventor gives a reason for refusing to sign the application oath or declaration, that reason should be stated in the petition.

(Emphasis added.)

The petition states that correspondence including a copy of the PCT application, declaration and assignment was emailed to all inventors including the nonsigning inventor SANGUINETTI. Copies of the emails were attached to the petition. However, a first hand statement of facts was not provided. It appears that Laura Greer, IPR Coordinator for NOKIA, Inc., authored the emails to the nonsigning inventor and corresponded with him to request his signature on the application papers. As set forth in the MPEP quoted above, the circumstances of the presentation of the application papers and of the refusal must be specified in a statement of facts by the person who presented the inventor with the application papers and/or to whom the refusal was made. Statements by a party not present when an oral refusal is made will not be accepted. Ms. Greer's statement of facts is needed to support the facts that a complete copy of

the above referenced application was presented to the nonsigning inventor and that the inventor refuses to sign them. Item (2) is not yet satisfied.

Item (3) is satisfied with the submission of the nonsigning inventor's last known address.

With regard to Item (4), the declaration provided is incomplete and unacceptable. The mailing address and residency information on the declaration relating to inventor Shunjiro Eguchi is altered and is not signed by the inventor. Also the declaration executed by inventor Joeske Schellen also contains alterations regarding his mailing address and is unacceptable. Item (4) is not yet satisfied. Newly executed declarations, in compliance with 37 CFR 1.497(a) and (b), by these inventors is required to satisfy Item (4).

Petitioner has not satisfied the requirements of 37 CFR 1.47(a). Items (2) and (4) above remains outstanding. Accordingly, it is inappropriate to accord the national stage application status under 37 CFR §1.47(a) at this time.

CONCLUSION

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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AUG 31 2011

PCT LEGAL ADMINISTRATION

Nokia, Inc.
6021 Connection Drive, MS 2-5-520
Irving TX 75039

In re Application of ANDERSSON et al.
Application No.: 12/810,003
PCT No.: PCT/EP07/11338
Int. Filing: 21 December 2007
Priority Date: none
Attorney Docket No.: NC62349US-PCT
For: IMPROVEMENTS IN OR RELATING TO USER INTERFACES AND ASSOCIATED APPARATUS AND METHODS

: DECISION ON

: PETITION

:UNDER 37 CFR 1.47(a)

This is a decision on applicant's renewed Petition Under 37 CFR 1.47(a) filed in the United States Patent and Trademark Office on 29 June 2011. Petitioner's request for a one month extension of time is granted.

BACKGROUND

On 23 July 2010, a Notification of Missing Requirements (FORM PCT/DO/EO/905) was mailed to applicant indicating *inter alia*, that an oath or declaration, in accordance with 37 CFR 1.497(a) and (b), and the surcharge for filing the oath or declaration after the thirty month period was required.

On 23 February 2011, applicant filed a response to the 905 along with a petition under 37 CFR 1.47(a) and a declaration, executed by the joint inventors on behalf of the nonsigning inventor. The petition under 37 CFR 1.47(a) in an attempt to satisfy the requirements of 35 U.S.C. 371(c)(4), requested the acceptance of the application without the signature of inventor ALEJANDRO SANGUINETTI, alleging that the inventor refuses to sign the application. On 26 April 2011, a decision dismissing the petition was mailed to applicant.

DISCUSSION

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

or her own behalf and on behalf of the non-signing joint inventor(s).

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

With regard to Item (4), the declarations provided are complete and acceptable. The newly executed declarations are in compliance with 37 CFR 1.497(a) and (b) and Item (4) is satisfied.

With respect to Item (2), Petitioner has now provided a first hand statement of facts from Laura Jennings (formerly Greer) who provides the circumstances of the presentation of the application papers and of the refusal. Ms Jennings states that on 08 June 2010, she sent via email a copy of the published PCT application along with a declaration and assignment to nonsigning inventor SANGUINETTI. Ms. Jennings made a number of attempts to obtain his signature via email reminders. On 04 August 2010, Mr. SANGUINETTI emailed Ms. Jennings, indicating that he was not interested in completing the documents for this application as he was no longer related to this application. These materials provide an acceptable showing that the non-signing inventor has refused to execute the application. Item (2) is therefore satisfied.

In sum, Items (1)-(4) are satisfied. Accordingly, it is appropriate to accord the national stage application status under 37 CFR §1.47(a) at this time.

CONCLUSION

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

The U.S. Designated/Elected Office has accepted the application as a 37 CFR 1.47(a) application using the declarations filed 23 February 2010 and 29 June 2011. The application has an international filing date of 21 December 2007 under 35 U.S.C. 363, and a date of 29 June 2011 under 35 U.S.C. 371(c).

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

/Cynthia M. Kratz/
Cynthia M. Kratz
Attorney Advisor
PCT Legal Office
Office of PCT Legal Administration

Tel: 571-272-3286
Fax: 571-273-0459

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United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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ALEJANDRO SANGUINETTI
MESSITYTONKATU 9C41
00180 HELSINKI
FINLAND

MAILED

AUG 31 2011

PCT LEGAL ADMINISTRATION

In re Application of ANDERSSON et al.
Application No.: 12/810,003
PCT No.: PCT/EP07/11338
Int. Filing: 21 December 2007
Priority Date: none
Attorney Docket No.: NC62349US-PCT
For: IMPROVEMENTS IN OR RELATING TO USER INTERFACES AND ASSOCIATED APPARATUS AND METHODS

Dear Mr. Sanguinetti:

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

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

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

Nokia, Inc.
6021 Connection Drive, MS 2-5-520
Irving TX 75039

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DAVIS WRIGHT TREMAINE LLP - SAN FRANCISCO
505 MONTGOMERY STREET
SUITE 800
SAN FRANCISCO CA 94111

MAILED
SEP 12 2011
OFFICE OF PETITIONS

In re Application:	:	
Winter et al.	:	
Application No. 12/810,016	:	ON PETITION
Filed: October 6, 2010	:	
Attorney Docket No. 0090532-006US0	:	

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28 filed June 24, 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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NOV 03 2011

OFFICE OF PETITIONS

WINSTEAD PC
P.O. BOX 50784
DALLAS, TX 75201

Applicants: Mestad, et al.
Appl. No.: 12/810,034
International Filing Date: January 9, 2009
Title: DEVICE FOR SIMULATING VARIABLE LUNG COMPLIANCE
Attorney Docket: 47055-P018WOUS
Pub. No.: US 2010/0285439 A1
Pub. Date: November 11, 2010

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on January 7, 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

24 AUG 2010

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ERICSSON INC.
6300 LEGACY DRIVE
M/S EVR 1-C-11
PLANO TX 75024

In re Application of	DECISION ON
Ligander et al	
Application No.: 12/810,051	
PCT No.: PCT/SE2007/001152	
Int. Filing Date: 20 December 2007	PETITION UNDER
Priority Date: N/A	
Attorney's Docket No.: P2486-US1	
For: A WAVEGUIDE TRANSITION ARRANGEMENT	37 CFR 1.137(b)

This decision is in response to applicant's "Petition For Revival Of An International Application For Patent Designating The U.S. Abandoned Unintentionally Under 37 CFR 1.137(b)," filed on 22 June 2010.

BACKGROUND

On 20 December 2007, this international application was filed..

The deadline for paying the basic national fee in the United States under 35 U.S.C. 371 and 37 CFR 1.495 was 20 June 2010. This international application became abandoned with respect to the United States at midnight on 20 June 2010 for failure to pay the required basic national fee.

On 22 June 2010, applicants filed in the United States Patent and Trademark Office (PTO) a transmittal letter for entry into the national stage in the U.S. under 35 U.S.C. 371, which was accompanied by, *inter alia*, the national basic fee, petition fee, executed declaration, and a petition under 37 CFR 1.137(b).

DISCUSSION

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

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

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

DECISION

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

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

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

16 AUG 2010

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ERICSSON INC.
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M/S EVR 1-C-11
PLANO TX 75024

In re Application of LIGANDER et al. Application No.: 12/810,053 PCT No.: PCT/SE08/00231 Int. Filing: 27 March 2008 Priority Date: 20 December 2007 Attorney Docket No.: P2508-US1 For: A WAVEGUIDE TRANSITION ARRANGEMENT	DECISION ON PETITION UNDER 37 CFR 1.137(b)

The petition to revive under 37 CFR 1.137(b) filed 22 June 2010 in the above-captioned application is hereby **GRANTED** .

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

A review of the application file reveals that the petition fee of $1620 has been paid and the basic national fee of $330 was provided. Thus, the requirements of 37 CFR 1.137(b) have been satisfied. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

The 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date is 22 June 2010.

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

1 0 AUG 2010

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ERICSSON INC.
6300 LEGACY DRIVE
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In re Application of	:	
PERSSON et al.	:	
Application No.: 12/810,059	:	DECISION ON
PCT No.: PCT/EP2007/064437	:	
Int. Filing Date: 21 December 2007	:	PETITION UNDER
Priority Date: None	:	
Attorney Docket No.: P24190-US1	:	37 CFR 1.137(b)
For: AN ELECTRONIC DEVICE WITH AN	:	
IMPROVED ANTENNA ARRANGEMENT	:	

This decision is in response to applicant's submission filed 22 June 2010.

BACKGROUND

On 21 December 2007, applicant filed international application PCT/EP2007/064437 which designated the U.S. and did not claim a priority date. A copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) from the International Bureau on 02 July 2009. The thirty-month period for paying the basic national fee in the United States expired at midnight on 21 June 2010.

On 22 June 2010, applicant filed a transmittal letter for entry into the national stage in the United States, which was accompanied by, *inter alia*, the U.S. basic national fee, a declaration of the inventor, and a petition under 37 CFR 1.137(b).

DISCUSSION

A petition to revive the present application under 37 CFR 1.137(b) must include:

(1) The required reply;
(2) The petition fee;
(3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional.

As to item (1), applicant submitted the basic national fee on 22 June 2010.

As to item (2), applicant submitted the petition fee on 22 June 2010.

As to item (3), the required statement has been provided.

A review of the application file reveals that, with the filing of the present petition and accompanying papers, a proper response has been submitted and all of the requirements of 37 CFR 1.137(b) for revival have been satisfied and revival is therefore appropriate.

The declaration of the inventor filed 22 June 2010 is in compliance with 37 CFR 1.497(a)-(b).

CONCLUSION

The petition under 37 CFR 1.137(b) is **GRANTED** for the reasons set forth above.

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

/Daniel Stemmer/

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

Attorney Docket No. P25812-US2

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s):	Balázs Péter Gerö, et al.	§	Group Art Unit:	2465
		§		
Application No:	12/810,069	§	Examiner:	TBD
		§		
Filed:	February 10, 2009	§	Confirmation No.	2118

FOR: SYSTEM AND METHOD OF DEMULTIPLEXING PROVIDER BACKBONE BRIDGING TRAFFIC ENGINEERING INSTANCES

Via EFS-Web

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CERTIFICATE OF TRANSMISSION BY EFS-WEB

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

Date: **Dec. 31, 2010**

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

Name: Todd A. Cason

Dear Sir:

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

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

As required by the *Official Gazette Notices*, the following conditions have been satisfied:

1) The Present Application is a non-provisional application that has an actual filing date earlier than October 1, 2009;

2) Applicant is the assignee of another non-provisional application, U.S. Pat. Appl. No. 12/990,834 (the "Abandoned Application") that has an actual filing date earlier than October 1, 2009 and is complete under 37 C.F.R. § 1.53;

3) The Abandoned Application and the Present Application name at least one inventor in common (specifically, Balázs Péter Gerö and Attila Takacs);

4) On the date this Petition to Make Special was filed, Applicant also filed a Declaration of Express Abandonment Under 37 C.F.R.§ 1.138 (the "Abandonment Declaration") expressly abandoning the Abandoned Application. Applicant believes the Abandonment Declaration was filed prior to the Abandoned Application being taken up for examination. Additionally, in accordance with the *Office Gazette Notices*, the Abandonment Declaration included:

a) A statement that Applicant has not and will not file an application that claims the benefit of the filing date of the Abandoned Application under any provision of Title 35 of the U.S.C.;

b) A statement that Applicant agrees not to, in the future, request a refund of any fees paid in the Abandoned Application; and

c) A statement that Applicant has not and will not file a new application claiming the same inventions as is currently claimed in the Abandoned Application; and

5) Applicant now files this Petition under 37 C.F.R. § 1.102 in the Present Application. As part of this Petition, Applicant respectfully notes that:

a) The basis under which special status is being sought is the express abandonment of another copending application pursuant to the Backlog Reduction Stimulus Plan established by the *Official Gazette Notices* conditioned on the granting of this Petition;

b) A copy of the Abandonment Declaration is submitted herewith;

c) The Present Application and the Abandoned Application name at least one inventor in common (specifically, Balázs Péter Gerö and Attila Takacs), which qualifies the Present Application for special status pursuant to the Backlog Reduction Stimulus Plan;

d) As indicated above, the Abandoned Application was assigned the application number U.S. Pat. Appl. No. 12/990,834;

e) Applicant has not filed petitions requesting special status under the Backlog Reduction Stimulus Plan in more than fourteen (14) other applications; and

f) Applicant agrees to make an election without traverse via a telephone interview if the U.S.P.T.O. deems the claims of the Present Application to be directed to two or more independent and distinct inventions.

Applicant respectfully notes that, pursuant to the *Official Gazette Notices*, the fee requirement for petitions to make special under 37 C.F.R. § 1.102 is waived, and Applicant believes no further fees are necessary at this time. However, the Commissioner is hereby authorized to deduct any necessary fees from, or to credit any overcharges to, Deposit Account No. 50-1379.

Respectfully submitted,

/Todd A. Cason, Reg No 54,020/

Todd A. Cason
Reg. No. 54,020

Ericsson Inc.
6300 Legacy Drive
M/S EVR 1-C-11
Plano, TX 75024
972-583-8510

Electronic Acknowledgement Receipt

EFS ID:	9147164
Application Number:	12990834
International Application Number:	
Confirmation Number:	3701
Title of Invention:	SYSTEM AND METHOD OF IMPLEMENTING SERVICES IN A PROVIDER BACKBONE BRIDGING TRAFFIC ENGINEERING NETWORK
First Named Inventor/Applicant Name:	Balázs Peter Gerö
Customer Number:	27045
Filer:	Steven Ware Smith/Todd Cason
Filer Authorized By:	Steven Ware Smith
Attorney Docket Number:	P26119-US2
Receipt Date:	31-DEC-2010
Filing Date:	03-NOV-2010
Time Stamp:	20:14:29
Application Type:	U.S. National Stage under 35 USC 371

Payment information:

Submitted with Payment	no

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Letter Express Abandonment of the application	P26119-RequestFile.pdf	25282 4bb815a9fab37f6f4e02a1eaff0a28c847de5f58	no	2

Warnings:

Information:

Total Files Size (in bytes):	25282

This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.

New Applications Under 35 U.S.C. 111
If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

National Stage of an International Application under 35 U.S.C. 371
If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.

New International Application Filed with the USPTO as a Receiving Office
If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.

Attorney Docket No. P26119-US2

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s):	Balázs Péter Gerö, et al.	§	Group Art Unit:	2465
		§		
Application No:	12/990,834	§	Examiner:	TBD
		§		
371(c) Date:	November 3, 2010	§	Confirmation No.	3701

FOR: SYSTEM AND METHOD OF IMPLEMENTING SERVICES IN A PROVIDER BACKBONE BRIDGING TRAFFIC ENGINEERING NETWORK

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CERTIFICATE OF TRANSMISSION BY EFS-WEB

I hereby certify that this paper or fee is being transmitted to the United States Patent and Trademark Office electronically via EFS-Web.

Date: **Dec. 31, 2010**

Signature: **/Todd A. Cason, Reg No 54,020/**

Name: Todd A. Cason

Dear Sir:

DECLARATION OF EXPRESS ABANDONMENT UNDER 37 C.F.R § 1.138

For the purpose of participating in the U.S.P.T.O.'s Backlog Reduction Stimulus Plan set forth in the Official Gazette Notices of December 22, 2009 (*see* 1349 Off. Gaz. Pat. Off. 304), February 23, 2010 (*see* 1351 *Off. Gaz. Pat. Off.* 202), and July 20, 2010 (*see* 1356 *Off. Gaz. Pat. Off.* 173) (collectively, the "*Official Gazette Notices*"), Telefonaktiebolaget LM Ericsson ("Applicant"), as sole assignee of the relevant patent, expressly abandons U.S. Pat. Appl. No. 12/990,834 (the "Abandoned Application") under 37 C.F.R. § 1.138. To the extent permissible under the Backlog Reduction Stimulus Plan, Applicant conditions this abandonment of the Abandoned Application on the U.S.P.T.O. granting the Petition to Make Special Under 37 C.F.R. § 1.102 filed concurrently with this Declaration in U.S. Pat. Appl. No. 12/810,069.

Additionally, in accordance with the requirements of the *Office Gazette Notices*, Applicant has not filed and will not file any other application claiming the same invention presently claimed by the Abandoned Application. Applicant also has not filed and will not file another application claiming the benefit of the Abandoned Application's filing date under any provision of Title 35 of the U.S.C. Moreover, Applicant agrees not to, in the future, request refund of any fees paid on the Abandoned Application.

Respectfully submitted,

/Todd A. Cason, Reg No 54,020/

Todd A. Cason
Reg. No. 54,020

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Plano, TX 75024
972-583-8510

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ERICSSON INC.
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PLANO TX 75024

MAILED

JAN 14 2011

OFFICE OF PETITIONS

In re Application of :
GERO, et al. :
Application No. 12/810,069 :
35 U.S.C. 371 Date: June 22, 2010 :
Int. Appl. No.: PCT/IB2009/000229 :
Int. File Date: February 10, 2009
Attorney Docket No. **P25812-US2**

DECISION ON PETITION
TO MAKE SPECIAL
37 CFR 1.102

This is a decision on the petition under 37 CFR 1.102, filed December 31, 2010, to make the above-identified application special under the Patent Application Backlog Reduction Stimulus Plan which is a pilot program set forth at 74 Federal Register Notice 62285 (November 27, 2009) and 75 Federal register Notice 36063 (June 24, 2010).

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 62285 and 75 FR 36063 must be directed to a nonprovisional application filed prior to October 1, 2009.

The USPTO will accord special status for examination under Patent Application Backlog Reduction Stimulus Plan under the following conditions:

(1) The application for which special status is sought is a nonprovisional application that has an actual filing date earlier than October 1, 2009;

(2) The applicant has another copending nonprovisional application that has an actual filing date earlier than October 1, 2009, and is complete under 37 CFR 1.53;

(3) The application for which special status is sought and the other copending nonprovisional application either are owned by the same party as of October 1, 2009, or name at least one inventor in common;

(4) The applicant files a letter of express abandonment under 37 CFR 1.138(a) in the copending nonprovisional application before it has been taken up for examination and

a) includes a statement that the applicant has not and will not file a new application that claims the same invention claimed in the expressly abandoned application;

b) includes a statement that the applicant has not and will not file an application that claims the benefit of the expressly abandoned application under any provision of title 35, United States Code, and

c) includes a statement that the applicant agrees not to request a refund of any fees paid in the expressly abandoned application; and

(5) The applicant files a petition under 37 CFR 1.102 in the application for which special status is sought that

a) includes a specific identification of the relationship between the applications that qualifies the application for special status;

b) identifies, by application number if available, the application that is being expressly abandoned;

c) provides a statement certifying that applicant has not filed petitions in more than fourteen (14) other applications requesting special status under this program; and

d) provides a statement that applicant agrees to make an election without traverse in a telephonic interview if the Office determines that the claims of the application to be made special are directed to two or more independent and distinct inventions.

The requirement for a fee for consideration of the petition to make special for applications pertaining to Patent Application Backlog Reduction Stimulus Plan has been waived.

The instant petition complies with the conditions required under Patent Application Backlog Reduction Stimulus Plan. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquires concerning this decision should be directed to Brian W. Brown at 571-272-5338.

All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

The application is being forwarded to the Office of Patent Application Processing for further processing commensurate with this decision.

Brian W. Brown
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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.
12/810,083	06/22/2010	Tatsuya Hidaka	100854	2406

38834 7590 05/19/2011
WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP
1250 CONNECTICUT AVENUE, NW
SUITE 700
WASHINGTON, DC 20036

EXAMINER

ART UNIT	PAPER NUMBER
3766	

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):

patentmail@whda.com

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Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP
1250 CONNECTICUT AVENUE, NW
SUITE 700
WASHINGTON DC 20036

In re Application of: HIDAKA, TATSUYA et al Serial No.: 12/810,083 Filed: June 22, 2010 Docket: 100854 Title: BLOOD PUMP AND PUMP UNIT	DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY (PPH) 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 May 13, 2011, to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more corresponding application(s) filed in the JPO or to a PCT application that does not contain any priority claim, or the U.S. application must be a national stage entry of a PCT application that does not contain any priority claim;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of all the office actions from each of the JPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate; and
(6) Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO office action along with copies of documents except U.S. patents or U.S. patent application publications.

In light of the petition being properly submitted, the request to participate in the PPH program and the petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

The applicant is encouraged to cite and submit all relevant prior art references, if any, to facilitate examination in this application. This application will be forwarded to an examiner for examination.

Telephone inquiries concerning this decision should be directed to Henry C. Yuen at 571-272-4856. All other inquiries concerning the examination or status of the application should be directed to Carl Layno, SPE of Art Unit 3766 and 571-272-4949 for Class 600/16 and also accessible in the PAIR system at http://www.uspto.gov/ebc.index.html.

Petition is **granted**.

/Henry C. Yuen/

Henry C. Yuen, Special Programs Examiner
Technology Center 3700 – Mechanical Engineering,
Manufacturing and Products
571-272-4856

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.
12/810,104		William H. Flank	FLAN.P-001-NP	2626

57380 7590 08/10/2010
Oppedahl Patent Law Firm LLC
P O Box 5940
Dillon, CO 80435-5940

EXAMINER

ART UNIT	PAPER NUMBER
2877	

NOTIFICATION DATE	DELIVERY MODE
08/10/2010	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):

docket-oppedahl@oppedahl.com
mail-log@oppedahl.com

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Oppedahl Patent Law Firm LLC
P O Box 5940
Dillon CO 80435-5940

In re Application of	
FLANK et al.	**: DECISION ON REQUEST TO**
Application No.: 12/810,104	**: PARTICIPATE IN THE PCT PATENT**
Filed: 22 June 2010	**: PROSECUTION HIGHWAY PILOT**
Attorney Docket No.: FLAN.P-001-NP	**: PROGRAM AND PETITION**
For: SPECTROMETRIC METHODS	**: TO MAKE SPECIAL UNDER**
AND APPARATUS	**: 37 CFR 1.102(d)**

This is a decision on the request to participate in the PCT Patent Prosecution Highway (PCT-PPH) pilot program and the petition under 37 CFR 1.102(d), filed on 23 June 2010, to make the above-identified application special.

The request and petition are **GRANTED**.

Discussion

A grantable request to participate in the PCT-PPH pilot program and petition to make special require:

(1) The U.S. application must disclose an eligible relationship to one or more PCT applications where the ISA or IPEA are the JPO, EPO, KIPO, or USPTO;

(2) At least one claim in the PCT application has novelty, inventive step, and industrial applicability and must be free of any observations in Box VIII in the latest work product in the international stage or applicant must identify and explain why the claim(s) is/are not subject to the observation in Box VII;

(3) Applicant must submit a copy of the claim(s) from the PCT application(s) that have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate;

(4) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the claim(s) that have novelty, inventive step, and industrial applicability in the PCT application(s);

(5) Examination of the U.S. application has not begun;

(6) Applicant must submit a copy of the latest international work product from the PCT application containing the claim(s) that have novelty, inventive step, and industrial applicability

along with an English translation thereof and a statement that the English translation is accurate;

(7) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications; and

The request to participate in the PCT-PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Lee W. Young at 571-272-4549.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc.index.html.

This application will be forwarded to the examiner for action on the merits commensurate with this decision once this application's formality reviews have been completed.

Lee W. Young
TQAS Technology Center 2800 - Semiconductors,
Electrical & Optical Systems & Components

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/810,134	06/22/2010	Bruce W. Kneller	BKNL-009-301	3075

75436 7590 10/12/2010
MORSE, BARNES-BROWN & PENDLETON, P.C.
ATTN: IP MANAGER
RESERVOIR PLACE
1601 TRAPELO ROAD, SUITE 205
WALTHAM, MA 02451

EXAMINER

ART UNIT	PAPER NUMBER
1614	

MAIL DATE	DELIVERY MODE
10/12/2010	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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OCT 1 2 2010

MORSE, BARNES-BROWN & PENDLETON, P.C.
ATTN: IP MANAGER
RESERVOIR PLACE
1601 TRAPELO ROAD, SUITE 205
WALTHAM MA 02451

In re Application of	:	
KNELLER, BRUCE W	:	DECISION ON REQUEST TO
Application No. 12/810,134	:	PARTICIPATE IN PATENT
Filed: June 22, 2010	:	PROSECUTION HIGHWAY
Attorney Docket No. BKNL-009-301	:	PROGRAM AND PETITION
	:	TO MAKE SPECIAL UNDER
	:	37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed June 30, 2010, to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the KIPO;
(2) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the KIPO application(s);
(3) Applicant must submit a copy of the allowable/patentable claim(s) from the KIPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of all the office actions from each of the KIPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;
(6) Applicant must submit an IDS listing the documents cited by the KIPO examiner in the KIPO office action along with copies of documents except U.S. patents or U.S. patent application publications; and

The request to participate in the PPH program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Ram R. Shukla at 571-272-0735.

All other inquiries concerning the examination or status of the application should be directed to Patent Application Information Retrieval (PAIR) system at the http://www.uspto.gov/ebc/index.html.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

Ram R. Shukla, Ph.D.
Supervisory Patent Examiner
TC 1600

Doc Code: PET.GREEN
Document Description: Petition for Green Tech Pilot

PTO/SB/429 (09-10)
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: 095143-0402	Application Number (if known): 12/810,142	Filing date: 09/28/2010

First Named Inventor: Knuth, Mark E.

Title: ALKYLESTER FATTY ACID BLENDS AND USES THEREFOR

APPLICANT HEREBY REQUESTS TO PARTICIPATE IN THE GREEN TECHNOLOGY PILOT PROGRAM FOR THE ABOVE-IDENTIFIED APPLICATION. See Instruction Sheet on page 2.

This petition must be timely filed electronically using the USPTO electronic filing system, EFS-Web.

1. By filing this petition:

   Applicant is requesting early publication: Applicant hereby requests early publication under 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d) accompanies this request.

2. By filing this petition: applicant is agreeing to make an election without traverse in a telephonic interview and elect an invention that meets the eligibility requirements set forth in the notice titled "Pilot Program for Green Technologies Including Greenhouse Gas Reduction," as modified by the notice titled "Elimination of Classification Requirement in the Green Technology Pilot Program," each of which was published in the Federal Register, if the Office determines that the claims are not obviously directed to a single invention.

3. This request is accompanied by statements of special status for the eligibility requirement.

4. The application contains no more than three (3) independent claims and twenty (20) total claims.

5. The application does not contain any multiple dependent claims.

6. Other attachments: Preliminary Amendment

Signature:	Date: 12/7/10
Name (Print/Typed): Stephen E. Reiter	Registration Number: 31,192

***Note**: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature, see below*.*

☐ *Total of _____ forms are submitted.

The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/810,142	09/28/2010	Mark E. Knuth	095143-0402	3228

30542 7590 12/17/2010
FOLEY & LARDNER LLP
P.O. BOX 80278
SAN DIEGO, CA 92138-0278

EXAMINER

ART UNIT	PAPER NUMBER
1771	

MAIL DATE	DELIVERY MODE
12/17/2010	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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FOLEY & LARDNER LLP
P.O. BOX 80278
SAN DIEGO CA 92138-0278

DEC 17 2010

In re Application of	:	
Knuth et al.	:	DECISION ON PETITION
Application No. 12/810,142	:	TO MAKE SPECIAL UNDER
Filed: 6/22/2010	:	THE GREEN TECHNOLOGY
Attorney Docket No. **095143-0402**	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed 12/1/2010, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The instant petition complies with items 1 – 8 above. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquires concerning this decision should be directed to Tom Dunn at 571-272-1171.

The application is being forwarded to the Technology Center Art Unit 1771 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

09 AUG 2010

Commissioner for Patents
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Alexandria, VA 22313-1450
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Mann+Hummel GMBH
Department VR-P
Hindenburgstr. 45
Ludwigsburg 71638 DE GERMANY

In re Application of:	:	
WALZ, Stefan, et al.	:	DECISION ON PETITION
U.S. Application No.: 12/810,154	:	(37 CFR 1.137(b))
PCT No.: PCT/EP2008/067911	:	
International Filing Date: 18 December 2008	:	
Priority Date: 21 December 2007	:	
Attorney Docket No.: 2704/US	:	
For: FILTER ARRANGEMENT	:	

The petition for revival under 37 CFR 1.137(b) filed 23 June 2010 in the above-captioned application is hereby **GRANTED** as follows:

International application PCT/EP2008/067911 became abandoned with respect to the United States at midnight on 21 June 2010 based on applicants' failure to request entry into the national stage in the United States and pay the U.S. basic national fee prior to the expiration of thirty months from the priority date.

The present petition for revival was accompanied by payment of the required petition fee and the "required reply" in the form of a request for entry into the national stage in the United States and payment of the basic national fee. The petition also includes a statement that "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional" (with additional explanatory remarks contained in the preliminary amendment), satisfying the requirement of 37 CFR 1.137(b)(3). Based on the above, the requirements of 37 CFR 1.137(b) have been satisfied. Accordingly, the request to revive the international application with respect to the United States is appropriately granted.

The application is being referred to the National Stage Processing Branch of the Office of PCT Operations for further processing in accordance with this decision. It is noted that applicants have not submitted an oath or declaration in compliance with 37 CFR 1.497.

Richard M. Ross
Attorney Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3296
Facsimile: (571) 273-0459

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.
12/810,169		Minami Ishii	17470/066001	3693

22511 7590 08/12/2010
OSHA LIANG L.L.P.
TWO HOUSTON CENTER
909 FANNIN, SUITE 3500
HOUSTON, TX 77010

EXAMINER

ART UNIT	PAPER NUMBER
2618	

NOTIFICATION DATE	DELIVERY MODE
08/12/2010	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@oshaliang.com
buta@oshaliang.com

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P.O. Box 1450
Alexandria, VA 22313-1450
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OSHA LIANG L.L.P.
TWO HOUSTON CENTER
909 FANNIN, SUITE 3500
HOUSTON TX 77010

In re Application of	:	
ISHII, MINAMI, et al.	:	DECISION ON REQUEST TO
Application No. 12/810,169	:	PARTICIPATE IN PATENT
Filed: June 23, 2010	:	PROSECUTION HIGHWAY
Attorney Docket No. **17470/066001**	:	PROGRAM AND PETITION
	:	TO MAKE SPECIAL UNDER
	:	37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed June 23, 2010 to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of all the office actions from each of the JPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate; and
(6) Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO office action along with copies of documents except U.S. patents or U.S. patent application publications;

The request to participate in the PPH program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

This application is undergoing pre-examination processing. Once it is released for examination, the application will be forwarded to the examiner for action on the merits commensurate with this decision.

Telephone inquiries concerning this decision should be directed to Doris To at 571-272-7629.

All other inquiries concerning the examination or status of the application should be directed to Patent Application Information Retrieval (PAIR) system.

/Doris To/

Doris To
Quality Assurance Specialist
Technology Center 2600
Communications

UNITED STATES PATENT AND TRADEMARK OFFICE

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ALEXANDRIA, VA 22313-1450
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0 2 AUG 2010

MANN+HUMMEL GMBH
DEPARTMENT VR-P
HINDENBURGSTR. 45
LUDWIGSBURG, GERMANY 71638

In re Application of JOKSCHAS et al	:	
U.S. Application No.: 12/810,198	:	
PCT Application No.: PCT/EP2008/067904	:	
Int. Filing Date: 18 December 2008	:	DECISION
Priority Date Claimed: 21 December 2007	:	
Attorney Docket No.: 2900/US	:	
For: FILTER DEVICE, ESPECIALLY LIQUID FILTER	:	

This is in response to applicant's "Petition for Revival of an International Application for Patent Designating the U.S. Abandoned Unintentionally Under 37 CFR 1.137(b)" filed 23 June 2010.

BACKGROUND

On 18 December 2008, applicant filed international application PCT/EP2008/067904, which claimed priority of an earlier Germany application filed 21 December 2007. A copy of the international application was communicated to the USPTO from the International Bureau on 02 July 2009. The thirty-month period for paying the basic national fee in the United States expired on 21 June 2010.

On 22 June 2010, international application PCT/EP2008/067904 became abandoned as to the United States for failure to timely pay the basic national fee.

On 23 June 2010, applicant filed the present petition under 37 CFR 1.137(b).

DISCUSSION

Under 37 CFR 1.137(b), a petition requesting that an application be revived on the grounds of unintentional abandonment must be accompanied by: (1) the required reply unless previously filed, (2) the petition fee as set forth in 37 CFR 1.17(m), (3) a statement that the entire

delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional, and (4) a terminal disclaimer if the application was filed before 08 June 1995.

With regard to item (1), applicant has provided the required reply under 35 U.S.C. 371.

With regard to item (2), applicant has provided the required petition fee.

With regard to item (3), applicant has provided the required statement.

With regard to item (4), because the international application was filed after 08 June 1995, no terminal disclaimer is required.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.137(b) is GRANTED.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision, including preparation and mailing of a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497 must be filed.

Bryan Lin

Bryan Lin
PCT Legal Examiner
PCT Legal Office

Telephone: 571-272-3303
Facsimile: 571-273-0459

UNITED STATES PATENT AND TRADEMARK OFFICE

0 4 AUG 2010

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United States Patent and Trademark Office
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Alexandria, VA 22313-1450
www.uspto.gov

Fasth Law Offices (Rolf Fasth)
26 Pinecrest Plaza, Suite 2
Southern Pines, NC 28387-4301

In re Application of :
AHNBLAD et al. :
Application No.: 12/810,212 :
PCT No.: PCT/US2008/081650 : DECISION ON PETITION
Int. Filing Date: 29 October 2008 : UNDER 37 CFR 1.137(b)
Priority Date: 30 October 2007 :
Attorney Docket No.: 390.1351USN :
For: PHARMACEUTICAL COMPOSITION :
AND NASAL RINSING DEVICE
THEREFOR

The petition to revive under 37 CFR 1.137(b) filed 23 June 2010 in the above-captioned application is hereby **GRANTED** as follows:

Applicant's statement that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional" meets the requirements of 37 CFR 1.137(b)(3).

A review of the application file reveals that applicant has submitted the basic national fee and the requirements of 37 CFR 1.137(b) have been satisfied. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

This application is being returned to the United States Designated/Elected Office for processing in accordance with this decision.

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Tel: (571) 272-3298

UNITED STATES PATENT AND TRADEMARK OFFICE

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0 2 AUG 2010

ERICSSON INC.
6300 LEGACY DRIVE
M/S EVR 1-C-11
PLANO, TX 75024

In re Application of GERÖ et al	:	
U.S. Application No.: 12/810,228	:	
PCT Application No.: PCT/IB2008/001966	:	DECISION
Int. Filing Date: 29 July 2008	:	
Priority Date Claimed: 01 August 2007	:	
Attorney Docket No.: P25796-US2	:	
For: GMPLS BASED OAM PROVISIONING	:	

This is in response to applicant's "Petition for Revival of an International Application for Patent Designating the U.S. Abandoned Unintentionally Under 37 CFR 1.137(b)" filed 23 June 2010.

BACKGROUND

On 29 July 2008, applicant filed international application PCT/IB2008/001966, which claimed priority of an earlier United States application filed 01 August 2007. A copy of the international application was communicated to the USPTO from the International Bureau on 05 February 2009. The thirty-month period for paying the basic national fee in the United States expired on 01 February 2010.

On 02 February 2010, international application PCT/IB2008/001966 became abandoned as to the United States for failure to timely pay the basic national fee.

On 23 June 2010, applicant filed the present petition under 37 CFR 1.137(b).

DISCUSSION

Under 37 CFR 1.137(b), a petition requesting that an application be revived on the grounds of unintentional abandonment must be accompanied by: (1) the required reply unless previously filed, (2) the petition fee as set forth in 37 CFR 1.17(m), (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional, and (4) a terminal disclaimer if the application was filed before 08 June 1995.

With regard to item (1), applicant has provided the required reply under 35 U.S.C. 371.

With regard to item (2), applicant has provided the required petition fee.

With regard to item (3), applicant has provided the required statement.

With regard to item (4), because the international application was filed after 08 June 1995, no terminal disclaimer is required.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.137(b) is GRANTED.

The application has an International Filing Date under 35 U.S.C. 363 of 29 July 2008, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 23 June 2010.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision.

Bryan Lin

Bryan Lin
PCT Legal Examiner
PCT Legal Office

Telephone: 571-272-3303
Facsimile: 571-273-0459

Attorney Docket No. P25796-US2

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s):	Balázs Peter Gerö, et al.	§	Group Art Unit:	2472
		§		
Application No:	12/810,228	§	Examiner:	TBD
		§		
§ 371(c) Date:	June 23, 2010	§	Confirmation No.	4305

FOR: GMPLS BASED OAM PROVISIONING

Via EFS-Web

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CERTIFICATE OF TRANSMISSION BY EFS-WEB

I hereby certify that this paper or fee is being transmitted to the United States Patent and Trademark Office electronically via EFS-Web.

Date: **Dec. 31, 2010**

Signature: **/Todd A. Cason, Reg No 54,020/**

Name: Todd A. Cason

Dear Sir:

PETITION TO MAKE SPECIAL
UNDER 37 C.F.R. § 1.102

In accordance with the U.S.P.T.O.'s "Backlog Reduction Stimulus Plan," as set forth in the Official Gazette Notices of December 22, 2009 (*see* 1349 Off. Gaz. Pat. Off. 304), February 23, 2010 (*see* 1351 *Off. Gaz. Pat. Off.* 202), and July 20, 2010 (*see* 1356 *Off. Gaz. Pat. Off.* 173) (collectively the "*Official Gazette Notices*"), Telefonaktiebolaget LM Ericsson ("Applicant") submits this Petition to Make Special (this "Petition") and requests that the above-referenced application (the "Present Application") be accorded special status under 37 C.F.R. § 1.102.

As required by the *Official Gazette Notices*, the following conditions have been satisfied:

1) The Present Application is a non-provisional application that has an actual filing date earlier than October 1, 2009;

2) Applicant is the assignee of another non-provisional application, U.S. Pat. Appl. No. 12/141,607 (the "Abandoned Application") that has an actual filing date earlier than October 1, 2009 and is complete under 37 C.F.R. § 1.53;

3) The Present Application and the Abandoned Application were both subject to an obligation that arose prior to October 1, 2009 on the part of their respective inventors to assign all ownership rights in the relevant applications to Applicant;

4) On the date this Petition to Make Special was filed, Applicant also filed a Declaration of Express Abandonment Under 37 C.F.R.§ 1.138 (the "Abandonment Declaration") expressly abandoning the Abandoned Application. Applicant believes the Abandonment Declaration was filed prior to the Abandoned Application being taken up for examination. Additionally, in accordance with the *Office Gazette Notices*, the Abandonment Declaration included:

a) A statement that Applicant has not and will not file an application that claims the benefit of the filing date of the Abandoned Application under any provision of Title 35 of the U.S.C.;

b) A statement that Applicant agrees not to, in the future, request a refund of any fees paid in the Abandoned Application; and

c) A statement that Applicant has not and will not file a new application claiming the same inventions as is currently claimed in the Abandoned Application; and

5) Applicant now files this Petition under 37 C.F.R. § 1.102 in the Present Application. As part of this Petition, Applicant respectfully notes that:

a) The basis under which special status is being sought is the express abandonment of another copending application pursuant to the Backlog Reduction Stimulus Plan established by the *Official Gazette Notices* conditioned on the granting of this Petition;

b) A copy of the Abandonment Declaration is submitted herewith;

c) Telefonaktiebolaget LM Ericsson is currently the sole assignee of both the Present Application and the Abandoned Application, and prior to October 1, 2009, the Present Application and the Abandoned Application were both subject

to an obligation on the part of their respective inventors to assign all ownership rights in the relevant applications to Telefonaktiebolaget LM Ericsson;

d) As indicated above, the Abandoned Application was assigned the application number U.S. Pat. Appl. No. 12/141,607;

e) Applicant has not filed petitions requesting special status under the Backlog Reduction Stimulus Plan in more than fourteen (14) other applications; and

f) Applicant agrees to make an election without traverse via a telephone interview if the U.S.P.T.O. deems the claims of the Present Application to be directed to two or more independent and distinct inventions.

Applicant respectfully notes that, pursuant to the *Official Gazette Notices*, the fee requirement for petitions to make special under 37 C.F.R. § 1.102 is waived, and Applicant believes no further fees are necessary at this time. However, the Commissioner is hereby authorized to deduct any necessary fees from, or to credit any overcharges to, Deposit Account No. 50-1379.

Respectfully submitted,

/Todd A. Cason, Reg No 54,020/

Todd A. Cason
Reg. No. 54,020

Ericsson Inc.
6300 Legacy Drive
M/S EVR 1-C-11
Plano, TX 75024
972-583-8510

Electronic Acknowledgement Receipt

EFS ID:	9147178
Application Number:	12141607
International Application Number:	
Confirmation Number:	5676
Title of Invention:	METHOD AND APPARATUS FOR DEMODULATION OF QAM SIGNAL USING SYMBOL-SPECIFIC AMPLITUDE REFERENCE ESTIMATION
First Named Inventor/Applicant Name:	Yi-Pin Eric Wang
Customer Number:	27045
Filer:	Steven Ware Smith/Todd Cason
Filer Authorized By:	Steven Ware Smith
Attorney Docket Number:	P24137-US1
Receipt Date:	31-DEC-2010
Filing Date:	18-JUN-2008
Time Stamp:	20:24:09
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	no

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Letter Express Abandonment of the application	P24137-RequestFile.pdf	25202 cbff3dcd33999e6d3e564ecbd5d9a2e251f04be8	no	2

Warnings:

Information:

Total Files Size (in bytes):	25202

This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.

New Applications Under 35 U.S.C. 111
If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

National Stage of an International Application under 35 U.S.C. 371
If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.

New International Application Filed with the USPTO as a Receiving Office
If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.

Attorney Docket No. P24137-US1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s):	Yi-Pin Eric Wang, et al.	§	Group Art Unit:	2473
		§		
Application No:	12/141,607	§	Examiner:	Kwang Yao
		§		
Filed:	June 18, 2008	§	Confirmation No.	5676

FOR: A METHOD AND APPARATUS FOR DEMODULATION OF QAM SIGNAL USING SYMBOL-SPECIFIC AMPLITUDE REFERENCE ESTIMATION

Via EFS-Web

Mail Stop PCT
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313.1450

CERTIFICATE OF TRANSMISSION BY EFS-WEB

I hereby certify that this paper or fee is being transmitted to the United States Patent and Trademark Office electronically via EFS-Web.

Date: **Dec. 31, 2010**

Signature: **/Todd A. Cason, Reg No 54,020/**

Name: Todd A. Cason

Dear Sir:

DECLARATION OF EXPRESS ABANDONMENT UNDER 37 C.F.R § 1.138

For the purpose of participating in the U.S.P.T.O.'s Backlog Reduction Stimulus Plan set forth in the Official Gazette Notices of December 22, 2009 (*see* 1349 Off. Gaz. Pat. Off. 304), February 23, 2010 (*see* 1351 *Off. Gaz. Pat. Off.* 202), and July 20, 2010 (*see* 1356 *Off. Gaz. Pat. Off.* 173) (collectively, the "*Official Gazette Notices*"), Telefonaktiebolaget LM Ericsson ("Applicant"), as sole assignee of the relevant patent, expressly abandons U.S. Pat. Appl. No. 12/141,607 (the "Abandoned Application") under 37 C.F.R. § 1.138. To the extent permissible under the Backlog Reduction Stimulus Plan, Applicant conditions this abandonment of the Abandoned Application on the U.S.P.T.O. granting the Petition to Make Special Under 37 C.F.R. § 1.102 filed concurrently with this Declaration in U.S. Pat. Appl. No. 12/810,228.

Additionally, in accordance with the requirements of the *Office Gazette Notices*, Applicant has not filed and will not file any other application claiming the same invention presently claimed by the Abandoned Application. Applicant also has not filed and will not file another application claiming the benefit of the Abandoned Application's filing date under any provision of Title 35 of the U.S.C. Moreover, Applicant agrees not to, in the future, request refund of any fees paid on the Abandoned Application.

Respectfully submitted,

/Todd A. Cason, Reg No 54,020/

Todd A. Cason
Reg. No. 54,020

Ericsson Inc.
6300 Legacy Drive
M/S EVR 1-C-11
Plano, TX 75024
972-583-8510

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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OFFICE OF PETITIONS

ERICSSON INC.
6300 LEGACY DRIVE
M/S EVR 1-C-11
PLANO TX 75024

In re Application of
GERO, et al.
Application No. 12/810,228
35 U.S.C. 371 Date: June 23, 2010
Int. Appl. No.: PCT/IB2008/001966
Int. File Date: July 29, 2008
Attorney Docket No. **P25796-US2**

DECISION ON PETITION
TO MAKE SPECIAL
37 CFR 1.102

This is a decision on the petition under 37 CFR 1.102, filed December 31, 2010, to make the above-identified application special under the Patent Application Backlog Reduction Stimulus Plan which is a pilot program set forth at 74 Federal Register Notice 62285 (November 27, 2009) and 75 Federal register Notice 36063 (June 24, 2010).

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 62285 and 75 FR 36063 must be directed to a nonprovisional application filed prior to October 1, 2009.

The USPTO will accord special status for examination under Patent Application Backlog Reduction Stimulus Plan under the following conditions:

(1) The application for which special status is sought is a nonprovisional application that has an actual filing date earlier than October 1, 2009;

(2) The applicant has another copending nonprovisional application that has an actual filing date earlier than October 1, 2009, and is complete under 37 CFR 1.53;

(3) The application for which special status is sought and the other copending nonprovisional application either are owned by the same party as of October 1, 2009, or name at least one inventor in common;

(4) The applicant files a letter of express abandonment under 37 CFR 1.138(a) in the copending nonprovisional application before it has been taken up for examination and

a) includes a statement that the applicant has not and will not file a new application that claims the same invention claimed in the expressly abandoned application;

b) includes a statement that the applicant has not and will not file an application that claims the benefit of the expressly abandoned application under any provision of title 35, United States Code, and

c) includes a statement that the applicant agrees not to request a refund of any fees paid in the expressly abandoned application; and

(5) The applicant files a petition under 37 CFR 1.102 in the application for which special status is sought that

a) includes a specific identification of the relationship between the applications that qualifies the application for special status;

b) identifies, by application number if available, the application that is being expressly abandoned;

c) provides a statement certifying that applicant has not filed petitions in more than fourteen (14) other applications requesting special status under this program; and

d) provides a statement that applicant agrees to make an election without traverse in a telephonic interview if the Office determines that the claims of the application to be made special are directed to two or more independent and distinct inventions.

The requirement for a fee for consideration of the petition to make special for applications pertaining to Patent Application Backlog Reduction Stimulus Plan has been waived.

The instant petition complies with the conditions required under Patent Application Backlog Reduction Stimulus Plan. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquires concerning this decision should be directed to Brian W. Brown at 571-272-5338.

All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

The application is being forwarded to the Office of Patent Application Processing for further processing commensurate with this decision.

Brian W. Brown
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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.
12/810,237	08/27/2010	Yasuo Shikinami	Q119465	4379

7590 08/08/2011
SUGHRUE-265550
2100 PENNSYLVANIA AVE. NW
WASHINGTON, DC 20037-3213

EXAMINER

ART UNIT	PAPER NUMBER
3733	

NOTIFICATION DATE	DELIVERY MODE
08/08/2011	ELECTRONIC

DECISION DISMISSING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment will not be recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is dismissed.

The express abandonment will **not** be recognized for the reason(s) indicated below:

1. ☐ The petition was not filed in sufficient time to permit the appropriate officials to recognize the abandonment before an examination has been made of the application. See 37 CFR 1.138(d).
2. ☐ The petition was not signed by a party authorized by 37 CFR 1.33(b)(1), (3) or (4).
3. ☑ The application is not an application filed under 35 U.S.C. 111(a) on or after December 8, 2004.
4. ☐ The petition for express abandonment under 1.138(d) is dismissed because the applicant did not pay any search fee and excess claims fees in the above-identified application.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Tomi Farmer

Patent Publication Branch
Office of Data Management

FORM PET651D (Rev. 08/07)

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
Washington, D.C. 20231
www.uspto.gov

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MAR 25 2011

PCT LEGAL ADMINISTRATION

THE LUBRIZOL CORPORATION
29400 LAKELAND BLVD
MAIL DROP 022B
WICKLIFFE OH 44092-2298

In re Application of	:	
LEE et al.	:	DECISION ON
Serial No.: 12/810,323	:	
PCT No.: PCT/US08/87900	:	PETITION
Int. Filing Date: 22 December 2008	:	
Priority Date: 26 December 2007	:	UNDER 37 CFR 1.47(a)
Atty Docket No.: 3716	:	
For: TRANSPARENT MULTILAYER SHEET	:	
HAVING ELECTROSTATIC DISSIPATIVE	:	
PROPERTIES	:	

This decision is in response to applicant's "Petition under 37 CFR 1. 47(a)" filed 04 January 2011 in the United States Patent and Trademark Office (USPTO) requesting acceptance of the application without the signatures of nonsigning inventors DONG SIK KIM and NAM JUNG KIM. Applicant's request for a three month extension of time is granted.

BACKGROUND

On 22 December 2008, applicant filed international application PCT/US2008/87900. The application claimed a priority date of 26 December 2007, and it designated the United States. The deadline for submission of the basic national fee was thirty months from the priority date, i.e., 26 June 2010.

On 24 June 2010, a Transmittal Letter for entry into the national stage in the United States was filed accompanied by, among other materials, payment of the basic national fee.

On 4 August 2010, a Notification Of Missing Requirements (Form PCT/DO/EO/905) was issued indicating, among other materials, that an oath or declaration in compliance with 37 CFR 1.497 and the surcharge for filing the oath or declaration later than thirty months after the priority date were required.

On 04 January 2011, a response to the Notification Of Missing Requirements was filed. The response included request for extension of time and the "Petition Under 37 CFR §1.47(a)" considered herein. The petition requests acceptance of the application without the signature of

inventors of record DONG SIK KIM and NAM JUNG KIM, whom petitioner asserts has refused to execute the application.

DISCUSSION

A petition under 37 CFR §1.47(a) must be accompanied by (1) the requisite petition fee, (2) factual proof that the non-signing joint inventor(s) refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the non-signing inventor(s), and (4) an oath or declaration by each available joint inventor on his or her own behalf and on behalf of the non-signing joint inventor(s).

Applicant paid the $200 petition fee. Item (1) is satisfied.

Regarding item (2), MPEP section 409.03(d) states that, before it can be concluded that an inventor has refused to execute the application papers, "[a] copy of the application papers should be sent to the last known address of the nonsigning inventor, or, if the nonsigning inventor is represented by counsel, to the address of the nonsigning inventor's attorney." nonsigning inventor's attorney." The MPEP also states the following:

> Where a refusal of the inventor to sign the application papers is alleged, the circumstances of the presentation of the application papers and of the refusal must be specified in a statement of facts by the person who presented the inventor with the application papers and/or to whom the refusal was made. Statements by a party not present when an oral refusal is made will not be accepted.

Here, Petitioner submitted a first hand statement of fact from Seok-Ju Yang, with supporting documents, providing evidence that a request for signature accompanied by a copy of the application was forwarded to each non-signing inventor at his last known address, via certified mail. The petition also includes evidence showing delivery to the nonsigning inventor at his last known address. Thus, confirmation regarding the delivery (presentation) of the application papers to the nonsigning inventor was provided. Moreover, Mr. Yang also states that he attempted to contact each non-signing inventor by telephone. He was successful in speaking with non-signing inventor Nam Jung Kim who refused to sign the application papers unless payment of money was made to him. Thus, it can be concluded that the nonsigning inventors were presented with a complete copy of the application papers. Item (2) is satisfied.

Regarding item (3), the petition does not include an express statement of the last known addresses of the non-signing inventors. Item (3) is not satisfied.

Regarding item (4), the petition was accompanied by a declaration signed on behalf of the nonsigning inventor by the joint inventors. Item (4) is therefore satisfied.

In sum, Items (1), (2) and (4) are satisfied. Item (3) above is not satisfied. Accordingly, it is inappropriate to accord the national stage application status under 37 CFR §1.47(a) at this time.

CONCLUSION

The petition under 37 CFR §1.47(a) is **DISMISSED WITHOUT PREJUDICE**.

Any reconsideration on the merits of the petition under 37 CFR §1.47(a) must be filed within TWO (2) MONTHS from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR §1.47(a)." No petition fee is required. Any further extensions of time available may be obtained under 37 CFR 1.136(a).

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

/Cynthia M. Kratz/
Cynthia M. Kratz
Attorney Advisor
PCT Legal Office
Office of PCT Legal Administration

Tel: 571-272-3286
Fax: 571-273-0459

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
Washington, D.C. 20231
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AUG 08 2011

PCT LEGAL ADMINISTRATION

THE LUBRIZOL CORPORATION
29400 LAKELAND BLVD
MAIL DROP 022B
WICKLIFFE OH 44092-2298

In re Application of LEE et al. Serial No.: 12/810,323 PCT No.: PCT/US08/87900 Int. Filing Date: 22 December 2008 Priority Date: 26 December 2007 Atty Docket No.: 3716 For: TRANSPARENT MULTILAYER SHEET HAVING ELECTROSTATIC DISSIPATIVE PROPERTIES	:	DECISION ON PETITION UNDER 37 CFR 1.47(a)

This decision is in response to applicant's "Renewed Petition under 37 CFR 1. 47(a)" filed 19 May 2011 in the United States Patent and Trademark Office (USPTO) requesting acceptance of the application without the signatures of nonsigning inventors DONG SIK KIM and NAM JUNG KIM.

BACKGROUND

On 22 December 2008, applicant filed international application PCT/US2008/87900. The application claimed a priority date of 26 December 2007, and it designated the United States. The deadline for submission of the basic national fee was thirty months from the priority date, i.e., 26 June 2010.

On 24 June 2010, a Transmittal Letter for entry into the national stage in the United States was filed accompanied by, among other materials, payment of the basic national fee.

On 4 August 2010, a Notification Of Missing Requirements (Form PCT/DO/EO/905) was issued indicating, among other materials, that an oath or declaration in compliance with 37 CFR 1.497 and the surcharge for filing the oath or declaration later than thirty months after the priority date were required.

On 04 January 2011, a response to the Notification Of Missing Requirements was filed with a petition requesting acceptance of the application without the signature of inventors of

record DONG SIK KIM and NAM JUNG KIM, whom petitioner asserts has refused to execute the application. On 25 March 2011, a decision dismissing the petition was mailed indicating that the last known addresses of the nonsigning inventors were required.

DISCUSSION

A petition under 37 CFR §1.47(a) must be accompanied by (1) the requisite petition fee, (2) factual proof that the non-signing joint inventor(s) refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the non-signing inventor(s), and (4) an oath or declaration by each available joint inventor on his or her own behalf and on behalf of the non-signing joint inventor(s).

Applicant previously satisfied Items (1), (2) and (4).

Regarding item (3), the renewed petition provides an express statement of the last known addresses of the non-signing inventors. Item (3) is now satisfied.

In sum, Items (1)- (4) are satisfied. Accordingly, it is appropriate to accord the national stage application status under 37 CFR §1.47(a).

CONCLUSION

The petition under 37 CFR 1.47(a) is **GRANTED**.

The U.S. Designated/Elected Office has accepted the application as a 37 CFR 1.47(a) application using the declaration filed 04 January 2011. The application has an international filing date of 22 December 2008 under 35 U.S.C. 363, and a date of 04 January 2011 under 35 U.S.C. 371(c).

As provided in 37 CFR 1.47(a), a notice of the filing of this application will be forwarded to the non-signing inventor at his respective last known address of record. Also, a notice of the filing of this application will be published in the Official Gazette.

/Cynthia M. Kratz/
Cynthia M. Kratz
Attorney Advisor
PCT Legal Office
Office of PCT Legal Administration

Tel: 571-272-3286
Fax: 571-273-0459

UNITED STATES PATENT AND TRADEMARK OFFICE

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PCT LEGAL ADMINISTRATION

NAM JUNG KIM
115-802 MORAKSAM HYUNDAI APT.
OJCON-DONG, UIWANG-SI
GYEONGGI-DO
KOREA 437-770

In re Application of
LEE et al.
Serial No.: 12/810,323
PCT No.: PCT/US08/87900
Int. Filing Date: 22 December 2008
Priority Date: 26 December 2007
Atty Docket No.: 3716
For: TRANSPARENT MULTILAYER SHEET HAVING ELECTROSTATIC DISSIPATIVE PROPERTIES

Dear Mr. Kim:

You are named as an inventor in the above identified United States patent application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. § 116. Should a patent be granted, you will be designated as an inventor.

As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. If you care to join in the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

/Cynthia M. Kratz/
Cynthia M. Kratz
Attorney Advisor
PCT Legal Office
Telephone: (571) 272-3286
Facsimile: (571) 273-0459

THE LUBRIZOL CORPORATION
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UNITED STATES PATENT AND TRADEMARK OFFICE

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PCT LEGAL ADMINISTRATION

DONG SIK KIM
206-1308 SINBANPO HANSHIN APT.
JAMWON-DONG, SEOCHO-GU
SEOUL, KOREA 137-949

In re Application of
LEE et al.
Serial No.: 12/810,323
PCT No.: PCT/US08/87900
Int. Filing Date: 22 December 2008
Priority Date: 26 December 2007
Atty Docket No.: 3716
For: TRANSPARENT MULTILAYER SHEET HAVING ELECTROSTATIC DISSIPATIVE PROPERTIES

Dear Mr. Kim:

You are named as an inventor in the above identified United States patent application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. § 116. Should a patent be granted, you will be designated as an inventor.

As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. If you care to join in the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

/Cynthia M. Kratz/
Cynthia M. Kratz
Attorney Advisor
PCT Legal Office
Telephone: (571) 272-3286
Facsimile: (571) 273-0459

THE LUBRIZOL CORPORATION
29400 LAKELAND BLVD
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30 AUG 2010

United States Patent and Trademark Office

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

CANTOR COLBURN, LLP
20 Church Street
22nd Floor
Hartford CT 06103

In re Application of	:	
Akselsen	:	
Application No.: 12/810,326	:	DECISION
PCT No.: PCT/DK2008/000335	:	
Int. Filing Date: 26 September 2008	:	ON
Priority Date: 19 October 2007	:	
Attorney Docket No.: GRP-0312	:	PETITION
For: Connection Handover Handling	:	

The petition to revive under 37 CFR 1.137(b) filed on 24 June 2010 in the above-captioned application is hereby **GRANTED** as follows:

Petitioner states that "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 C.F.R. § 1.137(b) was unintentional." Said statement is being accepted in satisfaction of 37 CFR 1.137(b)(3).

A review of the application file reveals that applicant has paid the petition fee. The required reply has been filed. No terminal disclaimer is required. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the national stage in the United States of America.

Inspection of the declaration under PCT Rule 4.17(iv) reveals that it appears to have been signed after the international filing date, and does not identify the application to which it is directed.

This application is being returned to the Office of Patent Application Processing for further processing, including the preparation and mailing of a Notification of Missing Requirements (Form PCT/DO/EO/905) requiring the submission of an oath or declaration compliant with 37 CFR 1.497(a) and (b) and the surcharge under 37 CFR 1.492(h).

/George Dombroske/
George Dombroske
PCT Legal Examiner
Office of PCT Legal Administration
Tel: (571) 272-3283

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:	12/810,326	Filing date:	24 June 2010
First Named Inventor:	Klaus Dyhrmann AKSELSEN		
Title of the Invention:	CONNECTION HANDOVER HANDLING		

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/DK2008/000335

The international filing date of the corresponding PCT application(s) is/are: 26 September 2008

I. List of Required Documents:

a. **A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above–identified corresponding PCT application(s)**

- [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.:	12/810,326
First Named Inventor:	Klaus Dyhrmann AKSELSEN

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 24 June 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 24 June 2010

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1	1	US claim identical, except modified per U.S. practice.
2	2	US claim identical, except modified per U.S. practice.
3	3	US claim identical, except modified per U.S. practice.
4	4	US claim identical, except modified per U.S. practice.
5	5	US claim identical, except modified per U.S. practice.
6	6	US claim identical, except modified per U.S. practice.
7	7	US claim identical, except modified per U.S. practice.
8	8	US claim identical, except modified per U.S. practice.
9	9	US claim identical, except modified per U.S. practice.

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature /DANIEL DREXLER/	Date 02 June 2011
Name (Print/Typed) Daniel F. Drexler	Registration Number 47,535

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 Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/810,326	06/24/2010	Klaus Dyhrmann AKSELSEN	GRP0312US	5499

23413 7590 06/16/2011
CANTOR COLBURN LLP
20 Church Street
22nd Floor
Hartford, CT 06103

EXAMINER

ART UNIT	PAPER NUMBER
2469	

NOTIFICATION DATE	DELIVERY MODE
06/16/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

usptopatentmail@cantorcolburn.com

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Cantor Colburn LLP
20 Church Street
22nd Floor
Hartford CT 06103

In re Application of: Akselsen
Application No. 12/810326
Filed: June 24, 2010
For: Connection Handover Handling

DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(d)

This is a decision on the request to participate in the PCT- Patent Prosecution Highway (PPH) pilot program and the petition under 37 CFR 1.102(d), filed June 2, 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) Applicant must submit a petition fee under 37 CFR 1.17(h) for the petition to make special under 37 CFR 1.102(d) if filed before May 25th 2010.

(9) The request for participation in the PCT-PPH pilot program and all the supporting documents must be submitted to the USPTO via EFS-Web and indexed with the following document description: "Petition to make special under PCT-Patent Pros Hwy. Any preliminary amendments and IDS submitted with the PCT-PPH documents must be separately indexed as a preliminary amendment and IDS, respectively.

The request to participate in the PCT-PPH program and petition are found to comply with all the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Tod Swann at 571-272-36128

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc/index.html.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

/Tod Swann/
Tod Swann
Quality Assurance Specialist
Technology Center 2400

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P.O. Box 1450
Alexandria, VA 22313-1450
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MAILED

FEB 17 2011

PCT LEGAL ADMINISTRATION

Oliff & Berridge, PLC
P.O. Box 320850
Alexandria VA 22320-4850

In re Application of	:	DECISION
CAMUS et al.	:	
Application No.: 12/810,359	:	
PCT No.: PCT/FR2008/052387	:	
Int. Filing Date: 19 December 2008	:	
Priority Date: 28 December 2007	:	
Attorney Docket No.: 145945	:	
For: SECURITY PAPER	:	
	:	

This decision is in response to applicants' "PETITION FOR CORRECTION OF INVENTORSHIP UNDER 37 C.F.R. § 1.48(a)" filed 03 January we can either wait or leave it there.2011, which has properly been treated as a petition under 37 CFR 1.497(d).

BACKGROUND

On 19 December 2008, applicants filed international application PCT/FR2008/052387 which designated the U.S. and claimed a priority date of 28 December 2007. A copy of the international application was communicated to the USPTO from the International Bureau on 09 July 2009. The thirty-month period for paying the basic national fee in the United States expired at midnight on 28 June 2010.

On 24 June 2010, applicants filed a transmittal letter for entry into the national stage in the United States, which was accompanied by, *inter alia*, the Basic National Fee.

On 21 June 2010, the United States Designated/Elected Office (DO/EO/US) issued a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating, *inter alia*, that a declaration of the inventors in compliance with 37 CFR 1.497(a)-(b) was required.

On 03 January 2011, applicants submitted a declaration of inventors and the instant petition under 37 CFR 1.497(d) requesting that three inventors be added. The petition was accompanied by statements from Stephane MALLOL, Ivan THIERRY, and Pierre DOUBLET, a consent of assignee statement, and a statement under 3.73(b).

DISCUSSION

37 CFR 1.497(d), provides:

> (d) If the oath or declaration filed pursuant to 35 U.S.C. 371(c)(4) and this section names an inventive entity different from the inventive entity set forth in the international application, or if a change to the inventive entity has been effected under PCT Rule 92*bis* subsequent to the execution of any oath or declaration which was filed in the application under PCT Rule 4.17(iv) or this section and the inventive entity thus changed is different from the inventive entity identified in any such oath or declaration, applicant must submit:
>
> (1) A statement from each person being added as an inventor and from each person being deleted as an inventor that any error in inventorship in the international application occurred without deceptive intention on his or her part;
>
> (2) The processing fee set forth in Sec. 1.17(i); and
>
> (3) If an assignment has been executed by any of the original named inventors, the written consent of the assignee (see Sec. 3.73(b) of this chapter); and
>
> (4) Any new oath or declaration required by paragraph (f) of this section.

Items (1)-(3) have been satisfied. Item (4) is not required.

The declaration of inventors filed 03 January 2011 is in compliance with 37 CFR 1.497(a)-(b).

CONCLUSION

The request under 37 CFR 1.497(d) is **GRANTED** for the reasons set forth above.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application in accordance with this decision including processing the application in the name of Michel CAMUS, Stephane MALLOL, Ivan THIERRY, and Pierre DOUBLET.
as inventors.

/Daniel Stemmer/

Daniel Stemmer
PCT Legal Examiner
PCT Legal Affairs
Office of Patent Cooperation Treaty
Legal Administration
Telephone: (571) 272-3301

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ALEXANDRIA, VA 22313-1450

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0 2 AUG 2010

ERICSSON INC.
6300 LEGACY DRIVE
M/S EVR 1-C-11
PLANO, TX 75024

In re Application of ELBERS et al	:	
U.S. Application No.: 12/810,378	:	
PCT Application No.: PCT/EP2007/060691	:	
Int. Filing Date: 09 October 2007	:	
Priority Date Claimed: none	:	DECISION
Attorney Docket No.: P24625-US1	:	
For: RECEIVING APPARATUS AND METHOD	:	
FOR ELECTRONIC NOISE COMPENSATION IN	:	
PHASE MODULATED OPTICAL TRANSMISSION	:	

This is in response to applicant's "Petition for Revival of an International Application for Patent Designating the U.S. Abandoned Unintentionally Under 37 CFR 1.137(b)" filed 24 June 2010.

BACKGROUND

On 09 October 2007, applicant filed international application PCT/EP2007/060691. A copy of the international application was communicated to the USPTO from the International Bureau on 16 April 2009. The thirty-month period for paying the basic national fee in the United States expired on 09 April 2010.

On 10 April 2010, international application PCT/EP2007/060691 became abandoned as to the United States for failure to timely pay the basic national fee.

On 24 June 2010, applicant filed the present petition under 37 CFR 1.137(b).

DISCUSSION

Under 37 CFR 1.137(b), a petition requesting that an application be revived on the grounds of unintentional abandonment must be accompanied by: (1) the required reply unless previously filed, (2) the petition fee as set forth in 37 CFR 1.17(m), (3) a statement that the entire

delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional, and (4) a terminal disclaimer if the application was filed before 08 June 1995.

With regard to item (1), applicant has provided the required reply under 35 U.S.C. 371.

With regard to item (2), applicant has provided the required petition fee.

With regard to item (3), applicant has provided the required statement.

With regard to item (4), because the international application was filed after 08 June 1995, no terminal disclaimer is required.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.137(b) is GRANTED.

The application has an International Filing Date under 35 U.S.C. 363 of 09 October 2007, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 24 June 2010.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision.

BryanLin

Bryan Lin
PCT Legal Examiner
PCT Legal Office

Telephone: 571-272-3303
Facsimile: 571-273-0459

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/810,401	06/24/2010	Tomoki Komiya	Q118885	6205

23373 7590 07/26/2011
SUGHRUE MION, PLLC
2100 PENNSYLVANIA AVENUE, N.W.
SUITE 800
WASHINGTON, DC 20037

EXAMINER

ART UNIT	PAPER NUMBER
3742	

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):

sughrue@sughrue.com
PPROCESSING@SUGHRUE.COM
USPTO@SUGHRUE.COM

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SUGHRUE MION, PLLC
2100 PENNSYLVANIA AVENUE, N.W.
SUITE 800
WASHINGTON DC 20037

In re Application of: KOMIYA, TOMOKI, et al Serial No.: 12/810401 Filed: 06/24/2010 Attorney Docket No. : Q118885 Title: LASER PROCESSING APPARATUS AND LASER PROCESSING METHOD	DECISION ON A REQUEST TO PARTICIPATE IN PATENT PCT/PROSECUTION HIGHWAY PROGRAM AND PETITION TO MAKE SPECIAL UNDER CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed July 8, 2011 to make the above-identified application special.

The request and petition are **granted**.

A grantable request to participate in the PPH pilot program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the 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 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 3742 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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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/810,407	06/24/2010	Kanctada Shimizu	SHG-123P2	6248

26875 7590 08/19/2010
WOOD, HERRON & EVANS, LLP
2700 CAREW TOWER
441 VINE STREET
CINCINNATI, OH 45202

EXAMINER	
ART UNIT	PAPER NUMBER
1781	

MAIL DATE	DELIVERY MODE
08/19/2010	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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AUG 19 2010

BC

In re application of Kanetada Shimizu et al. Serial No. 12/810,407 Filed: June 24, 2010 For: METHOD FOR PRODUCING FERMENTED MILK	: : : : : :	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 filed June 24, 2010.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO, note where the JPO application with similar claims is not the same application from which the U.S. application claims priority that the applicant must identify the relationship between the JPO application with similar claims and the JPO priority application;

(2) Applicant must submit a copy of:
   a. The allowable/patentable claim(s) from the JPO application(s) or if a copy of the allowable/patentable claims is available via the Dossier Access System (DAS) applicant may request the USPTO to obtain a copy from DAS; however, if the USPTO is unable to obtain a copy from the DAS, the applicant will be required to submit a copy;
   b. An English translation of the allowable/ patentable claim(s), if applicable; and
   c. A statement that the English translation is accurate, if applicable;

(3) Applicant must:
   a. Ensure all the independent claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s); and
   b. Submit a claims correspondence table in English;

(4) Examination of the U.S. application has not begun;

(5) Applicant must submit:
   a. Documentation of prior office action:

i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claims(s) or
ii. if the allowable/patentable claim(s) are from "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form;
Further, if a copy of the documents from 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

(6) Applicant must submit:

a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application)
b. Copies of documents except U.S. patents or U.S. patent application publications (unless already submitted in this application); and

The request to participate in the PPH program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

Any inquiry regarding this decision should be directed to Blaine Copenheaver, Quality Assurance Specialist, at (571) 272-1156.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc/index.html.

/Blaine Copenheaver/

Blaine Copenheaver
Quality Assurance Specialist
Technology Center 1700

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WOOD, HERRON & EVANS, LLP
2700 CAREW TOWER
441 VINE STREET
CINCINNATI, OH 45202

MAILED
JAN 25 2012
OFFICE OF PETITIONS

In re Application of	:	
Kanetada Shimizu, et al.	:	
Application No.: 12/810,407	:	ON PETITION
Filed: June 24, 2010	:	
Attorney Docket No.: SHG-123P2	:	

This is a decision on the petition, filed January 19, 2012, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on January 11, 2012, cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries relating to this decision should be directed to the undersigned at (571) 272-3204.

The application is being referred to Technology Center AU 1789 for further processing of the request for continued examination and for consideration of the concurrently filed Information Disclosure Statement (IDS).

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

[1] *The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.*

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TECHNOLOGY CENTER 2600

OSHA LIANG L.L.P.
TWO HOUSTON CENTER
909 FANNIN, SUITE 3500
HOUSTON TX 77010

In re Application of	:	
IWAMURA, MIKIO et al.	:	DECISION ON REQUEST TO
Application No. 12/810,441	:	PARTICIPATE IN PATENT
Filed: June 24, 2010	:	PROSECUTION HIGHWAY
Attorney Docket No. 17470/068001	:	PROGRAM AND PETITION
	:	TO MAKE SPECIAL UNDER
	:	37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed June 24, 2010 to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of all the office actions from each of the JPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate; and
(6) Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO office action along with copies of documents except U.S. patents or U.S. patent application publications.

The request to participate in the PPH program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Michael Horabik at 571-272-3068.

All other inquiries concerning the examination or status of the application should be directed to Patent Application Information Retrieval (PAIR) system.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

/Michael Horabik/

Michael Horabik
Quality Assurance Specialist
Technology Center 2600
Communications

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/810,519	06/25/2010	Hiroki Etoh	SHINP0106US	7257

51921 7590 08/30/2010
MARK D. SARALINO (PAN)
RENNER, OTTO, BOISSELLE & SKLAR, LLP
1621 EUCLID AVENUE
19TH FLOOR
CLEVELAND, OH 44115

EXAMINER

ART UNIT	PAPER NUMBER
2189	

MAIL DATE	DELIVERY MODE
08/30/2010	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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MARK D. SARALINO (PAN)
RENNER, OTTO, BOISSELLE & SKLAR, LLP
1621 EUCLID AVENUE
19TH FLOOR
CLEVELAND OH 44115

In re Application of: ETOH et al.
Application No. 12/810,519
Attorney Docket Number: SHINP0106US
Filed: June 25, 2010
For: **MEMORY CONTROLLER, NONVOLATILE STORAGE DEVICE, DATA PROCESSING DEVICE, NONVOLATILE STORAGE DEVICE SYSTEM, AND 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 PCT-Patent Prosecution Highway (PPH) pilot program and the petition under 37 CFR 1.102(d), filed June 25, 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 national stage entry of the corresponding PCT application

Or

(b) a national application which forms the basis for the priority claim in the corresponding PCT application

Or

(c) *a* national stage entry of another PCT application (which can be filed in any competent receiving office) which claims priority to the corresponding PCT application

Or

(d) a national application claiming foreign domestic priority to the corresponding PCT application.
Applications subject to a secrecy order (35U.S.C.181) are excluded and not subject to participation in the PCT-PPH pilot program.

Or

(e) a continuing application (continuation, divisional, or continuation-in-part) of the U.S. application which satisfies one of the above (a) to (d) scenarios.

(2) The latest work product in the international phase of the PCT application corresponding to the U.S. application, namely the WO/ISA, or the WO/IPEA, or the IPER, indicates at least one claim in the PCT application has novelty, inventive step and industrial applicability. In case any observation is described in Box VIII of the WO/ISA, or the WO/IPEA, or the IPER which forms the basis for the PCT-PPH request, applicant must identify and explain why the claim(s) is/are not subject to any observation described in Box VIII irrespective of whether an amendment is submitted to correct the observation described in Box VIII. The U.S. application will not be eligible to participate in the PCT-PPH pilot program if applicant does not identify and explain why the claim(s) is/are not subject to the observation described in Box VIII.

Applicant may file a request to participate in the PCT-PPH pilot program on the basis of an International Search Report (ISR) only.

(3) Applicant must:

a. Ensure all the claims in the U.S. application sufficiently correspond or be amended to sufficiently correspond to one or more of those claims indicated as having novelty, inventive step and industrial applicability and free of any observation described in Box VIII in the latest work product of the corresponding PCT application and

b. Submit a claims correspondence table in English;

(4) Substantive Examination of the U.S. application has not begun;

(5) Applicant must submit a copy of:

a. the latest international work product, WO/ISA, or WO/IPEA or PER, which indicated that the claim(s) has/have novelty, inventive step and industrial applicability along with an English translation thereof if the copy of the latest international work product is not in the English language, unless the U.S. application and the corresponding PCT application satisfy the relationship noted in (1)(a) above.

(6) Applicant must submit a copy of:

a. the claims from the corresponding PCT application which were indicated as having novelty, inventive step and industrial applicability in the latest work product of the PCT application,
b. an English translation of the claims and
c. a statement that the English translation is accurate.

If the claims in the U.S. application are identical to the claims from the corresponding PCT application, and are in the English language, applicant may just indicate such in the PCT-PPH request and it will not be necessary for applicant to submit a copy of the claims from the corresponding PCT application.

(7) Applicant must submit:

a. An IDS listing the documents cited in the work products in the international phase of the PCT application corresponding to the U.S. application, namely the WO/ISA, or the WO/IPEA, or the IPER,(unless already submitted in this application)
b. Copies of the documents except U.S. patents or U.S. patent application publications (unless already submitted in this application);

MP ~~(8) The required petition fee under 37 CFR 1.17(h).~~

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.
12/810,521	06/25/2010	Masayuki Toyama	SHINP0105US	7260

51921 7590 08/25/2010
MARK D. SARALINO (PAN)
RENNER, OTTO, BOISSELLE & SKLAR, LLP
1621 EUCLID AVENUE
19TH FLOOR
CLEVELAND, OH 44115

EXAMINER	
ART UNIT	PAPER NUMBER
2836	

MAIL DATE	DELIVERY MODE
08/25/2010	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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MARK D. SARALINO (PAN)
RENNER, OTTO, BOISSELLE & SKLAR, LLP
1621 EUCLID AVENUE
19TH FLOOR
CLEVELAND OH 44115

In re Application of
TOYAMA et al.
Application No.: 12/810,521
Filed: 25 June 2010
Attorney Docket No.: SHINP0105US
For: INTERFACE DEVICE FOR HOST DEVICE, INTERFACE DEVICE FOR SLAVE DEVICE, HOST DEVICE, SLAVE DEVICE, COMMUNICATION SYSTEM AND INTERFACE VOLTAGE SWITCHING METHOD

: DECISION ON REQUEST TO
: PARTICIPATE IN THE PCT PATENT
: PROSECUTION HIGHWAY PILOT
: PROGRAM AND PETITION
: TO MAKE SPECIAL UNDER
: 37 CFR 1.102(d)

This is a decision on the request to participate in the PCT Patent Prosecution Highway (PCT-PPH) pilot program and the petition under 37 CFR 1.102(d), filed on 25 June 2010, to make the above-identified application special.

The request and petition are **GRANTED**.

Discussion

A grantable request to participate in the PCT-PPH pilot program and petition to make special require:

(1) The U.S. application must disclose an eligible relationship to one or more PCT applications where the ISA or IPEA are the JPO, EPO, KIPO, or USPTO;

(2) At least one claim in the PCT application has novelty, inventive step, and industrial applicability and must be free of any observations in Box VIII in the latest work product in the international stage or applicant must identify and explain why the claim(s) is/are not subject to the observation in Box VII;

(3) Applicant must submit a copy of the claim(s) from the PCT application(s) that have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate;

(4) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the claim(s) that have novelty, inventive step, and industrial applicability in the PCT application(s);

(5) Examination of the U.S. application has not begun;

(6) Applicant must submit a copy of the latest international work product from the PCT application containing the claim(s) that have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate;

(7) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications; and

The request to participate in the PCT-PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Lee W. Young at 571-272-4549.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc.index.html.

This application will be forwarded to the examiner for action on the merits commensurate with this decision once this application's formality reviews have been completed.

Lee W. Young
TQAS Technology Center 2800 - Semiconductors,
Electrical & Optical Systems & Components

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: 5020-P05010US00	Application Number (if known): 12810529	Filing date: 06/25/2010
First Named Inventor: Cong Toan TRAN		
Title: PRINCIPLES OF THE TRAN-ENERGY MACHINES		

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: SECOND PRELIMINARY AMENDMENT

Signature /Henry H. Skillman/	Date 12-03-2010
Name (Print/Typed) HENRY H. SKILLMAN	Registration Number 17352

***Note:** Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature see below*.*

☐ *Total of _____ forms are submitted.

The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Patent Application of:

TRAN, Cong Toan.

US Appl. No. 12/810,529

Filed: 06/25/2010

For: "PRINCIPLES OF THE TRAN-ENERGY MACHINES"

:

Docket No: 5020-P05010US00

Confirmation No: 7345

REQUEST FOR EARLY PUBLICATION

This paper is being filed concurrently with Applicant's Petition to Make Special Under the Green Technology Pilot Program. The above-identified US application is a national phase application of PCT/IB08/00796 filed March 13, 2008.

The above-identified US patent application was routinely published under Publication No. 2010/0264730 A1 on October 21, 2010.

Pursuant to the requirements of the Green Technology Program, please charge the publication fee set forth in 37 CFR 1.18 (d) to the account of the undersigned attorneys, Deposit Account No. 04-1406.

Respectfully submitted,

DANN, DORFMAN, HERRELL AND SKILLMAN
Attorneys for Applicant

By _____
Henry H. Skillman
Reg. No. 17,352

Telephone: (215) 563-4100

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Patent Application of:

TRAN, Cong Toan.

US Appl. No. 12/810,529

Filed: 06/25/2010

For: "PRINCIPLES OF THE TRAN-ENERGY MACHINES"

:

Docket No: 5020-P05010US00

Confirmation No: 7345

STATEMENT OF SPECIAL STATUS FOR THE ELIGIBILITY REQUIREMENT

This application is eligible for entry into the pilot program since it relates to the more efficient utilization and conservation of energy resources. If the USPTO determines that the claims are directed to multiple inventions, Applicant will agree to make an election without traverse in a telephonic interview, and elect the invention that meets the eligibility requirements in Section II or III of the Notice "Pilot Program for Green Technologies Including Greenhouse Gas Reduction".

Respectfully submitted,

DANN, DORFMAN, HERRELL AND SKILLMAN
Attorneys for Applicant

By_____
Henry H. Skillman
Reg. No. 17,352

Telephone: (215) 563-4100

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Patent Application of: **Docket No: 5020-P05010US00**

TRAN, Cong Toan

US App. No. 12/810,529

Filed: June 25, 2010

Nat'l Stage of Int'l Appl. No. PCT/IB2008/000796

Int'l Appl. Filed: 13 March 2008

For: "PRINCIPLES OF THE TRAN-ENERGY MACHINES"

SECOND PRELIMINARY AMENDMENT

Please amend the above-entitled application as set forth in **Attachment B**.

REMARKS

The claims have been amended to reduce the number of claims to twenty.

Claims 21, 22 & 31 are cancelled and claim 38, which is supported by claims 21, 22 & 31, is added hereby.

Early and favorable action on the merits of the amended claims is respectfully requested.

Respectfully submitted,
DANN, DORFMAN, HERRELL AND SKILLMAN
Attorneys for Applicant

By: _____
Henry H. Skillman
Reg. No. 17,352

Telephone: (215) 563-4100

Enc. Attachment B

1-15. **(Canceled)**

16. **(Previously Presented)** Electric energy converter for an electric activation source having a positive and a negative pole, and adapted to be connected to a plurality of external loads, at least one of said external loads being connected to the converter by a voltage regulator, comprising:

a magnetic core;

a primary winding, wound around the magnetic core;

a first rectifier bridge coupled to the primary winding in such orientation that a voltage induced in the primary winding is rectified by the first rectifier bridge;

a first activation switch connecting a first end of the primary winding to the positive pole of the electric activation source via a diode;

a second activation switch connecting a second end of the primary winding to the negative pole of the electric activation source;

a second winding, wrapped around the primary winding;

a second rectifier bridge coupled to the secondary winding in such orientation that a voltage induced in the second secondary winding is rectified by the second rectifier bridge;

a first output switch coupling the rectified voltage induced in the primary winding to the first of said external loads;

a second output switch coupling the rectified voltage induced in the secondary winding to the voltage regulator connecting a second of said external loads to the converter;

a first inductive coil wrapped around the magnetic core;

a third rectifier bridge coupled to the first inductive coil, in such an orientation that a voltage induced in the first inductive coil is rectified by the third rectifier bridge;

a third output switch, for connecting the rectified voltage induced in the first inductive coil to the voltage regulator connecting a third of said external loads to the converter;

a plurality of permanent magnets, movably arranged with respect to the magnetic core, for inducing an alternative magnetic field within the magnetic core upon movement of the permanent magnets.

17. **(Previously Presented)** The electric energy converted according to claim 16, including means to couple the voltage induced in the primary winding to the positive pole of the electric activation source.

18. **(Previously Presented)** The electric energy converted according to claim 17, including means to couple the voltage induced in the primary winding to the positive pole of the electric activation source by the first output switch.

19. **(Previously Presented)** The electric energy converter according to claim 16, wherein the first of said external loads is a first voltage regulator with a first electrical load.

20. **(Previously Presented)** The electric energy converter according to claim 16, wherein the first of said external loads is a battery block.

21-22. **(Canceled)**

23. **(Previously Presented)** The electric energy converter according to claim 16, further comprising a control circuit providing the primary winding with a pulsed voltage to change the flow of the magnetic field in the magnetic circuit of the core.

24. **(Previously Presented)** The electric energy converter according to claim 23 further comprising a timer control controlling the pulse voltage, wherein the length of the pulsed voltage is shorter than five times the inductance of the primary winding, divided by the resistance of the primary winding.

25. **(Previously Presented)** The electric energy converter according to claim 23, wherein said control circuit is oriented so that the pulse attracts and repels at least one of the plurality of permanent magnets producing kinetic energy, and blocks a normal magnetic flux of the permanent magnet in the core magnetic circuit.

26. **(Previously Presented)** The electric energy converter according to claim 23 further comprising a storage unit for storing energy when the magnetic field in the magnetic core changes due to the moving permanent magnet.

27. **(Previously Presented)** The electric energy converter according to claim 23, wherein the activated primary winding is oriented to block the flow of magnetic flux of the permanent magnet.

28. **(Previously Presented)** The electric energy converter according to claim 16, including means to convert the moving permanent magnets attracting or repelling magnetic fields to kinetic energy.

29. **(Previously Presented)** The electric energy converter according to claim 23 further comprising a position sensor for determining a switching pattern of the activation switches based on the moving permanent magnets.

30. **(Previously Presented)** The electric energy converter according to claim 23, including an ionizer between the poles of said activation source wherein the control circuit pulsed voltage is oriented to change magnetic poles of the activated coils, and change direction of ejected ions from said ionizer.

31. **(Canceled)**

32. **(Previously Presented)** An energy conversion device for an electric activation source adapted to be connected to a plurality of external loads, comprising:

at least one magnetic core assimilating a flux line emitted by a permanent magnet in a magnetic circuit;

a plurality of inductive coils disposed on said magnetic core;

a plurality of activation windings disposed on said magnetic core redirecting the flow of magnetic flux lines;

a plurality of switches for progressively electrically activating and deactivating said activation windings;

a plurality of rectifier bridges redirecting the inductive coils and activation windings voltage from a first path to a second path to obtain rectified voltages;

a plurality of output switches for connecting the rectified voltages to one of the external loads;

a plurality of permanent magnets, having spaced-apart poles of opposite polarity, movably arranged with respect to the magnetic core, for inducing an alternating magnetic field within the core upon movement of the permanent magnets; and

wherein activating and deactivating the windings attracts or repels the permanent magnets generating kinetic energy.

33. **(Previously Presented)** The energy conversion device in claim 32 including a rotor, wherein the plurality of moving permanent magnets is disposed on said rotor and angularly spaced therearound.

34. **(Previously Presented)** The energy conversion device in claim 32, further comprising a plurality of position sensor for determining switching pattern of the activation switches based on the moving permanent magnets.

35. **(Previously Presented)** An method for energy conversion comprising the steps of:

providing an energy converter according to claim 23;

activating and deactivating the primary winding wound around a magnetic core with the first and second activation switches;

wrapping the secondary winding around the primary winding and producing a winding induced voltage;

wrapping at least one inductive coil around the magnetic core and producing a coil induced voltage;

rectifying the windings and coil induced voltage with the rectifier bridge;

coupling at least one output switch to the windings and the coil rectified voltage to the voltage regulator and the external load for storage;

wherein the first and second activation switches are connected to opposite ends of the primary winding electrical path, so that the activating and deactivating generates induced voltage through the secondary winding and inductive coil.

36. **(Previously Presented)** The method for energy conversion in claim 35, further comprising the steps of:

providing a rotor;

disposing a plurality of moving permanent magnets on the rotor angularly spaced there around;

providing a sensor for determining the switching pattern of the actuation switches resulting from the movement of the moving permanent magnets; and

activating and deactivating the switches to attract and repel the plurality of moving permanent magnets, generating kinetic energy.

37. **(Previously Presented)** The method for energy conversion in claim 35, further comprising determining a switching pattern of the activation switches based on a position sensor of the moving permanent magnets.

38. **(New)** The electric energy converter according to claim 16, wherein:

the magnetic core is separated by a core-separating device, or

the magnetic core includes at least one permanent magnet, or

the magnetic core is separated by a core-separating device and the core separating device includes at least one permanent magnet.

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/810,529	06/25/2010	Cong Toan Tran	5020-P05010US00	7345

110 7590 12/08/2010
DANN, DORFMAN, HERRELL & SKILLMAN
1601 MARKET STREET
SUITE 2400
PHILADELPHIA, PA 19103-2307

EXAMINER

ART UNIT	PAPER NUMBER
2836	

MAIL DATE	DELIVERY MODE
12/08/2010	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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DANN, DORFMAN, HERRELL & SKILLMAN
1601 MARKET STREET
SUITE 2400
PHILADELPHIA PA 19103-2307

In re Application of	:	
Cong Toan TRAN	:	DECISION ON PETITION
Application No. 12/810,529	:	TO MAKE SPECIAL UNDER
Filed: June 25, 2010	:	THE GREEN TECHNOLOGY
Attorney Docket No. 5020-P05010US00	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed 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 **DISMISSED**.

If reconsideration of this decision is desired, a petition for reconsideration must be filed within ONE (1) MONTH OR THIRTY (30) DAYS from the mail date of this decision, whichever is longer. No extension of this time limit can be granted under 37 CFR 1.136(a) or (b). The petition for reconsideration should include an exhaustive attempt to provide the lacking item(s) noted below, since, after a decision on the petition for reconsideration, no further reconsideration or review of the matter will be undertaken by the Director.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications and be filed prior to the date of the notice, December 8, 2009.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the

Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The petition lacks item 4.

In regard to item 4, the disclosure is not clear how the claimed invention contributes to energy conservation. Applicant should keep I mind that the materiality standard does not permit an applicant to speculate as to how a hypothetical end-user might specially apply the invention in a manner that could contribute to energy conservation.

Any reconsideration of this decision should be submitted through the USPTO electronic filing system, EFS-Web, and selecting the document description of "Petition for Green Tech Pilot" on the EFS-Web screen.

Telephone inquiries concerning this decision should be directed to Lee W. Young at 571-272-4549.

The application is being forwarded to the Technology Center Art Unit 2836 for action in its regular turn.

Lee W. Young
Quality Assurance Specialist
Technology Center 2800

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THE WEBB LAW FIRM
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Pittsburgh, PA 15219

MAILED

APR 15 2011

PCT LEGAL ADMINISTRATION

In re Application of
TOMODA *et al*
U.S. Application No.: 12/810,545
PCT No.: PCT/JP2008/073501
Int. Filing Date: 17 December 2008
Priority Date: 25 December 2007
Attorney's Docket No.: 0149-101893
For: MODULATORS OF METABOLISM AND THE TREATMENT OF DISORDERS RELATED THERETO

DECISION

This is a decision on the petition under 37 CFR 1.497(d) to delete an inventor filed in the above-captioned application on 17 February 2011.

BACKGROUND

On 26 July 2010, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US) (Form PCT/DO/EO/905) indicating that additional fees and an oath or declaration in compliance with 37 CFR 1.497(a) and (b) was required. Applicants were given two months to respond with extensions of time available under 37 CFR 1.136(a).

On 17 February 2011, applicants submitted an executed declaration which was accompanied by, *inter alia*, the subject petition; a statement by the inventor being removed; a consent statement by the assignee; a five-month extension and fee; additional fees; and a statement under 37 CFR 3.73(b).

DISCUSSION

Applicants request to remove Lawrence Lee RUDEL as an inventor in the above-captioned national stage application.

37 CFR 1.497(d) applies when the inventorship in a national stage application filed under 35 U.S.C. 371 differs from that set forth in the international application (see 37 CFR 1.48(f)(1)).

37 CFR 1.497(d) states, in part:

(d) If the oath or declaration filed pursuant to 35 U.S.C. 371(c)(4) and this section names an inventive entity different from the inventive entity set forth in the international application, the oath or declaration must be accompanied by:

(1) A statement from each person being . . . deleted as an inventor that any error in inventorship in the international application occurred without deceptive intention on his or her part;

(2) The processing fee set forth in § 1.17(l); and

(3) If an assignment has been executed by any of the original named inventors, the written consent of the assignees.

Applicants filed the requisite statement from the inventor being removed. The processing fee of $130.00 has been paid. Applicants also submitted the written consent of the assignee, The Kitasato Institute. This document was signed by the Chairman of the Board of Trustees who is presumed to have the authority to sign on behalf of the assignee. *See* § 324 MPEP. A statement under 37 CFR 3.73(b) was also provided indicating that an assignment was concurrently being submitted for recordation. A review of the subject application verifies that an assignment to The Kitasato Institute was recorded on 17 February 2011.

Therefore, all the requirements of 37 CFR 1.497(d) are complete.

CONCLUSION

Applicants' request to remove Lawrence Lee RUDEL as an inventor in the above-captioned application is **GRANTED**.

Accordingly, the declaration filed with the subject petition is in compliance with 37 CFR 1.497(a) and (b).

This application is being forwarded to the United States Designated/Elected Office for further processing in accordance with this decision.

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

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GRAND RAPIDS MI 49546

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JAN 06 2011

PCT LEGAL ADMINISTRATION

In re Application of	:	DECISION ON
Philip Renwell STEELE	:	
Application No.: 12/810,551	:	
PCT No.: PCT/CA07/02372	:	
Int. Filing Date: 27 December 2007	:	PETITION UNDER
Priority Date: NA	:	
Attorney's Docket No.: PER04 P-103	:	
For: POLICY-BASED COMMUNICATION SYSTEM	:	37 CFR 1.47(b)
AND METHOD	:	

This decision is in response to petitioner's "Petition For Filing by Assignee," which is being treated as a "Petition Under 37 CFR 1.47(b)" filed on 29 October 2010, requesting the acceptance of the application without the signature of the sole-inventor, Philip Renwell STEELE.. Petitioner has paid the **$200** petition fee by credit card.

BACKGROUND

On 27 December 2007, applicant filed international application PCT/CA2007/02372.

On 25 June 2010, petitioner filed via EFS-WEB entry into the national stage in the United States, which was accompanied by, inter alia,: the requisite basic national fee as required by 35 U.S.C. 371(c)(1). However, no executed declaration or oath was submitted at such time.

On 30 July 2010, the United States Designated/Elected Office mailed a Notification of Missing Requirements under 35 U.S.C. 371 indicating that "the oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date... is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68." The notification set two months from the date of this notice or 22 months from the priority date for the application, whichever is later. Failure to properly respond will result in abandonment."

On 29 October 2010, petitioner filed a petition under 37 CFR 1.47(b), *inter alia*, affidavits from Andrew Currier, Christian Paesch and an executed declaration without the signature of the sole inventor STEELE.

DISCUSSION

A petition under 37 CFR 1.47(b) must be accompanied by (1) the fee under 37 CFR 1.17(g), (2) factual proof that the inventor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the inventor, (4) an oath or declaration by the 37 CFR 1.47(b) applicant on behalf of and as agent for the non-signing inventor, (5) proof that the 37 CFR 1.47(b) applicant has sufficient proprietary interest in the application, and (6) a showing that such action is necessary to preserve the rights of the parties or to prevent irreparable damage.

Applicant has satisfied items (1), (3)-(4), and (6) but not items (2) and (5) thus not completing the requirements under 37 CFR 1.47(b).

Petitioner has satisfied item (1) since the petition fee has been provided by credit card.

Regarding item (2), Although a complete set of the application papers were mailed to Mr. Steele on August 10, 2010, and it was delivered on August 12, 2010 as shown by the Federal Express Tracking information. However, it is unclear if it was actually received by him as the Federal Express Tracking information does not show it was signed by someone as the information next to "sign for by" has ".FDX RLS FT DR." Also, when Christian Paesch went to Mr. Steele's last known address on September 24th, 2010 to deliver the declaration he was informed by the person at that residence that Mr. Steele does no longer reside there. As result, it appears that Mr. Steele has not received the application papers.

Where the Office is being asked to accept the silence of the nonsigning inventor as evidence of a refusal to sign, petitioner must provide some evidence that the application materials have been received by the nonsigning applicants. Absent further firsthand evidence that the application and request for signature were received by the nonsigning inventors, item (2) cannot be considered satisfied.

Because it appears that Mr. Steele has moved and does not reside in his last known address, then petitioner is under an obligation to try to find or reach him. Where there is an inability to find or reach a joint inventor "after diligent effort, " petitioner may file a statement of facts that fully describes the exact facts which are relied on to establish that a diligent effort was made under 37 CFR 1.47.

Consequently, the petition does not include sufficient factual proof that Mr. Steele refuses to sign the required papers.

Regarding item (3), applicant has stated the last known address of the inventor:

Philip Renwell Steele
5537 Fourth Line
Hillsburgh, Ontario
NOB 1ZO Canada

Regarding item (4) a declaration has been provided which is executed by Mr. Peter Bormann, General Counsel, RedKnee Inc, signing on behalf of the corporation for the non-signing sole inventor, Mr. Steele. The declaration, however, is improper because the title of Mr. Bormann as general counsel is not recognized as one who has apparent authority to bind the corporation so as to sign on behalf of the corporation. Note MPEP 1820.

Regarding item (6) applicant has presented an adequate showing that the granting of this petition is necessary to preserve the rights of the parties or to prevent irreparable damage.

Regarding item (5) applicant has submitted proof that applicant has sufficient proprietary interest in the application. A copy of the assignment has been provided. Petitioner has established petitioner's right to take action under 37 CFR §3.73(b).

Accordingly, it is not appropriate to accord the national stage application status under 37 CFR 1.47(b) at this time.

CONCLUSION

The petition under 37 CFR 1.47(b) is **DISMISSED** without prejudice.

If reconsideration on the merits of this petition is desired, a proper response must be filed within TWO (2) MONTHS from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(b)." No additional petition fee is required. Extensions of time may be obtained under 37 CFR 1.136(a).

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

Rafael Bacares
PCT Legal Examiner
PCT Legal Office
Telephone: (571) 272-3276
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PCT LEGAL ADMINISTRATION

VAN DYKE, GARDNER, LINN & BURKHART, LLP
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2851 CHARLEVOIX DRIVE, S.E.
GRAND RAPIDS MI 49546

In re Application of	:	DECISION ON RENEWED
Philip Renwell STEELE	:	
Application No.: 12/810,551	:	
PCT No.: PCT/CA07/02372	:	
Int. Filing Date: 27 December 2007	:	PETITION UNDER
Priority Date: NA	:	
Attorney's Docket No.: PER04 P-103	:	
For: POLICY-BASED COMMUNICATION SYSTEM	:	37 CFR 1.47(b)
AND METHOD	:	

This decision is in response to applicant's "RENEWED PETITION UNDER 37 CFR 1.47(b)" filed on 04 March 2011 that seeks the acceptance of the application without the signature of sole inventor Philip Renwell Steele.

BACKGROUND

In a decision from this Office on 06 January 2011, the petition filed on 29 October 2010 was dismissed because 37 CFR 1.47(b) applicant did not satisfy items (2) and (5) under 37 CFR 1.47(b).

On 04 March 2011, applicant filed a renewed petition which includes, inter alia, a statement from Andrew Currier and documentary evidence to support applicant's assertion that the application papers were sent to the non-signing inventor Philip Steele and that he refused to sign the required papers as evidenced by his email.

DISCUSSION

A petition under 37 CFR 1.47(b) must be accompanied by (1) the fee under 37 CFR 1.17(g), (2) factual proof that the inventor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the inventor, (4) an oath or declaration by the 37 CFR 1.47(b) applicant on behalf of and as agent for the non-signing inventor, (5) proof that the 37 CFR 1.47(b) applicant has sufficient proprietary interest in the application, and (6) a showing that such action is necessary to preserve the rights of the parties or to prevent irreparable damage.

Petitioner has now satisfied requirements (2) and (5) of 37 CFR 1.47(b), thus completing the requirements under 37 CFR 1.47(b).

Regarding requirement (2), petitioner has provided a declaration of Andrew Currier who has first hand knowledge that the a copy of the application papers were email to Mr. Steele on February 3, 2011 at his email address and then Mr. Currier follow up on February 9, 2011 in which in Mr. Steele responded on February 28, 2011 that he was not willing to sign the papers.

Regarding item (5), 1.47(b) applicant has submitted proof that applicant has sufficient proprietary interest in the application because the assignee has filed in the requisite papers establishing its right to take action under 37 CFR §3.73(b) as the executed assignment as been recorded at Reel No. 024594/Frame No. 0893.

Accordingly, it is appropriate to accord the national stage application status under 37 CFR 1.47(b) at this time.

CONCLUSION

The renewed petition under 37 CFR 1.47(b) is **GRANTED**.

As provided in 37 CFR 1.47(b), a notice of the filing of this application will be forwarded to the non-signing inventor at his last known address of record.

A notice of the filing of the application under 37 CFR 1.47(b) will be published in the Official Gazette.

This application is being returned to the United States Designated/Elected Office (DO/EO/US) to continue national stage processing of the application.

Rafael Bacares
PCT Legal Examiner
PCT Legal Office
Telephone: (571) 272-3276
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Philip Renwell Steele
5537 Fourth Line
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NOB 1ZO Canada

MAILED
MAY 05 2011
PCT LEGAL ADMINISTRATION

In re Application of
Philip Renwell STEELE
Application No.: 12/810,551
PCT No.: PCT/CA07/02372
Int. Filing Date: 27 December 2007
Priority Date: NA
Attorney's Docket No.: PER04 P-103
For: POLICY-BASED COMMUNICATION SYSTEM AND METHOD

Dear Mr. Steele:

You are named as an inventor in the above identified United States patent application, filed under the provisions of 37 CFR 1.47(b) and 35 U.S.C. 118. Should a patent be granted, you will be designated as an inventor.

As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. If you care to join in the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Rafael Bacares
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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.
12/810,557	09/17/2010	Yoshiaki Takaya	OKUDA-001-US	7564

62008 7590 07/12/2011
MAIER & MAIER, PLLC
1000 DUKE STREET
ALEXANDRIA, VA 22314

EXAMINER
PIERY, MICHAEL T

ART UNIT	PAPER NUMBER
1742	

MAIL DATE	DELIVERY MODE
07/12/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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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July 12, 2011 BC

In re application of	:	DECISION ON REQUEST TO
TAKAYA, YOSHIAKI et al.	:	PARTICIPATE IN PATENT
Serial No. 12/810,557	:	PROSECUTION HIGHWAY
Filed: June 25, 2010	:	PROGRAM AND
For: IMPRINTING DEVICE AND	:	PETITION TO MAKE SPECIAL
IMPRINTING METHOD	:	UNDER 37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a) to make the above-identified application special filed February 15, 2011.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO, note where the JPO application with similar claims is not the same application from which the U.S. application claims priority that the applicant must identify the relationship between the JPO application with similar claims and the JPO priority application;

(2) Applicant must submit a copy of:
   a. The allowable/patentable claim(s) from the JPO application(s) or if a copy of the allowable/patentable claims is available via the Dossier Access System (DAS) applicant may request the USPTO to obtain a copy from DAS; however, if the USPTO is unable to obtain a copy from the DAS, the applicant will be required to submit a copy;
   b. An English translation of the allowable/ patentable claim(s), if applicable; and
   c. A statement that the English translation is accurate, if applicable;

(3) Applicant must:
   a. Ensure all the independent claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s); and
   b. Submit a claims correspondence table in English;

(4) Examination of the U.S. application has not begun;

(5) Applicant must submit:

a. Documentation of prior office action:
   i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claims(s) or
   ii. if the allowable/patentable claim(s) are from "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
   iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form;
   Further, if a copy of the documents from (i) or (ii) is available via the Dossier Access System (DAS), applicant may request the USPO obtain a copy from the DAS; however, if the USPTO is unable to obtain a copy of the DAS, the applicant will be required to submit a copy; and
b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above if applicable; and

(6) Applicant must submit:

a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application)
b. Copies of documents except U.S. patents or U.S. patent application publications (unless already submitted in this application).

The request to participate in the PPH program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

Any inquiry regarding this decision should be directed to Blaine Copenheaver, Quality Assurance Specialist, at (571) 272-1156.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc/index.html.

/Blaine Copenheaver/

Blaine Copenheaver
Quality Assurance Specialist
Technology Center 1700

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JAN 14 2011

PCT LEGAL ADMINISTRATION

In re Application of	:	DECISION ON
BRAJE et al	:	
Application No.: 12/810,561	:	
PCT No.: PCT/EP2008/068254	:	
Int. Filing Date: 23 December 2008	:	PAPERS FILED
Priority Date: 27 December 2007	:	
Attorney's Docket No.: 8892US01	:	
For: SUBSTITUTED OXINDOLE...	:	
OF VASOPRESSIN	:	UNDER 37 CFR 1.42

This is a decision on the declaration filed 16 November 2010, which has been treated as a request for status under 37 CFR 1.42.

BACKGROUND

On 25 June 2010, applicants filed a transmittal letter for entry into the national stage in the United States which was accompanied by, inter alia, the requisite basic national fee as required by 35 U.S.C. 371(c)(1). However, no executed declaration was submitted at such time.

On 02 August 2010, the United States Designated/Elected Office (DO/EO/US) mailed a "NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)" (Form PCT/DO/EO/905) which informed applicant, inter alia, that an "Oath or Declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date." It also stated that items set forth above must be submitted within two months from date of mailing or by 32 months from the priority date, whichever is later. Failure to properly respond will result in abandonment."

On 16 November 2010, applicants submitted a "RESPONSE TO NOTICE OF MISSING REQUIREMENTS UNDER 35 USC 371," which included executed declaration which is signed, *inter alia*, by Andrea Hager-Wernet as legal representatives of the deceased joint inventor Wolfgang Wernet.

DISCUSSION

The executed declaration submitted is signed by Andrea Hager-Wernet as legal representatives of the deceased joint inventor Wolfgang Wernet and it satisfies the requirements under 37 CFR 1.42.

Accordingly, the requirements under 37 CFR 1.42 are satisfied and the declaration is acceptable at this time.

CONCLUSION

The submission filed under 37 CFR 1.42 is **ACCEPTED**.

The application is being returned to the United States Designated/Elected Office (DO/EO/US) for processing in accordance with this decision.

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MINNEAPOLIS MN 55458-1336

MAILED
JAN 13 2011
PCT LEGAL ADMINISTRATION

In re Application of	:	DECISION ON
JUNEK et al	:	
Application No.: 12/810,591	:	
PCT No.: PCT/US2009/030216	:	
Int. Filing Date: 06 January 2009	:	PETITION UNDER
Priority Date: 07 January 2008	:	
Attorney's Docket No.: 363.00010101	:	
For: ANIMAL TAG METHOD FOR MAKING	:	
ONE	:	37 CFR 1.47(a)

This is in response to the "PETITION UNDER 37 CFR 1.47(a)" filed on 09 November 2010. The petition fee of $200.00 has been charged to Deposit Account No. 13-4895.

BACKGROUND

On 06 January 2009, applicants filed international application PCT/US2009/030216, which claimed priority to an earlier application filed 07 January 2008.

On 26 June 2010, applicants filed a transmittal letter for entry into the national stage in the U.S. under 35 U.SC. 371, which was accompanied by, inter alia, the U.S. basic national fee. No executed oath or declaration accompanied the above the above papers.

On 11 August 2011, the United States Designated/Elected Office (DO/EO/US) mailed a "NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)" (Form PCT/DO/EO/905) which informed applicant, inter alia, that an "Oath or Declaration of the inventors, in compliance with 37 CFR 1.497(a), and (b), identifying the application by International application number and international filing date" must be submitted within two (2) months from the date of this notice or by 32 months from the priority date for the application, whichever is later, in order to avoid abandonment of the national stage application.

On 09 November 2010, applicants filed a "RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS," which included, *inter alia*, a petition under 37 CFR 1.47, an executed declaration without the signature of Doran L. Junek, and declaration by Mary Bo Baarsch..

DISCUSSION

A petition under 37 CFR 1.47(a) must be accompanied by (1) the fee under 37 CFR 1.17(g), (2) factual proof that the missing joint inventor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the missing inventor, and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and on behalf of the non-signing joint inventor.

Furthermore, section 409.03(d) of the Manual of Patent Examining Procedure (M.P.E.P.) **Proof of Unavailability or Refusal**, the relevant sections states, in part:

REFUSAL TO JOIN:

A refusal by an inventor to sign an oath or declaration when the inventor has not been presented with the application papers does not itself suggest that the inventor is refusing to join the application unless it is clear that the inventor understands exactly what he or she is being asked to sign and refuses to accept the application papers. A copy of the application papers should be sent to the last known address of the nonsigning inventor, or, if the nonsigning inventor is represented by counsel, to the address of the nonsigning inventor's attorney. The fact that an application may contain proprietary information does not relieve the **37 CFR 1.47** applicant of the responsibility to present the application papers to the inventor if the inventor is willing to receive the papers in order to sign the oath or declaration. It is noted that the inventor may obtain a complete copy of the application, unless the inventor has assigned his or her interest in the application, and the assignee has requested that the inventor not be permitted access. See **MPEP § 106**. It is reasonable to require that the inventor be presented with the application papers before a petition under **37 CFR 1.47** is granted since such a procedure ensures that the inventor is apprised of the application to which the oath or declaration is directed. *In re Gray*, 115 USPQ 80 (Comm'r Pat. 1956).

Where a refusal of the inventor to sign the application papers is alleged, the circumstances of the presentation of the application papers and of the refusal must be specified in a statement of facts by the person who presented the inventor with the application papers and/or to whom the refusal was made. Statements by a party not present when an oral refusal is made will not be accepted.

Proof that a *bona fide* attempt was made to present a copy of the application papers (specification, including claims, drawings, and oath or declaration) to the nonsigning inventor for signature, but the inventor refused to accept delivery of the papers or expressly stated that the

application papers should not be sent, may be sufficient. When there is an express oral refusal, that fact along with the time and place of the refusal must be stated in the statement of facts. When there is an express written refusal, a copy of the document evidencing that refusal must be made part of the statement of facts. The document may be redacted to remove material not related to the inventor's reasons for refusal.

When it is concluded by the **37 CFR 1.47** applicant that a nonsigning inventor's conduct constitutes a refusal, all facts upon which that conclusion is based should be stated in the statement of facts in support of the petition or directly in the petition. If there is documentary evidence to support facts alleged in the petition or in any statement of facts, such evidence should be submitted. Whenever a nonsigning inventor gives a reason for refusing to sign the application oath or declaration, that reason should be stated in the petition.

Petitioner has satisfied requirements (1), (2) - (4) of 37 CFR 1.47(a) but not item (3) under 37 CFR 1.47(a).

Regarding requirement (1), petitioner has provided the fee under 37 CFR 1.17(g).

Regarding requirement (2), the averments of Mary Jo Baarsch are sufficient to support a finding that the nonsigning inventor, Junek, refuses to sign because a copy of the patent application and declaration were sent to him on October 7, 2010 and it was received by him on October 9, 2010. The evidence of the receipt has been provided (Exhibit B).

Regarding requirement (3), petitioner has not provided an affirmative statement of the last known address of the nonsigning joint inventor Junek in the petition.

Regarding requirement (4), petitioner has provided an executed declaration signed by Mr. Williams on his behalf and on the behalf of the nonsigning joint inventor Junek.

Consequently, the petition has not met all the items under 37 CFR 1.47(a).

DECISION

The petition under 37 CFR 1.47(a) is **DISMISSED** without prejudice.

If reconsideration of the merits of the petition under 37 CFR 1.47(a) is desired, applicant must file a request for reconsideration within **TWO (2) MONTHS** from the mail date of this Decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)." Extensions of time are available under 37 CFR 1.136(a). Failure to timely file the proper response will result in ABANDONMENT.

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

Rafael Bacares
PCT Legal Examiner
PCT Legal Office
Telephone: (571) 272-3276
Facsimile: (571) 273-6459

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MUETING, RAASCH & GEBHARDT, P.A.
P.O. BOX 581336
MINNEAPOLIS MN 55458-1336

MAILED
APR 12 2011
PCT LEGAL ADMINISTRATION

In re Application of	:	DECISION ON
JUNEK et al	:	
Application No.: 12/810,591	:	
PCT No.: PCT/US2009/030216	:	
Int. Filing Date: 06 January 2009	:	PETITION UNDER
Priority Date: 07 January 2008	:	
Attorney's Docket No.: 363.00010101	:	
For: ANIMAL TAG METHOD FOR MAKING	:	
ONE	:	37 CFR 1.47(a)

This is in response to the "RENEWED PETITION UNDER 37 C.F.R. §1.47(a)" filed on 14 February 2011.

BACKGROUND

In a decision from this Office on 13 January 2011, the initial petition under 37 CFR 1.47(a) was dismissed. The decision stated that item (3) had not been satisfied.

On 14 February 2011, petitioner submitted a "Renewed Petition Under 37 CFR 1.47(a)" requesting reconsideration of the Office's decision of 13 January 2011 with respect to accepting the above application without the signature of the nonsigning inventor. Filed with the renewed petition, *inter alia*, is the last known addresses of the nonsigning co-inventor, Doran L. Junek.

DISCUSSION

A petition under 37 CFR 1.47(a) must be accompanied by: (1) the fee under 37 CFR 1.17(g), (2) factual proof that the missing joint inventor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the missing inventor, and (4) an oath or declaration by the 37 CFR 1.47(a) applicant on his or her own behalf and on behalf of the non-signing joint inventor.

The renewed petition of 14 February 2014 has satisfied item (3) under 37 CFR 1.47(a). Thus satisfying all the requirements under 37 CFR 1.47(a).

Petitioner has provided the last known addresses of nonsigning co-inventor, Doran L. Junek.

Doran L. Junek
964 260 Road
Cuba, KS 66940

Petitioner has now satisfied items (1), (2), (3), and (4) under 37 CFR 1.47(a), thus completing the requirements under 37 CFR 1.47(a).

CONCLUSION

The petition under 37 CFR 1.47(a) is **GRANTED**.

As provided in 37 CFR 1.47(a), a notice of the filing of this application will be forwarded to the non-signing inventor at his last known address of record.

A notice of the filing of the application under 37 CFR 1.47(a) will be published in the Official Gazette.

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for continued processing under 35 U.S.C. 371.

Rafael Bacares
PCT Legal Examiner
PCT Legal Office
Telephone: (571) 272-6312
Facsimile: (571) 273-0459

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Doran L. Junek
964 260 Road
Cuba, KS 66940

MAILED
APR 12 2011
PCT LEGAL ADMINISTRATION

In re Application of
JUNEK et al
Application No.: 12/810,591
PCT No.: PCT/US2009/030216
Int. Filing Date: 06 January 2009
Priority Date: 07 January 2008
Attorney's Docket No.: 363.00010101
For: ANIMAL TAG METHOD FOR MAKING ONE

Dear: Junek,

You are named as an inventor in the above identified United States patent application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor.

As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. If you care to join in the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Rafael Bacares
PCT Legal Examiner
PCT Legal Office
Telephone: (571) 272-3276
Facsimile: (571) 273-0459

MUETING, RAASCH & GEBHARDT, P.A.
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Alston & Bird LLP
Bank of America Plaza
101 South Tryon Street, Suite 4000
Charlotte NC 28280-4000

MAILED

JAN 03 2011

PCT LEGAL ADMINISTRATION

In re Application of:
JONASSON et al.
Application No.: 12/810,602
PCT No.: PCT/SE2008/000007
Int. Filing Date: 03 January 2008
Priority Date: None
Attorney Docket No.: 053339/390903
For: METHOD AND APPARATUS FOR PRODUCING THREE-DIMENSIONAL OBJECTS

DECISION ON REQUEST

This decision is issued in response to applicants' "Petition to Correct Notice of Acceptance of Application under 35 U.S.C. 371 and 37 CFR 1.495" filed in the United States Patent and Trademark Office on 16 November 2010. Applicants request a corrected filing receipt which identifies the fifth inventor, Tomas Lock.

BACKGROUND

On 03 January 2008, applicants filed international application no. PCT/SE2008/000007. Subsequent to the filing of the international application, pursuant to PCT Rule 26ter, applicants filed therein a declaration of inventorship under PCT Rule 4.17(iv). This declaration was executed by four inventors: Daniel Jonasson; Morgan Larsson, Ulf Ackelid, and Anders Snis. Pursuant to 37 CFR 1.495, the thirty-month period for paying the basic national fee in the United States expired at midnight on 03 July 2010.

On 25 June 2010, applicants filed a transmittal letter for entry into the national stage in the United States of America. Filed with the transmittal letter were, inter alia: the requisite basic national fee; a preliminary amendment; and a copy of the international application. The declaration of inventorship under PCT Rule 4.17(iv) was forward to the United States Patent and Trademark from the International Bureau.

On 07 June 2010, the United States Designated/Elected Office (DO/EO/US) mailed a "NOTIFICATION OF ACCEPTANCE OF APPLICATION UNDER 35 U.S.C. 371 AND 37 CFR 1.494 OR 1.495" (Form PCT/DO/EO/903) and an Official Filing receipt for the above-identified application. The Official Filing Receipt identified four inventors: Daniel Jonasson; Morgan Larsson, Ulf Ackelid, and Anders Snis.

DISCUSSION

Applicants request a corrected Official Filing Receipt which identifies Tomas Lock as the fifth inventor for the above-identified application. Applicants have submitted a copy of the published international application which identifies: Daniel Jonasson; Morgan Larsson, Ulf Ackelid, Anders Snis, and Tomas Lock as applicant/inventors for international application PCT/SE2008/000007.[1] However, the declaration of inventorship under PCT Rule 4.17(iv) fails to identify Tomas Lock as an applicant/inventor. Further, a declaration executed by Tomas Lock has not been presented. Therefore, applicants' request is **DISMISSED** without prejudice for the reasons set forth below.

In general, the requirement for an oath or declaration in compliance with 37 CFR 1.497(a)-(b) will have been previously satisfied if a declaration in compliance with PCT Rule 4.17(iv) and executed by all the inventors was submitted within the time limits provided in PCT Rule 26ter.1 in the international phase. However, if the inventorship was changed in the international application under PCT Rule 92bis such that the inventorship identified in the PCT Rule 4.17(iv) declaration no longer corresponds to that of the international application (see 37 CFR 1.41(a)(4)), then a new oath or declaration in accordance with 37 CFR 1.497(a)-(b) will be required to enter the national stage. See 37 CFR 1.497(f)(2). Further, applicants must correct the inventorship pursuant to 37 CFR 1.497(d), which states the following:

> **(d) If the oath or declaration filed pursuant to 35 U.S.C. 371(c)(4) and this section names an inventive entity different from the inventive entity set forth in the international application, or if a change to the inventive entity has been effected under PCT Rule 92bis subsequent to the execution of any oath or declaration which was filed in the application under PCT Rule 4.17(iv) or this section and the inventive thus changed is different from the inventive entity identified in any such oath or declaration applicant must submit:**
>
> > (1) A statement from each person being added as an inventor and from each person being deleted as an inventor that any error in inventorship in the international application occurred without deceptive intention on his or her part;
> >
> > (2) The processing fee set forth in § 1.17; and
> >
> > (3) If an assignment has been executed by any of the original named inventors, the written consent of the assignees (see § 3.73(b) of this chapter).

[1]Subsequent to filing the international application, Tomas Lock was added as an applicant/inventor under PCT Rule 92bis.

(4) any new oath or declaration required by paragraph (f) of this subsection.

Applicants here have not submitted a request to correct inventorship under 37 CFR 1.497(d) to correct the inventorship of record. Further, the declaration is unacceptable under 37 CFR 1.497 for failure to properly identify the inventors of record herein. Accordingly, the Notification Of Acceptance (Form PCT/DO/EO/903) and filing receipt mailed 20 July 2010, based as they were on applicants' purported submission of an acceptable declaration under 37 CFR 1.497, are appropriately vacated.

CONCLUSION

Applicants' request for corrected filing receipt is **DISMISSED** without prejudice.

The Notification Of Acceptance (Form PCT/DO/EO/903) and filing receipt mailed 20 July 2010 are hereby **VACATED**.

The declaration of inventorship under PCT Rule 4.17(iv) is defective for failure to identify, and be executed by, the proper inventors of record herein.

A proper response must include a grantable request under 37 CFR 1.497(d) to correct the inventorship of record to correspond to the international application. A proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time may be obtained under 37 CFR 1.136(a).

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Tel: (571) 272-3298

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Alston & Bird LLP
Bank of America Plaza
101 South Tryon Street, Suite 4000
Charlotte NC 28280-4000

MAILED
AUG 30 2011
PCT LEGAL ADMINISTRATION

In re Application of:
JONASSON et al.
Application No.: 12/810,602
PCT No.: PCT/SE2008/000007
Int. Filing Date: 03 January 2008
Priority Date: None
Attorney Docket No.: 053339/390903
For: METHOD AND APPARATUS FOR PRODUCING THREE-DIMENSIONAL OBJECTS

DECISION ON REQUEST

This decision is issued in response to applicants' "Amendment, Petition and Fee to Correct and/or Add to Originally Named Inventor(s) (37 CFR 1.497(d))" filed in the United States Patent and Trademark Office on 23 June 2011.

BACKGROUND

On 03 January 2008, applicants filed international application no. PCT/SE2008/000007. Subsequent to the filing of the international application, pursuant to PCT Rule 26ter, applicants filed therein a declaration of inventorship under PCT Rule 4.17(iv). This declaration was executed by four inventors: Daniel Jonasson; Morgan Larsson, Ulf Ackelid, and Anders Snis. Pursuant to 37 CFR 1.495, the thirty-month period for paying the basic national fee in the United States expired at midnight on 03 July 2010.

On 25 June 2010, applicants filed a transmittal letter for entry into the national stage in the United States of America. Filed with the transmittal letter were, inter alia: the requisite basic national fee; a preliminary amendment; and a copy of the international application. The declaration of inventorship under PCT Rule 4.17(iv) was forward to the United States Patent and Trademark from the International Bureau.

On 20 July 2010, the United States Designated/Elected Office (DO/EO/US) mailed a "NOTIFICATION OF ACCEPTANCE OF APPLICATION UNDER 35 U.S.C. 371 AND 37 CFR 1.494 OR 1.495" (Form PCT/DO/EO/903) and an Official Filing receipt for the above-identified application. The Official Filing Receipt identified four inventors: Daniel Jonasson; Morgan Larsson, Ulf Ackelid, and Anders Snis.

DISCUSSION

As defined in 37 CFR 1.9(a)(3), a U.S. national stage application must first comply with the requirements of 35 U.S.C. 371(c) to constitute a "nonprovisional" application, therefore, applicant's request will be treated under 37 CFR 1.497(d). The published international application identified five applicants/inventors Daniel Jonasson; Morgan Larsson, Ulf Ackelid, Tomas Lock and Anders Snis for international application PCT/SE2008/000007.[1] The present submission seeks to correct the inventorship so as to add inventor Tomas Lock to the application. Where, as here, the inventorship in the national stage declaration is not consistent with the inventorship in the international application, applicants must correct the inventorship pursuant to 37 CFR 1.497(d), which states the following:

> (d) If the oath or declaration filed pursuant to 35 U.S.C. 371(c)(4) and this section names an inventive entity different from the inventive entity set forth in the international application, or if a change to the inventive entity has been effected under PCT Rule 92bis subsequent to the execution of any oath or declaration which was filed in the application under PCT Rule 4.17(iv) or this section and the inventive thus changed is different from the inventive entity identified in any such oath or declaration applicant must submit:
>
> > (1) A statement from each person being added as an inventor and from each person being deleted as an inventor that any error in inventorship in the international application occurred without deceptive intention on his or her part;
> >
> > (2) The processing fee set forth in § 1.17; and
> >
> > (3) If an assignment has been executed by any of the original named inventors, the written consent of the assignees (see § 3.73(b) of this chapter).
> >
> > (4) any new oath or declaration required by paragraph (f) of this subsection.

Applicant has submitted a statement from the persons being added (Tomas Lock) as an inventor in compliance with 37 CFR 1.497(d)(1). The $130 processing fee required

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[1]Subsequent to filing the international application, Tomas Lock was added as an applicant/inventor under PCT Rule 92bis. In general, the requirement for an oath or declaration in compliance with 37 CFR 1.497(a)-(b) will have been previously satisfied if a declaration in compliance with PCT Rule 4.17(iv) and executed by all the inventors was submitted within the time limits provided in PCT Rule 26ter.1 in the international phase. However, if the inventorship was changed in the international application under PCT Rule 92bis such that the inventorship identified in the PCT Rule 4.17(iv) declaration no longer corresponds to that of the international application (see 37 CFR 1.41(a)(4)), then a new oath or declaration in accordance with 37 CFR 1.497(a)-(b) will be required to enter the national stage. See 37 CFR 1.497(f)(2).

under 37 CFR 1.497(d)(2) has been submitted. Additionally, applicant has submitted a statement of consent by the assignee, in compliance with 37 CFR 1.497(d)(3) and 37 CFR 3.73. Lastly, applicant has submitted a declaration executed by the named inventors. Therefore, applicant's request to correct inventorship under 37 CFR 1.497(d) is granted.

CONCLUSION

The request under 37 CFR 1.497(d) is GRANTED.

Tomas Lock will be added as inventors herein.

The application is being returned to the United States Designated/Elected Office for further processing in accordance with this decision.

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Tel: (571) 272-3298

3 AUG 2010

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LUCAS & MERCANTI, LLP
475 Park Avenue South
New York NY 10016

In re Application of HAPP et al.	:	DECISION ON
Application No.: 12/810,603	:	
PCT No.: PCT/DE08/01864	:	PETITION UNDER
Int. Filing: 12 November 2008	:	
Priority Date: 01 December 2007	:	37 CFR 1.137(b)
Attorney Docket No.: INA-462	:	
For: CASSETTE SEAL AND WHEEL BEARING COMPRISING SAID CASSETTE SEAL	:	

The petition to revive under 37 CFR 1.137(b) filed 25 June 2010 in the above-captioned application is hereby **GRANTED** as follows:

Applicant's statement that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional" meets the requirements of 37 CFR 1.137(b)(3).

A review of the application file reveals that the basic national fee was provided. The required petition fee of $1620 was also paid. Thus, the requirements of 37 CFR 1.137(b) have been satisfied. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

This application is being forwarded to the United States Designated/Elected Office for further processing including issuance of a Notification of Missing Requirements indicating that an oath or declaration, executed by the inventors and in compliance with 37 CFR 1.497(a) and (b), and an English translation of the international application as filed, is required.

/Cynthia M. Kratz/
Cynthia M. Kratz
Attorney Advisor
PCT Legal Office
Office of PCT Legal Administration
Telephone: (571) 272-3286

03 SEP 2010

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SCHIFF HARDIN, LLP
PATENT DEPARTMENT
233 S. Wacker Drive-Suite 6600
CHICAGO IL 60606-6473

In re Application of JARL et al.	:	
Application No.: 12/810,613	:	DECISION ON
PCT No.: PCT/SE07/01123	:	
Int. Filing: 18 December 2007	:	PETITION TO REVIVE
Priority Date: None	:	
Attorney Docket No.: P10,0197	:	UNDER 37 CFR 1.137(b)
For: MEDICAL IMPLANTABLE LEAD AND METHOD	:	
FOR MANUFACTURING OF SUCH A LEAD	:	

The petition to revive under 37 CFR 1.137(b) filed 25 June 2010 in the above captioned application is hereby **GRANTED** as follows:

Applicant's statement that "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional" satisfies the requirement of 37 CFR 1.137(b)(3). The petition fee was paid.

Applicant submitted the basic national fee. Applicant also submitted the executed declaration, in compliance with 37 CFR 1.497.

This application is being referred to the National Stage Processing Branch of the Office of PCT Operations for further processing including issuance of a Notification of Missing Requirements indicating, *inter alia*, that the surcharge for filing the declaration after the thirty month period is required.

/Cynthia M. Kratz/

Cynthia M. Kratz

Attorney Advisor

PCT Legal Office

Office of PCT Legal Administration

Telephone: (571) 272-3286

UNITED STATES PATENT AND TRADEMARK OFFICE

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.
12/810,626	06/25/2010	Shinsuke Nii	360692US0PCT	8015

22850 7590 08/26/2011
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P.
1940 DUKE STREET
ALEXANDRIA, VA 22314

EXAMINER
WANG, CHUN CHENG

ART UNIT	PAPER NUMBER
1763	

NOTIFICATION DATE	DELIVERY MODE
08/26/2011	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):

patentdocket@oblon.com
oblonpat@oblon.com
jgardner@oblon.com

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8/26/11

BC

In re application of Shinsuke Nii et al. Serial No. 12/810,626 Filed: June 25, 2010 Attorney Docket No.: 360692US0PCT	: : : : : :	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 for reconsideration to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a) to make the above-identified application special filed July 30, 2010.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:
(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO, note where the JPO application with similar claims is not the same application from which the U.S. application claims priority that the applicant must identify the relationship between the JPO application with similar claims and the JPO priority application;

(2) Applicant must submit a copy of:
a. The allowable/patentable claim(s) from the JPO application(s) or if a copy of the allowable/patentable claims is available via the Dossier Access System (DAS) applicant may request the USPTO to obtain a copy from DAS; however, if the USPTO is unable to obtain a copy from the DAS, the applicant will be required to submit a copy;
b. An English translation of the allowable/ patentable claim(s), if applicable; and
c. A statement that the English translation is accurate, if applicable;

(3) Applicant must:
a. Ensure all the independent claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s); and
b. Submit a claims correspondence table in English;

(4) Examination of the U.S. application has not begun;

(5) Applicant must submit:
a. Documentation of prior office action:

i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claims(s) or
ii. if the allowable/patentable claim(s) are from "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form;
Further, if a copy of the documents from (i) or (ii) is available via the Dossier Access System (DAS), applicant may request the USPO obtain a copy from the DAS; however, if the USPTO is unable to obtain a copy of the DAS, the applicant will be required to submit a copy; and

b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above if applicable; and

(6) Applicant must submit:

a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application)
b. Copies of documents except U.S. patents or U.S. patent application publications (unless already submitted in this application).

The request to participate in the PPH program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

Any inquiry regarding this decision should be directed to Blaine Copenheaver, Quality Assurance Specialist, at (571) 272-1156.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc/index.html.

/Blaine Copenheaver/

Blaine Copenheaver
Quality Assurance Specialist
Technology Center 1700

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AUG 18 2011
PCT LEGAL ADMINISTRATION

IP GROUP OF DLA PIPER LLP (US)
ONE LIBERTY PLACE
1650 MARKET ST, SUITE 4900
PHILADELPHIA PA 19103

In re Application of	:	
ODERMATT et al.	:	
Application No.: 12/810,649	:	DECISION
PCT No.: PCT/EP2009/007949	:	
Int. Filing Date: 06 November 2009	:	
Priority Date: 06 November 2008	:	
Attorney's Docket No.: RUF-10-1239	:	
For: MEDICAL PRODUCT, IN PARTICULAR	:	
FOR MANAGEMENT OF TISSUE REPAIR	:	

This decision is in response to applicants' submission filed 09 February 2011, which has properly been treated as a petition under 37 CFR 1.181. No petition fee is required.

BACKGROUND

On 06 November 2009, applicants filed international application PCT/EP2009/007949, which designated the United States and claimed a priority date of 06 November 2008. The thirty-month period for paying the basic national fee in the United States expired at midnight on 06 May 2011.

On 25 June 2010, applicants filed a transmittal letter for entry into the national stage in the United States accompanied by, *inter alia*, the basic national fee.

On 09 November 2010, the United States Designated/Elected Office (DO/EO/US) issued a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating, *inter alia*, that an oath or declaration of the inventors in compliance with 37 CFR 1.497(a)-(b) was required.

On 01 December 2010, applicants filed a submission including a declaration of inventors.

On 21 December 2010, the DO/EO/US mailed a NOTIFICATION OF DEFECTIVE RESPONSE (Form PCT/DO/EO/916) indicating, *inter alia*, that the declaration of inventors filed 01 December 2010 was not in compliance with 37 CFR 1.497(a)-(b) because the inventors

indicated on the declaration were different than the inventors indicated on the published international application.

On 09 February 2011, applicants filed the instant submission which has properly been treated as a petition under 37 CFR 1.181.

DISCUSSION

37 CFR 1.41(a)(4) states:

> The inventorship of an international application entering the national stage under 35 U.S.C. 371 is that inventorship set forth in the international application, which includes any change effected under PCT Rule 92bis. See § 1.497(d) and (f) for filing an oath or declaration naming an inventive entity different from the inventive entity named in the international application, or if a change to the inventive entity has been effected under PCT Rule 92bis subsequent to the execution of any declaration filed under PCT Rule 4.17(iv) (§ 1.48(f)(1) does not apply to an international application entering the national stage under 35 U.S.C. 371).

The declaration filed 01 December 2010 does not list the inventorship set forth in the international application. The declaration lists four inventors. However, only one of these inventors is indicated on the published international application. A Form PCT/IB/306 does not appear in the file for any of the inventors listed on either the declaration or on the published international application. Nor is there any other indication that a PCT Rule 92bis change has been made in the above-identified international application. Accordingly, the inventorship in the national stage is the inventorship set forth in the international application and the declaration filed 01 December 2010 is not sufficient.

The petition states that the inventors listed on the declaration are different than those listed on the published international application because of differences in the claimed subject matter. As noted in 37 CFR 1.41(a)(4), 37 CFR 1.48(f)(1) does not apply to a national stage application. Additionally, petitions under 37 CFR 1.48(b) and 1.48(c) will be considered in a national stage application only after a declaration listing only the inventors in the international application and executed by these inventors is submitted. (Regarding 37 CFR 1.497(d), it is essentially the national stage equivalent of 37 CFR 1.48(a) which is directed to applications filed under 35 U.S.C. 111(a).)

CONCLUSION

For the reasons set forth above, the petition under 37 CFR 1.181 is **DISMISSED** without prejudice.

Applicants are required to file a declaration in compliance with 37 CFR 1.497(a)-(b) naming the proper inventive entity, or a proper change of inventorship under 37 CFR 1.497(d), or a Form PCT/IB/306 indicating changes effected under PCT Rule 92bis corresponding to the declaration filed 01 December 2010, within TWO (2) MONTHS from the date of mailing of this decision. Extensions of time may be obtained under 37 CFR 1.136(a). Failure to timely file a proper reply will result in abandonment of the application.

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

/Daniel Stemmer/

Daniel Stemmer
PCT Legal Examiner
PCT Legal Affairs
Office of Patent Cooperation Treaty
Legal Administration
Telephone: (571) 272-3301

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OCT 18 2011

PCT LEGAL ADMINISTRATION

IP GROUP OF DLA PIPER LLP (US)
ONE LIBERTY PLACE
1650 MARKET ST, SUITE 4900
PHILADELPHIA PA 19103

In re Application of	:	
ODERMATT et al.	:	
Application No.: 12/810,649	:	NOTIFICATION
PCT No.: PCT/EP2009/007949	:	
Int. Filing Date: 06 November 2009	:	
Priority Date: 06 November 2008	:	
Attorney's Docket No.: RUF-10-1239	:	
For: MEDICAL PRODUCT, IN PARTICULAR	:	
FOR MANAGEMENT OF TISSUE REPAIR	:	

This notification is in response to applicants' submission filed 23 September 2011.

The decision issued 18 August 2011 dismissing without prejudice applicants' petition under 37 CFR 1.181 indicated that the declaration of the inventors filed 01 December 2010 was not sufficient because the declaration did not list the inventorship set forth in the international application.

A new declaration was filed on 23 September 2011. This declaration does list the inventorship set forth in the international application and is in compliance with 37 CFR 1.497(a)-(b).

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application

/Daniel Stemmer/

Daniel Stemmer
Legal Examiner
PCT Legal Affairs
Office of Patent Cooperation Treaty
Legal Administration
Telephone: (571) 272-3301

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/810,669	08/06/2010	Hee Jeong Kim	KYO-164NP	8315

23995 7590 11/24/2010
RABIN & Berdo, PC
1101 14TH STREET, NW
SUITE 500
WASHINGTON, DC 20005

EXAMINER	
ART UNIT	PAPER NUMBER
3715	

MAIL DATE	DELIVERY MODE
11/24/2010	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

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RABIN & Berdo, PC
1101 14TH STREET, NW
SUITE 500
WASHINGTON DC 20005

In re Application of: KIM, HEE JEONG Application No.: 12/810,669 Filed: June 25, 2010 Docket: KYO-164NP Title: CHILDREN'S EDUCATIONAL MAT	DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PILOT PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) pilot program and the petition under 37 CFR 1.102(d), filed November 23, 2010 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 KIPO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the KIPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the KIPO application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of all the office actions from each of the KIPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate; and
(6) Applicant must submit an IDS listing the documents cited by the KIPO examiner in the KIPO office action along with copies of documents except U.S. patents or U.S. patent application publications.

CONCLUSION

The request to participate in the PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

The applicant is encouraged to cite and submit all relevant prior art references, if any, to facilitate examination in this application.

Telephone inquiries concerning this decision should be directed to Henry C. Yuen at 571-272-4856. All other inquiries concerning the examination or status of the application should be directed to the Supervisory Patent Examiner Xuan Thai, Art Unit 3715, at 571-272-7147 and accessible in the PAIR system at http://uspto.gov/ebc/index.html.

The application will be forwarded to the examiner for action on the merits commensurate with this decision.

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
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KENYON & KENYON LLP
1500 K STREET N.W.
SUITE 700
WASHINGTON, DC 20005

MAILED
JAN 24 2012
OFFICE OF PETITIONS

In re Application of
Yasuyuki Iida, et al.
Application No.: 12/810,676
Filed: 25 June 2010
Attorney Docket No.: 2013/44
For: SAFETY VALVE DEVICE, VALVE APPARATUS, HIGH-PRESSURE GAS, AND VEHICLE

: DECISION ON REQUEST TO
: PARTICIPATE IN THE PATENT
: PROSECUTION HIGHWAY
: PROGRAM AND PETITION
: TO MAKE SPECIAL UNDER
: 37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed 28 December 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 April M. Wise at (571) 272-1642.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc.index.html.

This application will be forwarded to the examiner for action on the merits commensurate with this decision.

/dab/
David Bucci
Petitions Examiner
Office of Petition

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/810,724		Wuri Andarmawanti Hapsari	17470/067001	8612

22511 7590 08/26/2010
OSHA LIANG L.L.P.
TWO HOUSTON CENTER
909 FANNIN, SUITE 3500
HOUSTON, TX 77010

EXAMINER

ART UNIT	PAPER NUMBER
2618	

NOTIFICATION DATE	DELIVERY MODE
08/26/2010	ELECTRONIC

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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@oshaliang.com
buta@oshaliang.com

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OSHA LIANG L.L.P.
TWO HOUSTON CENTER
909 FANNIN, SUITE 3500
HOUSTON TX 77010

In re Application of	
HAPSARI et al.	
Application No.: 12/810,724	**: DECISION ON REQUEST TO**
Filed: 25 June 2010	**: PARTICIPATE IN THE PATENT**
Attorney Docket No.: 17470/067001	**: PROSECUTION HIGHWAY**
For: BROADCAST INFORMATION	**: PROGRAM AND PETITION**
NOTIFICATION METHOD AND	**: TO MAKE SPECIAL UNDER**
NETWORK NODE	**: 37 CFR 1.102(d)**

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed 25 June 2010, to make the above-identified application special.

The request and petition are **GRANTED**.

Discussion

A grantable request to participate in the PPH pilot program and petition to make special require:

1. The U.S. application is

    a. a Paris Convention application which either
        i. validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the JPO, or
        ii. validly claims priority to a PCT application that contains no priority claims, or
    b. a national stage application under the PCT (an application which entered the national stage in the U.S. from a PCT international application after compliance with 35 U.S.C. 371), which PCT application
        i. validly claims priority to an application filed in the JPO, or
        ii. validly claims priority to a PCT application that contains no priority claims, or
        iii. contains no priority claim, or
    c. a so-called bypass application filed under 35 U.S.C. 111(a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application
        i. validly claims priority to an application filed in the JPO, or

ii. validly claims priority to a PCT application that contains no priority claims, or
iii. contains no priority claim;

2. Applicant must submit a copy of:
   a. The allowable/patentable claim(s) from the JPO application(s);
   b. An English translation of the allowable/patentable claim(s) and
   c. A statement that the English translation is accurate;
3. Applicant must:
   a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s) and
   b. Submit a claims correspondence table in English;
4. Examination of the U.S. application has not begun;
5. Applicant must submit:
   a. Documentation of prior office action:
      i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claim(s) or
      ii. if the allowable/patentable claims(s) are from a "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
      iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form;
   b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above
   c. A statement that the English translation is accurate;
6. Applicant must submit:
   a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application)
   b. Copies of the documents except U.S. patents or U.S. patent application publications (unless already submitted in this application);

The request to participate in the PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Inquiries concerning this decision should be directed to Lee W. Young at 571-272-4549.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc.index.html.

This application will be forwarded to the examiner for action on the merits commensurate with this decision.

Lee W. Young
TQAS
Technology Center 2800

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/810,757	06/25/2010	Yoshihiro Miyaji	Q119506	8772

23373 7590 05/19/2011
SUGHRUE MION, PLLC
2100 PENNSYLVANIA AVENUE, N.W.
SUITE 800
WASHINGTON, DC 20037

EXAMINER
MCMAHON, MARGUERITE J

ART UNIT	PAPER NUMBER
3783	

NOTIFICATION DATE	DELIVERY MODE
05/19/2011	ELECTRONIC

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The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

sughrue@sughrue.com
PPROCESSING@SUGHRUE.COM
USPTO@SUGHRUE.COM

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SUGHRUE MION, PLLC
2100 PENNSYLVANIA AVENUE, N.W.
SUITE 800
WASHINGTON DC 20037

In re Application of	:	
MIYAJI, YOSHIHIRO	:	DECISION ON REQUEST TO
Application No. 12/810,757	:	PARTICIPATE IN PATENT
Filed: June 25, 2010	:	PCT/PROSECUTION HIGHWAY
Attorney Docket No. Q119506	:	PROGRAM AND PETITION
For: INTAKE PIPE STRUCTURE OF INTERNAL	:	MAKE SPECIAL UNDER
COMBUSTION ENGINE	:	37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed May 16, 2011, to make the above-identified application special.

The request and petition are granted.

A grantable request to participate in the PPH pilot program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO/PCT application(s) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of all the office actions from each of the JPO/PCT application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate; and
(6) Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO office action along with copies of documents except U.S. patents or U.S. patent application publications.

In light of the petition being properly submitted, the request to participate in the PPH program and the petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

The applicant is encouraged to cite and submit all relevant prior art references, if any, to facilitate examination in this application. This application will be forwarded to an examiner for examination.

Telephone inquiries concerning this decision should be directed to Henry C. Yuen at 571-272-4856. All other inquiries concerning the examination or status of the application should be directed to Mike Cuff, SPE of Art Unit 3783 and 571-272-6778 for Class 123/572 and also accessible in the PAIR system at http://www.uspto.gov/ebc.index.html.

Petition is **granted**.

/Henry C. Yuen/

Henry C. Yuen, Special Programs Examiner
Technology Center 3700 – Mechanical Engineering,
Manufacturing and Products
571-272-4856

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/810,771		Yan Jin	86683(308246)	8863

21874 7590 08/19/2010
EDWARDS ANGELL PALMER & DODGE LLP
P.O. BOX 55874
BOSTON, MA 02205

EXAMINER

ART UNIT	PAPER NUMBER
2441	

MAIL DATE	DELIVERY MODE
08/19/2010	PAPER

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EDWARDS ANGELL PALMER &
DODGE LLP
P.O. BOX 55874
BOSTON MA 02205

In re Application of: Yan JIN, et al.
Application No. 12/810,771
Filed: June 25, 2010
For: PROCESS MANAGEMENT SUPPORT SYSTEM AND SIMULATION METHOD

DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed July 19, 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); and

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 Kim Huynh at 571-272-4147

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 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.

/Kim Huynh/

Kim Huynh
Quality Assurance Specialist
Technology Center 2400

30 AUG 2010

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HITT GAINES P.C.
P.O. BOX 832570
RICHARDSON TX 75083

In re Application of	:	
Monk Kenneth	:	
Application No.: 12/810,786	:	DECISION
PCT No.: PCT/EP2008/064459	:	
Int. Filing Date: 24 October 2008	:	ON
Priority Date: 08 November 2007	:	
Attorney Docket No.: 316311US	:	PETITION
For: Memory Cells	:	

The petition to revive under 37 CFR 1.137(b) filed on 25 June 2010 in the above-captioned application is hereby **GRANTED** as follows:

Petitioner states that "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 C.F.R. § 1.137(b) was unintentional." Said statement is being accepted in satisfaction of 37 CFR 1.137(b)(3).

A review of the application file reveals that applicant has paid the petition fee. The required reply has been filed. No terminal disclaimer is required. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the national stage in the United States of America.

Inspection of the declaration filed on 23 July 2010 reveals that it nominates "Trevor Kenneth Monk," whereas the published international application named "MONK KENNETH, Trevor." Applicant is advised that the inversion of an inventor's names is regarded as more than a mere typographical or transliteration error. *See* MPEP 605.04(b) and (c).

This application is being returned to the Office of Patent Application Processing for further processing, including the preparation and mailing of a Notification of Missing Requirements (Form PCT/DO/EO/905) requiring the submission of an oath or declaration compliant with 37 CFR 1.497(a) and (b).

/George Dombroske/
George Dombroske
PCT Legal Examiner
Office of PCT Legal Administration
Tel: (571) 272-3283

UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/810,813		Shuichi Kobayashi	10.01.09.PCT	9185

35870 7590 08/19/2010
APEX JURIS, PLLC
12733 LAKE CITY WAY NORTHEAST
SEATTLE, WA 98125

EXAMINER

ART UNIT	PAPER NUMBER
1795	

MAIL DATE	DELIVERY MODE
08/19/2010	PAPER

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The time period for reply, if any, is set in the attached communication.

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AUG 19 2010

BC

In re application of Shuichi Kobayashi Serial No. 12/810,813 Filed: June 25, 2010 For: STRUCTURE FOR SECURING SOLAR CELL MODULES AND FRAME AND SECURING MEMBER FOR SOLAR CELL MODULES	DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d) to make the above-identified application special filed June 25, 2010.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO, note where the JPO application with similar claims is not the same application from which the U.S. application claims priority that the applicant must identify the relationship between the JPO application with similar claims and the JPO priority application;

(2) Applicant must submit a copy of:
   a. The allowable/patentable claim(s) from the JPO application(s) or if a copy of the allowable/patentable claims is available via the Dossier Access System (DAS) applicant may request the USPTO to obtain a copy from DAS; however, if the USPTO is unable to obtain a copy from the DAS, the applicant will be required to submit a copy;
   b. An English translation of the allowable/ patentable claim(s), if applicable; and
   c. A statement that the English translation is accurate, if applicable;

(3) Applicant must:
   a. Ensure all the independent claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s); and
   b. Submit a claims correspondence table in English;

(4) Examination of the U.S. application has not begun;

(5) Applicant must submit:

a. Documentation of prior office action:
   i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claims(s) or
   ii. if the allowable/patentable claim(s) are from "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
   iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form;
   Further, if a copy of the documents from (i) or (ii) is available via the Dossier Access System (DAS), applicant may request the USPO obtain a copy from the DAS; however, if the USPTO is unable to obtain a copy of the DAS, the applicant will be required to submit a copy; and
b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above if applicable;

(6) Applicant must submit:

a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application)
b. Copies of documents except U.S. patents or U.S. patent application publications (unless already submitted in this application); and

The request to participate in the PPH program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

The application is currently undergoing pre-examination processing, and will be forwarded to the examiner for action on the merits upon completion of the processing.

Any inquiry regarding this decision should be directed to 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

MARTIN D. MOYNIHAN D/B/A PRTSI, INC.
P.O. BOX 16446
ARLINGTON VA 22215

MAILED
DEC 30 2010
OFFICE OF PETITIONS

In re Application of	:	
Gil RONEN	:	
Application No. 12/810,855	:	NOTICE
Filed: June 28, 2010	:	
Attorney Docket No. 48636	:	

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28. On September 1, 1998, the Court of Appeals for the Federal Circuit held that 37 CFR 1.28(c) is the sole provision governing the time for correction of the erroneous payment of the issue fee as a small entity. **See DH Technology v. Synergystex International, Inc. 154 F.3d 1333, 47 USPQ2d 1865 (Fed. Cir. Sept. 1, 1998).**

The Office no longer investigates or rejects original or reissue applications under 37 CFR 1.56. **1098 Off. Gaz. Pat. Office 502 (January 3, 1989).** Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby **ACCEPTED**.

This application is no longer entitled to small entity status. Accordingly, all future fees paid in this application must be paid at the large entity rate.

Inquiries related to this communication should be directed to Diane Goodwyn at (571) 272-6735.

Thurman K. Page
Petitions Examiner
Office of Petitions

3 1 AUG 2010

United States Patent and Trademark Office

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

WILLIAM J. SAPONE
COLEMAN SUDOL SAPONE P.C.
714 COLORADO AVENUE
BRIDGE PORT CT 06605

In re Application of	:	
Licznerski	:	
Application No.: 12/810,856	:	DECISION
PCT No.: PCT/PL2008/000067	:	
Int. Filing Date: 16 September 2008	:	ON
Priority Date: 17 September 2007	:	
Attorney Docket No.: 264/9-2800	:	PETITION
For: Water Turbine Drive Wheel	:	

The petition to revive under 37 CFR 1.137(b) filed on 28 June 2010 in the above-captioned application is hereby **GRANTED** as follows:

Petitioner states that "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 C.F.R. § 1.137(b) was unintentional." Said statement is being accepted in satisfaction of 37 CFR 1.137(b)(3).

A review of the application file reveals that applicant has paid the petition fee. The required reply has been filed. No terminal disclaimer is required. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the national stage in the United States of America.

Inspection of the declaration filed on 28 June 2010 reveals that the spelling of the inventor's middle name differs from the version appearing on the published international application, but no explanation of the discrepancy has been provided.

This application is being returned to the Office of Patent Application Processing for further processing, including the preparation and mailing of a Notification of Missing Requirements (Form PCT/DO/EO/905) requiring the submission of an oath or declaration compliant with 37 CFR 1.497(a) and (b) and the surcharge under 37 CFR 1.492(h).

/George Dombroske/
George Dombroske
PCT Legal Examiner
Office of PCT Legal Administration
Tel: (571) 272-3283

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MAILED

JAN 20 2011

PCT LEGAL ADMINISTRATION

MOLEX INCORPORATED
2222 WELLINGTON COURT
LISLE IL 60532

In re Application of	:	
TAKAHASHI et al.	:	
Application No.: 12/810,863	:	DECISION under
PCT No.: PCT/US08/14040	:	
Int. Filing Date: 23 December 2008	:	37 CFR 1.182
Priority Date: 26 December 2007	:	
Attorney Docket No.: A7-245 US	:	
For: CABLE CONNECTOR		

This is a decision applicant's submission filed on 04 October 2010 in the United States Patent and Trademark Office (USPTO) and treated as a Petition under 37 CFR 1.82 to correct the inventor's name.

To correct the inventor's name, a petition under 37 CFR 1.182 is required. *See* MPEP §605.04(c). A review of the application file reveals that the given name of the applicant as listed on the published international application is "YOKO TAKAYASU". The declaration, filed on 04 October 2010, was signed by "YOKO SUGII". Applicant submits a statement of the inventor indicating that her name changed due to her marriage. The requisite petition fee of $400 will be charged to applicant's deposit account per the authorization.

For the above reasons, the petition under 37 CFR 1.182 to change the respective inventor's name to YOKO SUGII is **GRANTED**. The dual language declaration (PTO/SB/106), submitted on 04 October 2010, meets the requirements of 37 CFR 1.497(a) and (b) and is acceptable.

The application will be forwarded to the United States Designated/Elected Office for further processing. The 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date is 04 October 2010.

/Cynthia M. Kratz/
Cynthia M. Kratz
Attorney Advisor
PCT Legal Office
Office of PCT Legal Administration

Telephone: (571)272-3286
Facsimile: (571)273-0459

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

OSTROLENK FABER GERB & SOFFEN
1180 AVENUE OF THE AMERICAS
NEW YORK NY 10036-8403

MAILED
APR 25 2011
OFFICE OF PETITIONS

In re Application of Stefan Trummer et al. Application No. 12/810,916 Filed: July 12, 2010 Attorney Docket No. **P/746-61 (V 16052)**	: : : : :	DECISION ON PETITION

This is a decision on the petition under 37 CFR 1.182, filed, March 16, 2011, to change the order of the named inventors in the above-identified application.

The petition is **DISMISSED**.

A petition to change the order of names of inventors under 37 CFR 1.182 must be signed by either the attorney or agent of record or all the applicants. ***See MPEP 605.04(f).***

There is no indication that the person signing the petition was ever given a power of attorney to prosecute the application. It is noted that Mark A. Farley is associated with Customer Number 02352. However, the power of attorney was not originally granted by the Customer Number in the Declaration and Power of Attorney filed July 12, 2010. Accordingly, since the Power of Attorney is not assigned by the Customer Number, Mark A. Farley does not have Power of Attorney or was ever given power of attorney in the above-identified application. Therefore, the petition can not 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 JoAnne Burke at (571) 272-4584.

JoAnne Burke
Petitions Examiner
Office of Petitions

[1] www.uspto.gov/ebc/efs_help.html (for help using EFS-Web call the Patent Electronic Business Center at (866) 217-9197)

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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OSTROLENK FABER GERB & SOFFEN
1180 AVENUE OF THE AMERICAS
NEW YORK NY 10036-8403

MAILED
MAY 16 2011
OFFICE OF PETITIONS

In re Application of	:	
Stefan Trummer et al.	:	
Application No. 12/810,916	:	DECISION ON PETITION
Filed: July 12,2010	:	
Attorney Docket No. **P/746-61 (V 16052)**	:	

This is a decision on the renewed petition under 37 CFR 1.182, filed May 4, 2011, 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 as follows:

Joerg Maennig
Stefan Trummer
Andreas Kroell
Dieter Proelss
Stefan Engel
Werner Pieper

A corrected Filing Receipt, which sets forth the desired order of the named inventors, accompanies this decision on petition.

This application is being referred to the Technology Center Art Unit 1785 for normal course of business.

Telephone inquiries regarding this decision should be directed to the undersigned at 571-272-4584.

JoAnne Burke
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
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APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
12/810,916	07/12/2010	1785	2566	P/746-61 (V 16052)	48	1

CONFIRMATION NO. 1055

CORRECTED FILING RECEIPT

2352
OSTROLENK FABER GERB & SOFFEN
1180 AVENUE OF THE AMERICAS
NEW YORK, NY 100368403

OC000000047671951

Date Mailed: 05/16/2011

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please submit a written request for a Filing Receipt Correction. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections**

Applicant(s)

Joerg Maennig, Painesville, OH;
Stefan Trummer, Nurnberg, GERMANY;
Andreas Kroell, Velden, GERMANY;
Dieter Proelss, Schwabach, GERMANY;
Stefan Engel, Ruckersdorf, GERMANY;
Werner Pieper, Concord, OH;

Power of Attorney: The patent practitioners associated with Customer Number 02352

Domestic Priority data as claimed by applicant

This application is a 371 of PCT/EP08/10888 12/19/2008

Foreign Applications (You may be eligible to benefit from the **Patent Prosecution Highway** program at the USPTO. Please see http://www.uspto.gov for more information.)
EUROPEAN PATENT OFFICE (EPO) 07025171.5 12/28/2007

If Required, Foreign Filing License Granted: 07/27/2010

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 12/810,916**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

PIGMENT PREPARATION AND INK JET PRINTING INK

Preliminary Class

428

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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RATNERPRESTIA
P.O. BOX 980
VALLEY FORGE PA 19482

MAILED

MAR 24 2011

PCT LEGAL ADMINISTRATION

In re Application of	:	
MARTINEZ MOLL, et al.	:	
Application No.: 12/810,927	:	
PCT No.: PCT/ES2008/000801	:	DECISION ON PETITION
Int. Filing Date: 26 December 2008	:	
Priority Date: 28 December 2007	:	UNDER 37 CFR 1.497(d)
Attorney Docket No.: TJA-245US	:	
For: SOLAR ENERGY CONCENTRATOR-	:	
COLLECTOR DEVICE	:	

This decision is in response to applicant's petition under 37 CFR 1.497(d) filed 01 March 2011 in the United States Patent and Trademark Office (USPTO). Applicant has provided payment of the $130.00 petition fee.

BACKGROUND

On 26 December 2008, applicant filed international application PCT/ES2008/000801, which claimed a priority date of 28 December 2007. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 09 July 2009. Pursuant to 37 CFR 1.495, the deadline for payment of the basic national fee in the United States was to expire 30 months from the priority date, 26 June 2010.

On 28 June 2010, applicant filed a transmittal letter for entry into the national stage in the United States accompanied by, among other items, the requisite basic national fee and an English translation of the international application as filed. (26 June 2010 being a Saturday, the application was timely filed).

On 16 August 2010, applicant filed an executed combined declaration and power of attorney.

On 01 September 2010, applicant was mailed a "NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371" (Form PCT/DO/EO/905) informing applicant of the need to provide an oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the international application number and international filing date. Applicant was advised that the signed declaration contained four individuals not listed as inventors on the published international application. Applicant was afforded two months to file the proper reply and informed that this period could be extended pursuant to 37 CFR 1.136(a).

On 01 March 2011, applicant filed the petition discussed herein accompanied by a petition for a four-month extension of time and payment of the appropriate extension fee. The response is timely.

DISCUSSION

37 CFR 1.497(d) [formally, 37 CFR 1.48] states in part: "If the oath or declaration filed pursuant to 35 U.S.C. 371(c)(4) and this section names an inventive entity different from the inventive entity set forth in the international application....applicant must submit:

(1) a petition including a statement from each person being added or deleted as an inventor that the error in inventorship occurred without any deceptive intention on his or her part;

(2) an oath or declaration by the actual inventor(s) as required by 37 CFR 1.63;

(3) the fee set forth in 37 CFR 1.17(h); and

(4) if an assignment has been executed by any of the original named inventors, the written consent of the assignee in compliance with 37 CFR 3.73(b).

Applicant satisfied all of the above items. As such, it is proper to grant applicant's request at this time.

CONCLUSION

For the reasons above, applicant's request under 37 CFR 1.497(d) is **GRANTED**.

This application has an international application filing date of 26 December 2008 and will be given a date of **16 August 2010** under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for processing in accordance with this decision.

Derek A. Putonen
Attorney Advisor
Office of PCT Legal Administration
Tel: 571-272-3294

UNITED STATES PATENT AND TRADEMARK OFFICE

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.
12/810,928	08/02/2010	Kenneth Riley	51026-P029WOUS	1171

61060 7590 07/26/2011
WINSTEAD PC
P.O. BOX 50784
DALLAS, TX 75201

EXAMINER
KING, ANITA M

ART UNIT	PAPER NUMBER
3632	

MAIL DATE	DELIVERY MODE
07/26/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

WINSTEAD PC
P.O. BOX 50784
DALLAS TX 75201

Applicant: Riley et al.
Appl. No.: 12/810,928
Filing Date: August 2, 2010
Title: SLIDE ASSEMBLY FOR PARKING A VEHICLE
Attorney Docket No.: 51026-P029WOUS
Pub. No.: US 2011/0049324 A1
Pub. Date: March 3, 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

Adjustment date: 07/28/2011 KKING1
06/28/2011 INTEFSW 00001895 232426 12810928
01 FC:1504 300.00 CR

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

COLGATE-PALMOLIVE COMPANY
909 RIVER ROAD
PISCATAWAY, NJ 08855

MAILED
NOV 24 2010
PCT LEGAL ADMINISTRATION

In re Application of DAVISTER et al	:	
U.S. Application No.: 12/810,978	:	
PCT Application No.: PCT/US2007/089042	:	DECISION
Int. Filing Date: 28 December 2007	:	
Priority Date Claimed: none	:	
Attorney Docket No.: 8335-00-HC	:	
For: ACIDIC CLEANING COMPOSITIONS COMPRISING A POLYMER	:	

This is in response to applicant's petition under 37 CFR 1.47(a) filed on 04 October 2010.

BACKGROUND

On 28 December 2007, applicant filed international application PCT/US2007/089042. The thirty-month period for paying the basic national fee in the United States expired on 28 June 2010.

On 28 June 2010, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

On 03 August 2010, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905), which indicated that an oath or declaration in compliance with 37 CFR 1.497 must be filed.

On 04 October 2010, applicant filed the present petition under 37 CFR 1.47(a).

DISCUSSION

A petition under 37 CFR 1.47(a) must be accompanied by: (1) an oath or declaration by each applicant on his or her own behalf and on behalf of the nonsigning joint inventors, (2) factual proof that the missing joint inventors refuse to join in the application or cannot be

reached after diligent effort, (3) the fee set forth in §1.17(i), and (4) the last known addresses of the nonsigning joint inventors.

With regard to item (1) above, applicant has submitted a declaration signed by the available inventors each on his/her own behalf and on behalf of the nonsigning inventor.

With regard to item (2) above, MPEP 409.03(d) states in relevant part,

> A refusal by an inventor to sign an oath or declaration when the inventor has not been presented with the application papers does not itself suggest that the inventor is refusing to join the application unless it is clear that the inventor understands exactly what he or she is being asked to sign and refuses to accept the application papers. A copy of the application papers should be sent to the last known address of the nonsigning inventor, or, if the nonsigning inventor is represented by counsel, to the address of the nonsigning inventor's attorney. . . . It is reasonable to require that the inventor be presented with the application papers before a petition under 37 CFR 1.47 is granted since such a procedure ensures that the inventor is apprised of the application to which the oath or declaration is directed. In re Gray, 115 USPQ 80 (Comm'r Pat. 1956).
>
> Where a refusal of the inventor to sign the application papers is alleged, the circumstances of the presentation of the application papers and of the refusal must be specified in a statement of facts by the person who presented the inventor with the application papers and/or to whom the refusal was made. Statements by a party not present when an oral refusal is made will not be accepted.
>
> Proof that a bona fide attempt was made to present a copy of the application papers (specification, including claims, drawings, and oath or declaration) to the nonsigning inventor for signature, but the inventor refused to accept delivery of the papers or expressly stated that the application papers should not be sent, may be sufficient. When there is an express oral refusal, that fact along with the time and place of the refusal must be stated in the statement of facts. When there is an express written refusal, a copy of the document evidencing that refusal must be made part of the statement of facts. The document may be redacted to remove material not related to the inventor's reasons for refusal.
>
> When it is concluded by the 37 CFR 1.47 applicant that a nonsigning inventor's conduct constitutes a refusal, all facts upon which that conclusion is based should be stated in the statement of facts in support of the petition or directly in the petition. If there is documentary evidence to support facts alleged in the petition or in any statement of facts, such evidence should be submitted. Whenever a nonsigning inventor gives a reason for refusing to sign the application oath or declaration, that reason should be stated in the petition.

The petition adequately demonstrates that a bona fide attempt was made to present a copy of the application papers to joint inventor Michele Davister and that inventor Davister received such papers (see Exhibit B). Furthermore, the petition sufficiently illustrates that inventor Davister refuses to sign. Specifically, inventor Davister's failure to return an executed declaration in response to the 20 August 2010 letter evidences a constructive refusal to cooperate. Thus, it can be concluded with reasonable certainty that inventor Davister refuses to join in the application.

With regard to item (3) above, applicant has provided the requisite petition fee.

With regard to item (4) above, the petition states the last known address of the nonsigning inventor.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.47(a) is GRANTED.

The application has an International Filing Date under 35 U.S.C. 363 of 28 December 2007, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 04 October 2010.

As set forth in 37 CFR 1.47(a), a notice of the filing of this application will be forwarded to the nonsigning inventor at the last known address of record and will be published in the *Official Gazette*.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision.

Bryan Lin
PCT Legal Examiner
PCT Legal Office

Telephone: 571-272-3303
Facsimile: 571-273-0459

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
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Michele Davister
Rue de Vinalmont, 1
B4530, Villers-Le-Bouillet
BELGIUM

MAILED
NOV 24 2010
PCT LEGAL ADMINISTRATION

In re Application of DAVISTER et al
U.S. Application No.: 12/810,978
PCT Application No.: PCT/US2007/089042
Int. Filing Date: 28 December 2007
Priority Date Claimed: none
For: ACIDIC CLEANING COMPOSITIONS COMPRISING A POLYMER

Dear Michele Davister:

You are named as a joint inventor in the above-captioned United States national stage application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor.

As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost set forth in 37 CFR 1.19) or to make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. If you choose to join in the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Bryan Lin

Bryan Lin
PCT Legal Examiner
PCT Legal Office
Telephone: 571-272-3303
Facsimile: 571-273-0459

COLGATE-PALMOLIVE COMPANY
909 RIVER ROAD
PISCATAWAY, NJ 08855
Attorney Docket No.: 8335-00-HC

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13 SEP 2010

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25461
SMITH, GAMBRELL & RUSSELL
Suite 3100, Promenade II
1230 Peachtree Street, N.E.
Atlanta, GA 30309-3592

In re Application of HARRINGTON, Jim U.S. Application No.: 12/810,995 PCT No.: PCT/US2008/079714 Int. Filing Date: 13 October 2008 Priority Date: 30 November 2007 Attorney Docket No.: 048639.001US For: RAINWATER COLLECTION AND REDISTRIBUTION SYSTEM	**DECISION ON PETITION UNDER 37 CFR 1.137(b)**

Applicant's petition to revive under 37 CFR 1.137(b) filed on 28 June 2010 with the national stage papers is hereby **GRANTED** as follows:

The proper fees and the petition fee for a small entity have been paid. Applicant made the required statement pursuant to 37 CFR 1.137(b)(3). A terminal disclaimer is not required. Accordingly, all requirements under 37 CFR 1.137(b) have been satisfied.

A declaration in compliance with 37 CFR 1.497(a) and (b) was provided.

This application is being forwarded to the United States Designated/Elected Office for further processing.

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

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P.O. Box 1450

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MAR 26 2012

OFFICE OF PETITIONS

HESLIN ROTHENBERG FARLEY & MESITI PC
5 COLUMBIA CIRCLE
ALBANY NY 12203

In re Application of	: DECISION ON REQUEST TO
Yoshiharu NAKAMURA et al.	: PARTICIPATE IN PPH PROGRAM
Application No. 12/810,997	: AND PETITION TO MAKE SPECIAL
Filed: June 28, 2010	: UNDER 37 CFR 1.102(a)
Atty. Docket No.: 2352.041	:

For: INTER-ORGAN SPACER FOR USE IN ENDOSCOPIC SURGERY

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 15, 2012 to make the above-identified application special.

The petition and request are **DISMISSED**.

A grantable request to participate in the PPH (patent prosecution highway) program and petition to make special require:

A grantable request to participate in the PPH pilot program and petition to make special require:

1. The U.S. application is a Paris convention application that either validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more application filed in the JPO or to a PCT application that contains no priority claims, or is a national stage application under the PCT that either validly claims priority to an application filed in the JPO or to a PCT application that contains no priority claims, or that contains no priority claim, or is a bypass application filed under 35 U.S.C. 111(a) which validly claims benefit under 35 U.S.C. 120 to a PCT application that validly claims priority to an application filed in the JPO, to a PCT application that contains no priority claims, or contain no priority claim;

2. Applicant must ensure all the claims in the U.S. application sufficiently correspond or amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application and submit a claim correspondence table in English;

3. Examination of the U.S. application has not begun;

4. Applicant must submit a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claim(s), or if the allowable/patentable claim(s) are from a "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal, or if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form, and an English language translation of the JPO Office action if submitted; and

5. Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO office action, unless already submitted in this application, and copies of the documents except U.S. patents or U.S. patent application publications, unless already submitted in this application.

Requirements (2) to (5) above are considered to have been met. However, the request to participate in the PPH program and petition fail to meet requirement (1).

Regarding requirement (1), the instant U.S. application fails to validly claim priority to the JPO application listed on the request.

Applicant is given **ONE** opportunity with a time period of **ONE MONTH** or **THIRTY DAYS**, whichever is longer, from the mailing date of this decision to correct the deficiencies. **NO EXTENSION OF TIME UNDER 37 CFR 1.136 IS PERMITTED**. If the deficiencies are not corrected within the time period given, the application will await action in its regular turn.

Response must be filed via the Electronic Filing System (EFS) using the document description: Petition to make special under Patent Pros. Hwy. Any preliminary amendments and IDS submitted with the PPH documents must be separately indexed as a preliminary amendment and IDS, respectively.

Telephone inquiries concerning this decision should be directed to Robert DeWitty, Petition Attorney, Office of Petitions at 571-272-8427.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc/index.html.

Thurman K Page

David Bucci
Petitions Examiner
Office of Petitions

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JUN 01 2011
PCT LEGAL ADMINISTRATION

Edwards Angell Palmer & Dodge LLP
P.O. Box 55874
Boston, MA 02205

In re Application of
WILLIAMS et al.
Application No.: 12/811,052
PCT No.: PCT/AU2009/000021
Int. Filing Date: 02 January 2009
Priority Date: 28 December 2007
Attorney Docket No.: 86735(53253)
For: METHOD AND SYSTEM OF CONTROLLING AIR TRAFFIC

DECISION ON REQUEST

This decision is issued in reply to applicants' "Request to Amend Inventorship under 37 CFR 1.497(d)" filed 16 February 2011 to correct the inventorship of the present national stage application. The requisite petition fee has been submitted.

BACKGROUND

On 02 January 2009, applicants filed international application PCT/AU2009/000021 which claimed a priority date of 28 December 2007. The published international application identified two applicant/inventors for the United States: Edward William and Greg McDonald. The deadline for submission of the basic national fee was thirty months from the priority date, i.e., 28 June 2010.

On 28 June 2010, applicants filed a transmittal letter for entry into the national stage in the United States accompanied by, among other materials, payment of the basic national fee; a preliminary amendment; and a copy of the international application.

On 30 July 2010, the United Stated Designated/Elected Office mailed a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497(a) and (b) must be filed. The notification set a two-month time limit in which to respond.

On 29 November 2010, applicants filed a declaration executed by Greg McDonald.

On 29 December 2010, the United Stated Designated/Elected Office mailed a Notification of Defective Response (Form PCT/DO/EO/916) indicating that the declaration filed 29 November 2010 was defective because it was not executed by all the inventors listed on the published international application.

On 16 February 2011, applicant filed the present request under 37 CFR 1.497(d).

DISCUSSION

The present submission seeks to correct the inventorship so as to delete inventor Edsall Williams (or Edward William) from the application.[1] Where, as here, the inventorship in the national stage declaration is not consistent with the inventorship in the international application, applicants must correct the inventorship pursuant to 37 CFR 1.497(d), which states the following:

> (d) If the oath or declaration filed pursuant to 35 U.S.C. 371(c)(4) and this section names an inventive entity different from the inventive entity set forth in the international application, the oath or declaration must be accompanied by:
>
> > (1) A statement from each person being added as an inventor and from each person being deleted as an inventor that any error in inventorship in the international application occurred without deceptive intention on his or her part;
> >
> > (2) The processing fee set forth in § 1.17; and
> >
> > (3) If an assignment has been executed by any of the original named inventors, the written consent of the assignees (see § 3.73(b) of this chapter).
> >
> > (4) any new oath or declaration required by paragraph (f) of this subsection.

Item (1) has been satisfied. The statement provided by Edsall D. Williams is acceptable pursuant to 37 CFR 1.497(d)(1).

Item (2) has been satisfied. The $130 petition fee has been submitted.

Item (3) has not been satisfied. Applicants have submitted a statement of consent

---

[1]It appears that the correct name of the deleted inventor is Edsall Darragh Williams, not Edward William as indicated on the published international application. The "Statement under 37 CFR 1.497(d)(4)" by Edsall Darragh Williams asserts, among other things, that he was improperly identified as Edward William in the corresponding application PCT/AU2009/000021.

from the purported assignee which consents to the deletion of inventor Edward Williams, not Edsall Williams.

Item (4) has been satisfied.

Because applicants have not satisfied all the requirements of 37 CFR 1.497(d), inventor Edsall Williams cannot be deleted from the application on the present record.

CONCLUSION

Applicants' request to delete inventor Edsall Williams under 37 CFR 1.497(d) is DISMISSED without prejudice. The inventors of record remain the inventors named on the international application.

Applicants must file a proper response to this decision within TWO (2) MONTHS from the mail date indicated above. Failure to file a timely and proper response will result in abandonment of the application. Extensions of time may be obtained under 37 CFR 1.136(a).

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

Anthony Smith
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UNITED STATES PATENT AND TRADEMARK OFFICE

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PCT LEGAL ADMINISTRATION

Edwards Angell Palmer & Dodge LLP
P.O. Box 55874
Boston, MA 02205

In re Application of
McDONALD, Greg
Application No.: 12/811,052
PCT No.: PCT/AU2009/000021
Int. Filing Date: 02 January 2009
Priority Date: 28 December 2007
Attorney Docket No.: 86735(53253)
For: METHOD AND SYSTEM OF CONTROLLING AIR TRAFFIC

DECISION ON REQUEST

In a decision mailed by this Office on 01 June 2011, applicant's request to correct inventorship was dismissed without prejudice for failure to satisfy all the requirements of 37 CFR 1.497(d).

On 20 July 2011, applicant filed the renewed request under 37 CFR 1.497(d) considered herein. Applicant's (16 February 2011 and 20 July 2011) submissions satisfy the requirements of 37 CFR 1.497(d). Applicant has submitted a statement from the deleted inventor. The processing fee set in forth in 37 CFR §1.17 has been submitted. Applicant's submission included the consent of the assignee to the requested correction of inventorship, in the form required under 37 CFR 1.497(d)(3) and 3.73(b).

Based on the above, applicant's request to delete Edward Williams as an inventor is appropriately granted. Based on this correction, the declaration filed on 29 November 2010 (which named Greg McDonald) is acceptable under 37 CFR 1.497. Applicant's request to correct inventorship under 37 CFR 1.497(d) is **GRANTED**.

This application is being forwarded to the National Stage Processing Branch of the Office Of PCT Operations for further processing in accordance with this decision. The 35 U.S.C. 371(c) date is 29 November 2010.

Anthony Smith
Attorney-Advisor
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Tel: (571) 272-3298
Fax: (571) 273-0459

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1 2 AUG 2010

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Andrew W. Chu, PC
P. O. Box 2925
Houston TX 77252-2925

In re Application of: FAN, Chaolai, et al.
U.S. Application No.: 12/811,084
PCT No.: PCT/CN2008/072970
International Filing Date: 06 November 2008
Priority Date: 09 November 2007
Attorney Docket No.: 122/5
For: MATERIAL-SAVING AND ENERGY-SAVING MULTIFUNCTIONAL BENCH CLAMP

DECISION ON PETITION
(37 CFR 1.137(b))

The petition for revival under 37 CFR 1.137(b) filed 28 June 2010 in the above-captioned application is hereby **GRANTED** as follows:

International application PCT/CN2008/072970 became abandoned with respect to the United States at midnight on 09 May 2010 based on applicants' failure to request entry into the national stage in the United States and pay the basic national fee prior to the expiration of thirty months from the priority date.

The present petition for revival was accompanied by payment of the required petition fee, as well as the "required reply" in the form of a request for entry into the national stage in the United States and payment of the small entity basic national fee. The petition also includes a statement that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional," satisfying the requirement of 37 CFR 1.137(b)(3). Based on the above, the requirements of 37 CFR 1.137(b) have been satisfied. Accordingly, the request to revive the international application with respect to the United States is appropriately granted.

This application is being referred to the National Stage Processing Branch of the Office of PCT Operations for further processing in accordance with this decision. It is noted that applicants have not submitted an executed declaration in compliance with 37 CFR 1.497.

Richard M. Ross
Attorney Advisor
Office of PCT Legal Administration
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UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/811,097	06/29/2010	Israel B. Arnon	49089	1604

67801 7590 12/29/2010
MARTIN D. MOYNIHAN d/b/a PRTSI, INC.
P.O. BOX 16446
ARLINGTON, VA 22215

EXAMINER
BANKS HAROLD, MARSHA DENISE

ART UNIT	PAPER NUMBER
2482	

MAIL DATE	DELIVERY MODE
12/29/2010	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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DIRECTOR OFFICE
TECHNOLOGY CENTER 2400

MARTIN D. MOYNIHAN D/B/A PRTSI, INC.
P.O. BOX 16446
ARLINGTON, VA 22215

In Re Application of
ARNON, ISRAEL BOAZ, et al.
Application Serial No. 12/811,097
Filed: June 29, 2010
For: **SYSTEM AND METHOD FOR REGISTRATION OF IMAGING DATA**

DECISION ON PETITION TO ACCEPT COLOR PHOTOGRAPHS

This is a decision on the petition under 37 C.F.R. § 1.84(a)(2), filed June 29, 2010, requesting acceptance of color photographs.

The petition requests that the color photographs, noted as figures 5 and 6 be accepted in lieu of black and white drawings.

A grantable petition under 37 C.F.R. § 1.84(a)(2) must be accompanied by a fee set forth under 37 C.F.R. § 1.17(h), three (3) sets of the color photos in question, a black and white photocopy of said photos, and the specification must contain, or be amended to contain, the following language as the first paragraph in that portion of the specification relating to 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."

Petitioner has met the requirements set forth above. Accordingly, the petition is **Granted**.

/Mehrdad Dastouri/

Mehrdad Dastouri
Quality Assurance Specialist
Technology Center 2400
Tel: (571) 272-7418

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MAR 28 2011

PCT LEGAL ADMINISTRATION

HOWARD & HOWARD ATTORNEYS PLLC
450 West Fourth Street
Royal Oak MI 48067

In re Application of
Leroux et al.
Application No.: 12/811,116
PCT No.: PCT/FR2008/001781
Int. Filing Date: 18 December 2008
Priority Date: 03 January 2008
Attorney Docket No.: CFR0296/065591.00002
For: Two-Shutter Three-Way Valve

DECISION

This is in response to the declaration filed on 05 January 2011.

BACKGROUND

International application PCT/FR2008/001781 was filed on 18 December 2008, claimed an earlier priority date of 03 January 2008, and designated the United States. The International Bureau transmitted a copy of the published international application to the USPTO on 03 September 2009. The period for payment of the basic national fee in the United States expired as of midnight on 06 July 2010 (Since 03 July 2010 was a Saturday and July 5, 2010 was a holiday). Applicants filed *inter alia* a basic national fee on 29 June 2010.

On 05 August 2010, a Notification of Missing Requirements (Form PCT/DO/EO/905) was mailed, requiring the submission of an oath or declaration compliant with 37 CFR 1.497(a) and (b) and the surcharge under 37 CFR 1.492(h).

On 05 January 2011, applicants filed a response, including a declaration and the surcharge.

On 04 February 2011, a Filing Receipt and a Notice of Acceptance (Form PCT/DO/EO/903) were mailed to applicants.

DISCUSSION

Review of the instant application file reveals that the declaration filed on 05 January 2011 nominates "Mathieu LALLEMANT" in lieu of Sebastien Adenot who was named in the published international application. Applicants have not adequately explained this discrepancy. Applicants may wish to consider filing either a submission under 37 CFR 1.497(d) or, if the name of the inventor has changed, a petition under 37 CFR 1.182 (*see* MPEP 605.04(b) and (c)). Alternatively, it would be appropriate to submit documentary evidence of any change in inventorship which may have been recorded during the international phase.

In view of the discrepancy at issue, the Filing Receipt and Notice of Acceptance mailed on 04 February 2011 were issued in error, and both are hereby **VACATED**.

DECISION

The declaration filed on 05 January 2011 is **NOT ACCEPTED** for purposes of compliance with 37 CFR 1.497(a) and (b), without prejudice.

A proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time may be obtained under 37 CFR 1.136(a). Failure to timely file a proper response will result in **ABANDONMENT**.

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

/George Dombroske/
George Dombroske
PCT Legal Examiner
Office of PCT Legal Administration
Tel: (571) 272-3283

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FEB 03 2012

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HOWARD & HOWARD ATTORNEYS PLLC
450 West Fourth Street
Royal Oak MI 48067

In re Application of	:	
Leroux et al.	:	
Application No.: 12/811,116	:	
PCT No.: PCT/FR2008/001781	:	
Int. Filing Date: 18 December 2008	:	DECISION
Priority Date: 03 January 2008	:	
Attorney Docket No.: CFR0296/065591.00002	:	
For: Two-Shutter Three-Way Valve	:	

This is in response to the correspondence filed on 28 June 2011, which is being treated under 37 CFR 1.497(d).

DISCUSSION

In a Decision mailed on 28 March 2011, applicants were advised that

> Review of the instant application file reveals that the declaration filed on 05 January 2011 nominates "Mathieu LALLEMANT" in lieu of Sebastien Adenot who was named in the published international application. Applicants have not adequately explained this discrepancy. Applicants may wish to consider filing either a submission under 37 CFR 1.497(d) or, if the name of the inventor has changed, a petition under 37 CFR 1.182 (*see* MPEP 605.04(b) and (c)). Alternatively, it would be appropriate to submit documentary evidence of any change in inventorship which may have been recorded during the international phase.
>
> In view of the discrepancy at issue, the Filing Receipt and Notice of Acceptance mailed on 04 February 2011 were issued in error, and both are hereby **VACATED**.

In response, applicants have filed the instant submission seeking relief under 37 CFR 1.497(d). A declaration filed under 37 CFR 1.497 (d) must be by the actual inventor or inventors as required under 37 CFR 1.63 or as permitted by 37 CFR 1.42, 1.43 or 1.47. The declaration must be accompanied by (1) a statement from each person being added as an inventor and from each person being deleted as an inventor that the error in inventorship occurred without deceptive intention on his or her part, (2) the processing fee set forth in 37 CFR 1.17; and (3) if an assignment has been executed by any of the original named inventors, the written consent of the assignee (*See* 37 CFR 3.73(b)).

Regarding requirement (1), counsel has provided appropriate statements signed by the inventors sought to be added and removed.

Regarding requirement (2), the $130.00 processing fee is being charged to Deposit Account 08-2789, as authorized.

Regarding requirement (3), review of the record suggests that Valeo Systems may enjoy an assignment interest in the application, but counsel has neither provided written consent of an

assignee nor explicitly stated that no assignment has been executed by any of the originally named inventors. As such, requirement (3) has not been satisfied.

DECISION

The declaration is **NOT ACCEPTED** under 37 CFR 1.497(d), without prejudice.

If reconsideration on the merits of this matter is desired, a proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Submission Under 37 CFR 1.497(d)." Extensions of time may be obtained under 37 CFR 1.136(a). Failure to timely file a proper response will result in **ABANDONMENT**.

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

/George Dombroske/
George Dombroske
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JAN 10 2011

PCT LEGAL ADMINISTRATION

MOORE & VAN ALLEN PLLC
P.O. BOX 13706
Research Triangle Park NC 27709

In re Application of	:	
NAGORE et al.	:	
Application No.: 12/811,159	:	DECISION ON
PCT No.: PCT/EP2008/010013	:	
Int. Filing Date: 26 November 2008	:	PETITION UNDER
Priority Date: 28 November 2007	:	
Attorney Docket No.: 020884-000107	:	37 CFR 1.137(b)
For: DETECTION OF ENDOMETRIAL SECRETION	:	
MARKERS FOR ASSESSMENT OF ENDOMETRIOSIS	:	

This decision is in response to applicants' submission filed 29 June 2010.

The NOTICE OF ACCEPTANCE OF APPLICATION UNDER 35 U.S.C. 371 AND 37 CFR 1.495 mailed 08 October 2010 is **VACATED**. The 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 01 October 2010 and 35 U.S.C. 371 date of 01 October 2010 indicated in the Notice are incorrect. A compliant declaration of inventors as required by 37 U.S.C. 371(c)(4) has not yet been filed. (See Declaration of Inventors below.)

BACKGROUND

On 26 November 2008, applicants filed international application PCT/EP2008/010013 which designated the U.S. and claimed a priority date of 28 November 2007. A copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) from the International Bureau on 04 June 2009. The thirty-month period for paying the basic national fee in the United States expired at midnight on 28 May 2010.

On 29 June 2010, applicants filed a transmittal letter for entry into the national stage in the United States, which was accompanied by, *inter alia*, the U.S. basic national fee and a petition under 37 CFR 1.137(b).

On 02 August 2010, the United States Designated/Elected Office (DO/EO/US) mailed a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating, *inter alai*, that an oath or declaration of inventors in compliance with 37 CFR 1.497(a)-(b) was required.

On 01 October 2010, applicants filed, *inter alia*, a declaration of inventors.

On 08 October 2010, the United States Designated/Elected Office (DO/EO/US) mailed a Filing Receipt and a NOTICE OF ACCEPTANCE OF APPLICATION UNDER 35 U.S.C. 371 AND 37 CFR 1.495 according the application a 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) date of 01 October 2010 and a 35 U.S.C. 371 date of 01 October 2010.

DISCUSSION

A petition to revive the present application under 37 CFR 1.137(b) must include:

(1) The required reply;
(2) The petition fee;
(3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional.

As to item (1), applicant submitted the basic national fee on 29 June 2010.

As to item (2), applicant submitted the petition fee on 29 June 2010.

As to item (3), the required statement has been provided.

A review of the application file reveals that, with the filing of the present petition and accompanying papers, a proper response has been submitted and all of the requirements of 37 CFR 1.137(b) for revival have been satisfied and revival is therefore appropriate.

Declaration of Inventors

The declaration of the inventors filed 01 October 2010 is not in compliance with 37 CFR 1.497(a)-(b). There is a difference in names in two of the inventors between the published international application (Daniel NAGORE and Amagoia AMETZAZURRA) and the declaration of inventors (Daniel NAGORE CASAS and Amagoia AMETZAZURRA PICON). Because these differences in names are more than a mere typographical error or a phonetic misspelling of applicants' legal names, a proper petition under 37 CFR 1.182 is required in order to resolve the matter. Such a petition must be accompanied by the requisite petition fee of $400 as well as a statement from both of the inventors. This statement should set forth that the person is a joint inventor of the subject matter of the present application and should set forth the circumstances surrounding the difference in names on the international application and the declaration.

CONCLUSION

The petition under 37 CFR 1.137(b) is **GRANTED** for the reasons set forth above.

Applicant is hereby given the time limit of **TWO (2) MONTHS** from the mail date of this communication in order to file a proper response. A proper response would include either a new declaration in compliance with 37 CFR 1.497(a)-(b) naming Daniel NAGORE and Amagoia AMETZAZURRA as they are named in the international application and signed by them, or a petition under 37 CFR 1.182 as discussed above. Extensions of time may be obtained under 37 CFR 1.136(a).

Failure to timely file a proper response to this decision in a timely manner will result in abandonment of the application with regards to national stage prosecution in the United States.

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

/Daniel Stemmer/

Daniel Stemmer
Legal Examiner
PCT Legal Affairs
Office of Patent Cooperation Treaty
Legal Administration
Telephone: (571) 272-3301

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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CLARK & ELBING LLP
101 FEDERAL STREET
BOSTON, MA 02110

MAILED
SEP 23 2011
OFFICE OF PETITIONS

Applicant: Anderson, et al.
Appl. No.: 12/811,165
International Filing Date: December 30, 2008
Title: A STORAGE VESSEL AND A BREAK TOOL FOR DIVIDING SUCH VESSEL
Attorney Docket No.: 50733/003001
Pub. No.: US 2010/0303688 A1
Pub. Date: December 2, 2010

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on February 2, 2011, for the above-identified application

The request is DISMISSED.

Applicant requests that the application be republished because the patent application publication contains a material error on the front page of the application wherein two of the inventors' names have been omitted.

37 CFR 1.221 (b) is applicable "only when the Office makes a material mistake which is apparent from Office records.... Any request for a corrected publication or revised patent application publication other than provided as provided in paragraph (a) of this section must be filed **within two months** from the date of the patent application publication. **This period is not extendable**." A material mistake must affect the public's ability to appreciate the technical disclosure of the patent application publication, to determine the scope of the patent application publication, or to determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent. [1]

The error on the front page of the publication wherein two of the inventor's name "Brigitte Ronde Hansen and Janne Petersen" was omitted may be Office error, but it is not a material Office error under 37 CFR 1.221. The omission of an inventor's name and residence does not affect the understanding of the application. The mistakes do not affect the public's ability to appreciate the technical disclosure of the patent application publication, or determine the scope of the patent application publication or determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent.

[1] Changes to Implement Eighteen-Month Publication of Patent Applications, 65 FR 57023, 57038 (Sept. 20, 2000), 1239, Off. Gaz. Pat. Office Notices 63, 75 (Oct. 10, 2000) (final rule).

On August 18, 2010, a Filing Receipt was mailed by the Office, which improperly omitted two of the inventor's. To avoid this type of problem in the future, applicant's representative should correct the error, if applicable and make a request for a corrected filing receipt prior to export of the application to the publisher and publication of the application.

The applicant is advised that a "request for republication of an application previously published" may be filed under 37 CFR 1.221(a). Such a request for republication "must include a copy of the application compliance with the Office's electronic filing system requirements and be accompanied by the publication fee set forth in § 1.18(d) and the processing fee set forth in § 1.17(i)." If the request for republication does not comply with the electronic filing system requirements, the republication will not take place and the publication fee set forth in § 1.18(d) will be refunded. The processing fee will be retained.

A guide for filing a request for a Pre-Grant Publication, such as a request for republication, may be found on the link below:

http://www.uspto.gov/patents/process/file/efs/guidance/index.jsp

http://www.uspto.gov/ebc/portal/efs/pgpub_quickstart.pdf

Any request for republication under 37 CFR 1.221(a), must be submitted via the EFS system, as a "Pre-Grant Publication.

Inquiries relating to this matter may be directed to Mark Polutta at (571) 272-7709.

Mark Polutta
Senior Legal Advisor
Office of Patent Legal Administration
Office of the Deputy Commissioner
for Patent Examination Policy

UNITED STATES PATENT and TRADEMARK OFFICE

28 SEP 2010

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

MARSHALL, GERSTEIN & BORUN LLP
233 SOUTH WACKER DRIVE
6300 WILLIS TOWER
CHICAGO IL 60606-6357

In re Application of	DECISION ON
Hua Zhu KE	
Application No.: 12/811,171	
PCT No.: PCT/US2008/86864	
Int. Filing Date: 27 March 2008	PETITION UNDER
Priority Date: 28 March 2007	
Attorney's Docket No.: 31173/42552A	
For: METHOD FOR TREATING BONE FRACTURE	37 CFR 1.137(b)

This decision is in response to applicant's "PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 C.F.R. 1.137(b)," filed on 29 June 2010.

BACKGROUND

On 15 December 2008, this international application was filed, claiming an earliest priority date of 14 December 2007.

The deadline for paying the basic national fee in the United States under 35 U.S.C. 371 and 37 CFR 1.495 was 14 June 2010. This international application became abandoned with respect to the United States at midnight on 14 June 2010 for failure to pay the required basic national fee.

On 29 June 2010, applicant filed the instant petition under 37 CFR 1.137(b) and a Transmittal letter for entry into the national stage in the United States, which was accompanied by the basic national fee, and the petition fee. No executed declaration or oath was filed at such time.

On 21 July 2010, applicant filed an executed declaration.

DISCUSSION

A grantable petition to revive an abandoned application under 37 CFR 1.137(b) must be accompanied by (1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application; (2) the petition fee as set forth in § 1.17(m); and (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional; and (4) any terminal disclaimer (and fee as set forth in § 1.20 (d)) required pursuant to paragraph (c) of this section.

Petitioner has provided: (1) the proper reply by submitting the basic national filing fee, (2) the petition fee set forth in §1.17(m) and (3) the proper statement under 137(b)(3). In this application, no terminal disclaimer is required.

Accordingly, the petition is deemed to satisfy requirements (1), (2), (3), and (4) under 37 CFR 1.137(b).

DECISION

The petition under 37 CFR 1.137(b) is **GRANTED**.

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for continued processing.

Rafael Bacares
PCT Legal Examiner
PCT Legal Office
Telephone: (571) 272-3276
Facsimile: (571) 273-0459

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.
12/811,182	06/29/2010	Tsutomu Kanno	14434.341USWO	3115

53148 7590 03/23/2011
HAMRE, SCHUMANN, MUELLER & LARSON P.C.
P.O. BOX 2902
MINNEAPOLIS, MN 55402-0902

EXAMINER

ART UNIT	PAPER NUMBER
1725	

MAIL DATE	DELIVERY MODE
03/23/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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CST

March 23, 2011

In re application of Tsutomu Kanno et al Serial No. 12/811,182 Filed: June 29, 2010 For: THERMOELECTRIC DEVICE AND POWER GENERATION METHOD USING THE SAME	: : : : : : :	DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program filed January 31, 2011.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO, note where the JPO application with similar claims is not the same application from which the U.S. application claims priority that the applicant must identify the relationship between the JPO application with similar claims and the JPO priority application;

(2) Applicant must submit a copy of:
   a. The allowable/patentable claim(s) from the JPO application(s) or if a copy of the allowable/patentable claims is available via the Dossier Access System (DAS) applicant may request the USPTO to obtain a copy from DAS; however, if the USPTO is unable to obtain a copy from the DAS, the applicant will be required to submit a copy;
   b. An English translation of the allowable/ patentable claim(s), if applicable; and
   c. A statement that the English translation is accurate, if applicable;

(3) Applicant must:
   a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s); and
   b. Submit a claims correspondence table in English;

(4) Examination of the U.S. application has not begun;

(5) Applicant must submit:
   a. Documentation of prior office action:
      i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claims(s) or
      ii. if the allowable/patentable claim(s) are from "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
      iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form:
      Further, if a copy of the documents from a or b is available via the Dossier Access System (DAS), applicant may request the USPO obtain a copy from the DAS; however, if the USPTO is unable to obtain a copy of the DAS, the applicant will be required to submit a copy;
   b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above if applicable; and
   c. A statement that the English translation is accurate; and

(6) Applicant must submit:
   a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application)
   b. Copies of documents except U.S. patents or U.S. patent application publications (unless already submitted in this application).

The request to participate in the PPH program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

Any inquiry regarding this decision should be directed to Christine Tierney, Quality Assurance Specialist, at (571) 272-1055.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc/index.html.

/Christine Tierney/

Christine Tierney
Quality Assurance Specialist
Technology Center 1700

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UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/811,192		Atsuko Nishikawa	AIC001-00054	3274

88037 7590 08/23/2010
J-TEK LAW PLLC
601 Pennsylvania Avenue, NW
Suite 900, South Building
Washington, DC 20004

EXAMINER

ART UNIT	PAPER NUMBER
3765	

MAIL DATE	DELIVERY MODE
08/23/2010	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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J-TEK LAW PLLC
601 Pennsylvania Avenue, NW
Suite 900, South Building
Washington DC 20004

In re Application of: NISHIKAWA, ATSUKO Serial No.: 12/811,192 Filed: June 29, 2010 Docket: AIC001-00054 Title: GARMENT	DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY (PPH) AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed June 29, 2010 to make the above-identified application special.

The request and petition are GRANTED.

A grantable request to participate in the PPH program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more corresponding application(s) filed in the JPO or to a PCT application that does not contain any priority claim, or the U.S. application must be a national stage entry of a PCT application that does not contain any priority claim;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of all the office actions from each of the JPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate; and
(6) Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO office action along with copies of documents except U.S. patents or U.S. patent application publications.

In light of the petition being properly submitted, the request to participate in the PPH program and the petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

The applicant is encouraged to cite and submit all relevant prior art references, if any, to facilitate examination in this application.

Currently, the application is undergoing pre-examination processing. Once it is released for examination, the application will be forwarded to the examiner for action on the merits commensurate with this decision.

Telephone inquiries concerning this decision should be directed to Henry C. Yuen at 571-272-4856. All other inquiries concerning the examination or status of the application should be directed to Mickey Yu, the SPE of Art Unit 3728, and 571-272-4562 for Class 206/524 and also accessible in the PAIR system at http://www.uspto.gov/ebc.index.html.

Petition is **granted**.

/Henry C. Yuen/

Henry C. Yuen, Special Programs Examiner
Technology Center 3700 – Mechanical Engineering,
Manufacturing and Products
571-272-4856

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/811,201	06/29/2010	Malcolm Wade Pipes	PIPES-11	3411

29106 7590 06/01/2011
Groover & Associates PLLC
Box 293748
Lewisville, TX 75029

EXAMINER
BOST, DWAYNE D

ART UNIT	PAPER NUMBER
2617	

NOTIFICATION DATE	DELIVERY MODE
06/01/2011	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):

GROOVER@TECHNOPATENTS.COM
docketing@stormllp.com
kroper@stormllp.com

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Groover & Associates PLLC
Box 293748
Lewisville TX 75029

In re Application of:
PIPES, MALCOLM WADE
Serial No.: 12/811,201
Filed: June 29, 2010

Title: **AUTOMATIC EMERGENCY CALL ACTIVATION AND NOTIFICATION SYSTEM AND METHOD USING SUPPORTING EMERGENCY NOTIFICATION SERVER**

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 November 4, 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.

The application as filed is not eligible for accelerated examination under 37 C.F.R. § 1.102(d) because the application, at the time of filing, is not in compliance with item 4.) above.

The application was filed with more than 20 total claims. The application will be taken up by the examiner for action in its regular turn.

Any inquiry regarding this decision should be directed to Ken Wieder, Quality Assurance Specialist, at (571) 272-2986.

/Kenneth A. Wieder/

Kenneth A. Wieder
Quality Assurance Specialist
Technology Center 2600
Communications

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/811,278	06/30/2010	Lars Dalsgaard	863.0126.U1(US)	4703

29683 7590 06/08/2011
HARRINGTON & SMITH
4 RESEARCH DRIVE, Suite 202
SHELTON, CT 06484-6212

EXAMINER
YAO, KWANG BIN

ART UNIT	PAPER NUMBER
2473	

MAIL DATE	DELIVERY MODE
06/08/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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MAILED

JUN 07 2011

DIRECTOR OFFICE
TECHNOLOGY CENTER 2400

HARRINGTON & SMITH
4 RESEARCH DRIVE, Suite 202
SHELTON CT 06484-6212

In re Application of: DALSGAARD, et. al.
Application No. **12/811,278**
Filed: June 30, 2010
Atty Docket No. 863.0126.U1(US)
Title of Invention: CHANNEL ALLOCATION WHEN USIING MEASUREMENT GAPS WITH H-ARQ

DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed **May 27, 2011**, to make the above-identified application special.

The petition is **GRANTED.**

A grantable request to participate in the PPH program and petition to make special require:

(1) The U.S. application is
(a) a Paris Convention application which either (i) validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the JPO, or (ii) validly claims priority to a PCT application that contains no priority claims, or
(b) a national stage application under the PCT (an application which entered the national stage in the U.S. from a PCT international application after compliance with 35 U.S.C. 371), which PCT application (i) validly claims priority to an application filed in the JPO, or (ii) validly claims priority to a PCT application that contains no priority claims, or (iii) contains no priority claim, or
(c) a so-called bypass application filed under 35 U.S.C. 111 (a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application (i) validly claims priority to an application filed in the JPO, or (ii) validly claims priority to a PCT application that contains no priority claims, or (iii) contains no priority claim.

Where the JPO application that contains the allowable/patentable claims is not the same application for which priority is claimed in the U.S. application, applicant must identify the relationship between the JPO application that contains the allowable/patentable claims and the JPO priority application claimed in the U.S. application;

(2) Applicant must submit a copy of:
a. The allowable/patentable claim(s) from the Japanese application(s);

b. An English translation of the allowable/patentable claim(s), if the claims were published in a language other than English); and
c. A statement that the English translation is accurate;

(3) Applicant must:
a. Ensure that all the claims in the U.S. application sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s) and
b. Submit a claim correspondence table in English;

(4) Examination of the U.S. application has not begun;

(5) Applicant must submit:
a. A copy of all the office action(s) (which are relevant to patentability), excluding "Decision to Grant a Patent" from each of the Japanese application(s) containing the allowable/patentable claim(s);
b. An English language translation of the JPO office action(s) (if the office action(s) are not in the English language); and
c. A statement that the English translation is accurate;

(6) Applicant must submit:
a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already filed in this application); and
b. Copies of all the documents cited in the JPO office action, except U.S. patents or U.S. patent application publications (unless already filed in this application).

The request to participate in the PPH program and petition are found to comply with all the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Beatriz Prieto at 571-272-3902.

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.

/Beatriz Prieto/

Beatriz Prieto
Quality Assurance Specialist
Technology Center 2400

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MAILED

JUL 22 2011

PCT LEGAL ADMINISTRATION

ABB INC.
LEGAL DEPARTMENT-4U6
29801 EUCLID AVENUE
WICKLIFFE OH 44092

In re Application of SPOLJARICK et al	:	
Application No.: 12/811,283	:	DECISION ON
PCT No.: PCT/US09/30574	:	
Int. Filing: 09 January 2009	:	PETITION TO REVIVE
Priority Date: 10 January 2008	:	
Attorney Docket No.: US-0802	:	UNDER 37 CFR 1.137(b)
For: BUSHING EXPLOSION CONTAINMENT DEVICE	:	

The petition to revive under 37 CFR 1.137(b) filed 28 April 2011 in the above captioned application is hereby **GRANTED** as follows:

Applicant's statement that "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional@ satisfies the requirement of 37 CFR 1.137(b)(3). The petition fee of $1620 has been paid.

Applicant submitted the newly executed declaration by the joint inventors, in compliance with 37 CFR 1.497, was submitted. The $130 surcharge for filing the declaration after the thirty month period was also paid.

This application is being referred to the National Stage Processing Branch of the Office of PCT Operations for further processing. The 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date is 28 April 2011.

/Cynthia M. Kratz/
Cynthia M. Kratz
Attorney Advisor
PCT Legal Office
Office of PCT Legal Administration
Telephone: (571) 272-3286

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ABB INC.
LEGAL DEPARTMENT-4U6
29801 EUCLID AVENUE
WICKLIFFE OH 44092

MAILED

FEB 29 2012

OFFICE OF PETITIONS

In re Application of Spoljarick et al. Application No. 12/811,283 Filed: April 28, 2011 Attorney Docket No. US-0802	: : : : :	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 1, 2012.

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*.

The inventor listed in the instant request, Joseph H. LaCarte, is not the first named inventor of the application. Therefore, the request cannot be granted at this time.

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 inquiries concerning this decision should be directed to the undersigned at (571) 272-3206. All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

/Liana Walsh/
Liana Walsh
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

OCT 0 8 2010

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MCDERMOTT WILL & EMERY LLP
600 13TH STREET, NW
WASHINGTON DC 20005-3096

In re application of Sugaya et al. Application No. 12/811,307 Filed: June 30, 2010 For: POSITIVE ELECTRODE ACTIVE MATERIAL FOR NON-AQUEOUS ELECTROLYTE SECONDARY BATTERY, POSITIVE ELECTRODE FOR NONE-AQUEOUS ELECTROLYTE SECONDARY BATTERY AND NON-AQUEOUS ELECTROLYTE SECONDARY BATTERY	**DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(d)**

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed July 15, 2010, to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

(1) The U.S. application must disclose an eligible relationship to one or more PCT applications filed in the JPO, EPO or USPTO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the PCT application(s) latest international work product (the written opinion or the IPER) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the PCT application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of the latest international work product from the PCT application containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;
(6) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

In light of the petition being properly submitted via EFS-Web as is required, and the preliminary amendment of July 15, 2010, the request to participate in the PPH program complies with the above requirements, the above-identified application has been accorded "special" status.

All other inquiries concerning the examination or status of the application should be directed to the Patent Application Information Retrieval (PAIR) system.

The application is being forwarded to the examiner for action on the merits commensurate with this decision as soon as any pre-exam processing has been completed.

Any inquiry regarding this decision should be directed to Mikado Buiz, Quality Assurance Specialist, at (571) 272-6578.

/ Mikado Buiz /

Mikado Buiz,
Quality Assurance Specialist
Technology Center 3600

MB/MB: 10/07/10

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/811,342	06/30/2010	Ryousuke Sugihara	100609	5690

38834 7590 10/27/2010
WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP
1250 CONNECTICUT AVENUE, NW
SUITE 700
WASHINGTON, DC 20036

EXAMINER
THOMAS, ERIC W

ART UNIT	PAPER NUMBER
2835	

NOTIFICATION DATE	DELIVERY MODE
10/27/2010	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patentmail@whda.com

UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, VA 22313-1450
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WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP
1250 CONNECTICUT AVENUE, NW
SUITE 700
WASHINGTON DC 20036

In re Application of	
SUGIHARA et al.	
Application No.: 12/811,342	**: DECISION ON REQUEST TO**
Filed: 30 June 2010	**: PARTICIPATE IN THE PATENT**
Attorney Docket No.: 100609	**: PROSECUTION HIGHWAY**
For: DISPERSION LIQUID OF A	**: PROGRAM AND PETITION**
CONDUCTIVE COMPOSITION, A	**: TO MAKE SPECIAL UNDER**
CONDUCTIVE COMPOSITION, AND	**: 37 CFR 1.102(d)**
A SOLID ELECTROLYTIC	
CAPACITOR	

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 27 August 2010, to make the above-identified application special.

The request and petition are **DISMISSED**.

A grantable request to participate in the PPH program and petition to make special require:

1. The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO, 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 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 (3-6) above are considered to have been met. However, the request to participate in the PPH pilot program and petition fails meet condition (2).

Regarding the requirement of condition (2), applicant has failed to submit a copy of the allowable/patentable claims from the JPO application.

Applicant is given **ONE** opportunity within a time period of **ONE MONTH or THIRTY DAYS**, whichever is longer, from the mailing date of this decision to correct the deficiencies. **NO EXTENSION OF TIME UNDER 37 CFR 1.136 IS PERMITTED.** If the deficiencies are not corrected with the time period given, the application will await action in its regular turn.

Response must be filed via the Electronic Filing System (EFS) using the document description: Petition to make special under 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.
12/811,342	06/30/2010	Ryousuke Sugihara	100609	5690

38834 7590 12/15/2010
WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP
1250 CONNECTICUT AVENUE, NW
SUITE 700
WASHINGTON, DC 20036

EXAMINER
THOMAS, ERIC W

ART UNIT	PAPER NUMBER
2835	

NOTIFICATION DATE	DELIVERY MODE
12/15/2010	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patentmail@whda.com

UNITED STATES PATENT AND TRADEMARK OFFICE

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WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP
1250 CONNECTICUT AVENUE, NW
SUITE 700
WASHINGTON DC 20036

In re Application of
SUGIHARA et al.
Application No.: 12/811,342
Filed: 30 June 2010
Attorney Docket No.: 100609
For: DISPERSION LIQUID OF A CONDUCTIVE COMPOSITION, A CONDUCTIVE COMPOSITION, AND A SOLID ELECTROLYTIC CAPACITOR

: 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 27 August 2010 and renewed on 17 November 2010, to make the above-identified application special.

The request and petition are **GRANTED**.

Discussion

A grantable request to participate in the PPH pilot program and petition to make special require:

1. The U.S. application is
    a. a Paris Convention application which either
        i. validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the JPO, or
        ii. validly claims priority to a PCT application that contains no priority claims, or
    b. a national stage application under the PCT (an application which entered the national stage in the U.S. from a PCT international application after compliance with 35 U.S.C. 371), which PCT application
        i. validly claims priority to an application filed in the JPO, or
        ii. validly claims priority to a PCT application that contains no priority claims, or
        iii. contains no priority claim, or
    c. a so-called bypass application filed under 35 U.S.C. 111(a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application

i. validly claims priority to an application filed in the JPO, or
ii. validly claims priority to a PCT application that contains no priority claims, or
iii. contains no priority claim;

2. Applicant must submit a copy of:
   a. The allowable/patentable claim(s) from the JPO application(s);
   b. An English translation of the allowable/patentable claim(s) and
   c. A statement that the English translation is accurate;
3. Applicant must:
   a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s) and
   b. Submit a claims correspondence table in English;
4. Examination of the U.S. application has <u>not</u> begun;
5. Applicant must submit:
   a. Documentation of prior office action:
      i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claim(s) or
      ii. if the allowable/patentable claims(s) are from a "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
      iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form;
   b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above
   c. A statement that the English translation is accurate;
6. Applicant must submit:
   a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application)
   b. Copies of the documents except U.S. patents or U.S. patent application publications (unless already submitted in this application);

The request to participate in the PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Inquiries concerning this decision should be directed to Lee W. Young at 571-272-4549.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc.index.html.

This application will be forwarded to the examiner for action on the merits commensurate with this decision once this application's formality reviews have been completed.

Lee W. Young
TQAS, Technology Center 2800 – Semiconductors
Electrical & Optical Systems & Components

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:	12/811,355	Filing date:	June 30, 2010
First Named Inventor:	Kevin C. Kraus		
Title of the Invention:	MESH NETWORK SECURITY SYSTEM GATEWAY 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/US2008/088602

The international date of the corresponding PCT application(s) is/are: December 31, 2008

I. List of Required Documents:

a. **A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above–identified corresponding PCT application(s)**

☑ Is attached

☐ Is not attached because the document is already in the U.S. application.

b. **A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s).**

☑ Is attached.

☐ Is not attached because the document is already in the U.S. application.

c. **English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.**

This collection of information is required by 35 U.S.C. 119, 37 CFR 1.55, and 37 CFR 1.102(d). The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.

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.:	12/811355
First Named Inventor:	Kevin C. Kraus

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 30, 2010

(2) Copies of all documents (except) for U.S. patents or U.S. patent application publications)

☐ Are attached.

☑ Have already been filed in the above-identified U.S. application on June 30, 2010

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
9	12	Cl. 12 written in Independent form having same or similar scope
10	-	Depends from Claim 9 and further narrows
13	-	Depends from Claim 9 and further narrows
14	14	US Claim substantially the same or similar scope as PCT claim
15	15	US Claim substantially the same or similar scope as PCT claim
16	16	US Claim substantially the same or similar scope as PCT claim
17	17	US Claim substantially the same or similar scope as PCT claim
18	18	US Claim substantially the same or similar scope as PCT claim
19	19	US Claim substantially the same or similar scope as PCT claim
20	20	US Claim substantially the same or similar scope as PCT claim
21	21	US Claim substantially the same or similar scope as PCT claim

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature /thomas j. otterlee/	Date 08/26/2010
Name (Print/Typed) Thomas J. Otterlee	Registration Number 48,652

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.

PCT Claims

1. A gateway for transmitting signals between a computer network and a radio-frequency mesh network, comprising:

a housing;

a radio-frequency transceiver for communicating with the radio-frequency mesh network;

an Internet Protocol transceiver, operatively coupled to the radio-frequency transceiver, for communicating with the computer network;

a power supply; and

a logic and memory unit configured to communicate with the computer network using a secure data connection.

2. The gateway of claim 1, further comprising an antenna.

3. The gateway of claim 1, further comprising a user interface having at least one of an input and an output.

4. The gateway of claim 1, further comprising memory and logic for the purpose of storing and executing macros or scenes.

5. The gateway of claim 1, wherein the power supply comprises at least one of a battery and an alternating current power source.

6. The gateway of claim 1, wherein the power supply comprises both a battery and an alternating current power source.

7. The gateway of claim 1, wherein the secure data connection is implemented using a secure socket layer protocol.

8. The gateway of claim 1, wherein the logic and memory unit is operable to translate between the radio-frequency mesh network and the computer network.

9. A gateway for transmitting signals between a computer network and a radio-frequency mesh network, comprising:

a housing;

a radio-frequency transceiver for communicating with the radio-frequency mesh network;

an Internet Protocol transceiver, operatively coupled to the radio-frequency transceiver, for communicating with the computer network;

a power supply; and

a logic and memory unit configured to enroll devices into the radio-frequency mesh network, at least one of the devices being a radio-frequency mesh network lock.

10. The gateway of claim 9, wherein enrolling a device comprises receiving an identifying code from the device and adding the code to a list of devices comprising a radio-frequency mesh network.

11. The gateway of claim 9, wherein the power supply includes an AC power supply and a DC power supply.

12. The gateway of claim 11, wherein the logic and memory unit receive power from the DC power supply during the enrollment of devices into the radio-frequency mesh network, and the logic and memory unit otherwise receive power from the AC power supply.

13. The gateway of claim 9, wherein at least one of the devices is not a lock.

14. A method of synchronizing a radio-frequency mesh network lock device with a mesh network gateway, comprising:

positioning the gateway adjacent to the lock device;

initiating synchronization procedures on the lock device;

initiating synchronization procedures on the gateway;

exchanging identifying information between the gateway and the lock device;

indicating that synchronization is successfully completed at the gateway;

increasing radio signal power of a lock device transceiver associated with the lock device; and

adding the lock device to a list stored in the gateway of devices that make-up the radio-frequency mesh network.

15. The method of claim 14, wherein positioning the gateway adjacent to the lock device further comprises disconnecting the gateway from a fixed power source and operating the gateway using a portable power source.

16. The method of claim 15, wherein the fixed power source is provided power from an AC source and the portable power source is DC.

17. The method of claim 14, wherein initiating synchronization procedures on the lock device comprises a user-initiated synchronization procedure that includes entering a security code into the lock device.

18. The method of claim 14, wherein initiating synchronization procedures on the gateway comprises a user-initiated synchronization procedure that includes pressing a button on the gateway.

19. The method of claim 14, wherein the lock device is operatively coupled to an entrance door.

20. The method of claim 14, wherein the information exchanged between the gateway and the lock device comprises at least one of an identifier and a security code.

21. The method of claim 14, wherein the gateway indicating that synchronization is successfully completed comprises the gateway producing at least one of a visual and an audible indication.

PATENT COOPERATION TREATY

PCT

INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

Applicant's or agent's file reference 084557-9096-WO	**FOR FURTHER ACTION**	see Form PCT/ISA/220 as well as, where applicable, item 5 below.
International application No. PCT/US2008/088602	International filing date *(day/month/year)* 31/12/2008	(Earliest) Priority Date *(day/month/year)* 31/12/2007
Applicant SCHLAGE LOCK COMPANY		

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 6 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. [X] **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. 1
      [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/US2008/088602

A. CLASSIFICATION OF SUBJECT MATTER
INV. H04L12/28 H04L29/06

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)
H04L

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practical, search terms used)

EPO-Internal, WPI Data

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	US 2007/036164 A1 (GOEHLER ROLF [US] ET AL) 15 February 2007 (2007-02-15) abstract figures 3,4 paragraph [0018] paragraphs [0030] - [0034] -----	1-8
X	US 2004/133689 A1 (VASISHT SAMRAT [US]) 8 July 2004 (2004-07-08) abstract figures 2,3A,5,8 paragraphs [0040] - [0045] paragraph [0054] paragraph [0061] paragraph [0089] paragraph [0108] -----	1-8

-/--

[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
24 June 2009	02/07/2009
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 Bonnet, Jérôme

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C(Continuation). DOCUMENTS CONSIDERED TO BE RELEVANT

Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
A	US 2007/030848 A1 (MIYATA HIROSHI [JP] ET AL) 8 February 2007 (2007-02-08) abstract figure 7 paragraphs [0086] - [0089] -----	1-8
A	GB 2 408 892 A (DAVIS EMMANUEL [GB]; MANDER JAGDIP SINGH [GB]; ROHMAN SHAMUL [GB] DAVI) 8 June 2005 (2005-06-08) abstract -----	1-8
X	WO 2007/058415 A (RINNAI KOREA CORP [KR]; CHOI HYUN WOO [KR]; LEE HWANG EUI [KR]; PARK D) 24 May 2007 (2007-05-24) abstract figures 1,2,4,5 paragraphs [0011], [0012] paragraphs [0025] - [0039] paragraphs [0047] - [0062]	9-11,13
A	-----	12,14-21
A	US 2006/250578 A1 (POHL GARRICK G [US] ET AL) 9 November 2006 (2006-11-09) abstract paragraphs [0066] - [0077] -----	9-21
A	WO 2005/117389 A (KONINKL PHILIPS ELECTRONICS NV [NL]; ADAMSON ANTHONY [GB]; HOSKINS DOU) 8 December 2005 (2005-12-08) abstract -----	9-21
A	US 2007/197236 A1 (AHN SANG-JUN [KR] ET AL) 23 August 2007 (2007-08-23) abstract figures 1,4 paragraph [0025] paragraphs [0043] - [0055] -----	9-21

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International application No.
PCT/US2008/088602

INTERNATIONAL SEARCH REPORT

Box No. II Observations where certain claims were found unsearchable (Continuation of item 2 of first sheet)

This international search report has not been established in respect of certain claims under Article 17(2)(a) for the following reasons:

1. ☐ Claims Nos.:
because they relate to subject matter not required to be searched by this Authority, namely:

2. ☐ Claims Nos.:
because they relate to parts of the international application that do not comply with the prescribed requirements to such an extent that no meaningful international search can be carried out, specifically:

3. ☐ Claims Nos.:
because they are dependent claims and are not drafted in accordance with the second and third sentences of Rule 6.4(a).

Box No. III Observations where unity of invention is lacking (Continuation of item 3 of first sheet)

This International Searching Authority found multiple inventions in this international application, as follows:

see additional sheet

1. ☒ As all required additional search fees were timely paid by the applicant, this international search report covers allsearchable claims.

2. ☐ As all searchable claims could be searched without effort justifying an additional fees, this Authority did not invite payment of additional fees.

3. ☐ As only some of the required additional search fees were timely paid by the applicant, this international search reportcovers only those claims for which fees were paid, specifically claims Nos.:

4. ☐ No required additional search fees were timely paid by the applicant. Consequently, this international search report is restricted to the invention first mentioned in the claims; it is covered by claims Nos.:

Remark on Protest

☐ The additional search fees were accompanied by the applicant's protest and, where applicable, the payment of a protest fee.

☐ The additional search fees were accompanied by the applicant's protest but the applicable protest fee was not paid within the time limit specified in the invitation.

☒ No protest accompanied the payment of additional search fees.

FURTHER INFORMATION CONTINUED FROM PCT/ISA/ 210

This International Searching Authority found multiple (groups of) inventions in this international application, as follows:

1. claims: 1-8

   A gateway (claim 1) using a secure data connection

2. claims: 9-21

   A gateway (claim 9) and a method (claim 14) with a lock.

INTERNATIONAL SEARCH REPORT

Information on patent family members

International application No
PCT/US2008/088602

Patent document cited in search report	Publication date	Patent family member(s)	Publication date
US 2007036164 A1	15-02-2007	NONE	
US 2004133689 A1	08-07-2004	NONE	
US 2007030848 A1	08-02-2007	NONE	
GB 2408892 A	08-06-2005	NONE	
WO 2007058415 A	24-05-2007	CN 101310491 A	19-11-2008
		JP 2009516955 T	23-04-2009
		US 2008279202 A1	13-11-2008
US 2006250578 A1	09-11-2006	NONE	
WO 2005117389 A	08-12-2005	BR PI0511455 A	26-12-2007
		CN 1957583 A	02-05-2007
		EP 1757060 A1	28-02-2007
		JP 2008501202 T	17-01-2008
US 2007197236 A1	23-08-2007	KR 20070087402 A	28-08-2007

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

To:

see form PCT/ISA/220

PCT

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43*bis*.1)

Date of mailing
(day/month/year) see form PCT/ISA/210 (second sheet)

Applicant's or agent's file reference
see form PCT/ISA/220

FOR FURTHER ACTION
See paragraph 2 below

International application No.	International filing date *(day/month/year)*	Priority date *(day/month/year)*
PCT/US2008/088602	31.12.2008	31.12.2007

International Patent Classification (IPC) or both national classification and IPC
INV. H04L12/28 H04L29/06

Applicant
SCHLAGE LOCK COMPANY

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☒ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☒ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43*bis*.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

2. **FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notifed the International Bureau under Rule 66.1*bis*(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA:	Date of completion of this opinion	Authorized Officer
European Patent Office P.B. 5818 Patentlaan 2 NL-2280 HV Rijswijk - Pays Bas Tel. +31 70 340 - 2040 Fax: +31 70 340 - 3016	see form PCT/ISA/210	Bonnet, Jérôme Telephone No. +31 70 340-8959

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/US2008/088602

Box No. I Basis of the opinion

1. With regard to the **language**, this opinion has been established on the basis of:

   ☒ the international application in the language in which it was filed

   ☐ a translation of the international application into , which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1 (b)).

2. ☐ This opinion has been established taking into account the **rectification of an obvious mistake** authorized by or notified to this Authority under Rule 91 (Rule 43bis.1(a))

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:

   a. type of material:

   ☐ a sequence listing

   ☐ table(s) related to the sequence listing

   b. format of material:

   ☐ on paper

   ☐ in electronic form

   c. time of filing/furnishing:

   ☐ contained in the international application as filed.

   ☐ filed together with the international application in electronic form.

   ☐ furnished subsequently to this Authority for the purposes of search.

4. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.

5. Additional comments:

Box No. II Priority

1. ☒ The validity of the priority claim has not been considered because the International Searching Authority does not have in its possession a copy of the earlier application whose priority has been claimed or, where required, a translation of that earlier application. This opinion has nevertheless been established on the assumption that the relevant date (Rules 43*bis*.1 and 64.1) is the claimed priority date.

2. ☐ This opinion has been established as if no priority had been claimed due to the fact that the priority claim has been found invalid (Rules 43*bis*.1 and 64.1). Thus for the purposes of this opinion, the international filing date indicated above is considered to be the relevant date.

3. Additional observations, if necessary:

Box No. IV Lack of unity of invention

1. ☒ In response to the invitation (Form PCT/ISA/206) to pay additional fees, the applicant has, within the applicable time limit:

   ☒ paid additional fees

   ☐ paid additional fees under protest and, where applicable, the protest fee

   ☐ paid additional fees under protest but the applicable protest fee was not paid

   ☐ not paid additional fees

2. ☐ This Authority found that the requirement of unity of invention is not complied with and chose not to invite the applicant to pay additional fees.

3. This Authority considers that the requirement of unity of invention in accordance with Rule 13.1, 13.2 and 13.3 is

   ☐ complied with

   ☒ not complied with for the following reasons:

   see separate sheet

4. Consequently, this report has been established in respect of the following parts of the international application:

   ☒ all parts.

   ☐ the parts relating to claims Nos.

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	3,4,6,7,11,12,14-21
	No:	Claims	1,2,5,8-10,13
Inventive step (IS)	Yes:	Claims	12,14-21
	No:	Claims	1-11,13
Industrial applicability (IA)	Yes:	Claims	1-21
	No:	Claims	

2. Citations and explanations

   see separate sheet

Reference is made to the following documents:

D1: US 2007/030848 A1 (MIYATA HIROSHI [JP] ET AL) 8 February 2007

D2: US 2007/036164 A1 (GOEHLER ROLF [US] ET AL) 15 February 2007

D3: US 2004/133689 A1 (VASISHT SAMRAT [US]) 8 July 2004

D4: WO 2007/058415 A (RINNAI KOREA CORP [KR]; CHOI HYUN WOO [KR]; LEE HWANG EUI [KR]; PARK D) 24 May 2007

Re Item IV
Lack of Unity

1. The application lacks unity within the meaning of Article 3 (4)(iii) PCT in combination with Rule 13 PCT.

1.1 For the following reasoning prior art document D1 is taken into account. From this prior art it is known to provide:

(as for claim 1) A gateway for transmitting signals between a computer network and a radio-frequency mesh network (abstract), comprising:
a housing (figure 7);
a radio-frequency transceiver for communicating with the radio-frequency mesh network (paragraph [0086], figure 7);
an Internet Protocol transceiver, operatively coupled to the radio-frequency transceiver, for communicating with the computer network (paragraphs [0086]-[0089]; figure 7);
a power supply (implicit, the gateway comprises active electronic components such as a radio-frequency transceiver).

1.2 With reference to the mentioned prior art, the first group of claims (1-8) yields the special

technical feature of a secure data connection (claim 1), hence solving the objective problem of how to provide protection against intrusion from hackers (see description, paragraph [0089]).

With reference to the mentioned prior art, the second group of claims (9-21) yields the potential special technical feature of a lock (claims 9 and 14), hence solving the objective problem of how to control the opening of a door.

1.3 No further special technical features are available by means of which a relationship could be established between the subject matters of claims (1-8) and (9-21) .

1.4 Consequently, neither the objective problems underlying the subjects of the two claimed inventions, nor their solutions as defined by the special technical features allow for the link of a common inventive concept to be established between the said inventions.

1.5 Hence the Examining Division considers that the following separate inventions or groups of inventions are not so linked as to form a single general inventive concept:

1 ... claims 1-8
2 ... claims 9-21

1.6 The application hence does not meet the requirements of unity of invention of Article 3 (4)(iii) PCT as defined in Rule 13 PCT.

First invention (claims 1-8)

Re Item V

Reasoned statement with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

2. Lack of novelty

2.1 The subject-matter of claim 1 is not new in the sense of Article 33(2) PCT.

2.2 The document D2 discloses (the references in parentheses applying to this document):

A gateway for transmitting signals between a computer network and a radio-frequency mesh network (paragraphs [0030]-[0033]), comprising:
a housing (figures 3,4);
a radio-frequency transceiver for communicating with the radio-frequency mesh network (paragraphs [0031]-[0033] : Zigbee refers to a wireless mesh network);
an Internet Protocol transceiver, operatively coupled to the radio-frequency transceiver, for communicating with the computer network (figure 3; paragraph [0030]);
a power supply (paragraph [0018]); and
a logic and memory unit configured to communicate with the computer network using a secure data connection (paragraph [0030]).

Therefore, the subject-matter of claim 1 is not new (Article 33(2) PCT).

2.3 Note that the lack of novelty of the subject-matter of claim 1 can also be demonstrated along the disclosure of document D3 (see paragraphs [0040]-[0045], [0054], [0061], [0108], figures 2, 3A, 5, 8).

3. Dependent claims, negative assessment

3.1 Dependent claims 2-8 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. In particular,

3.2 The additional features of claims 2,8 are already known from document D2 and D3 (see the citations in the search report). Therefore, the subject-matter of claims 2,8 is not new (Article 33(2) PCT).

3.3 The additional features of claim 5 are implicitly known from document D3 (see paragraph [0089], first sentence : the power supply of an electric appliance is either an AC current

source or a battery) and known from D2 (see figure 3). Therefore, the subject-matter of claim 5 is not new (Article 33(2) PCT).

3.4 The additional features of claims 3,4,6,7 refer solely to particular implementation design choices that the skilled man would choose without the exercise of any inventive activity. Therefore, the subject-matter of claims 3,4,6,7 does not involve an inventive step (Article 33(3) PCT).

Second invention (claims 9-21)

Re Item V

Reasoned statement with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

4. Lack of novelty

4.1 The subject-matter of claim 9 is not new in the sense of Article 33(2) PCT.

4.2 The document D4 discloses (the references in parentheses applying to this document):

A gateway for transmitting signals between a computer network and a radio-frequency mesh network (paragraph [12]; figure 1), comprising:
a housing (implicit, the gateway is a stand-alone component, see figure 2);
a radio-frequency transceiver for communicating with the radio-frequency mesh network (paragraph [31], figure 2 : the ZigBee interface unit);
an Internet Protocol transceiver (paragraph [32], figure 2), operatively coupled to the radio-frequency transceiver, for communicating with the computer network (paragraphs [12],[36],[37]; figure 2; claim 1);
a power supply (implicit, the gateway contains active hardware components such as RF and ZigBee transceivers); and
a logic and memory unit configured to enroll devices into the radio-frequency mesh network (paragraphs [54]-[62]; figure 5), at least one of the devices being a radio-frequency mesh network lock (paragraph [30]).

Therefore, the subject-matter of claim 9 is not new (Article 33(2) PCT).

5. Dependent claims, negative assessment

5.1 Dependent claims 10,11,13 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. In particular,

5.2 The additional features of claims 10,13 are already known from document D4 (see paragraphs [30],[56]). Therefore, the subject-matter of claims 10,13 is not new (Article 33(2) PCT).

5.3 The additional features of claim 11 refer to common design procedure in the field of power management of a communication node. Therefore, the subject-matter of claim 11 does not involve an inventive step (Article 33(3) PCT).

6. Dependent claims, positive assessment

6.1 The combination of the features of dependent claim 12 is neither known from, nor rendered obvious by, the available prior art.

7. Claims 14-21

7.1 The combination of the features of independent claim 14 is neither known from, nor rendered obvious by, the available prior art. Therefore, the subject-matter of claim 14 complies with the requirements of the PCT regarding novelty and inventive step (Article 33(2) and (3) PCT).

7.2 The same reasoning applies mutatis mutandis to the dependent claims 15-21 which depend on independent claim 14.

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/811,355	06/30/2010	Kevin C. Kraus	084557-9096-US00	5929

23409 7590 11/19/2010
MICHAEL BEST & FRIEDRICH LLP
100 E WISCONSIN AVENUE
Suite 3300
MILWAUKEE, WI 53202

EXAMINER

ART UNIT	PAPER NUMBER
2447	

MAIL DATE	DELIVERY MODE
11/19/2010	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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NOV 18 2010

DIRECTOR OFFICE
TECHNOLOGY CENTER 2400

MICHAEL BEST & FRIEDRICH LLP
100 E WISCONSIN AVENUE
Suite 3300
MILWAUKEE WI 53202

In re Application of:
Kevin C. KRAUS et al.
Application No. 12/811,355
Filed: June 30, 2010
For: MESH NETWORK SECURITY SYSTEM GATEWAY AND METHOD

DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PILOT PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(d)

This is a decision on the request to participate in the PCT-Patent Prosecution Highway (PPH) pilot program and the petition under 37 CFR 1.102(d), filed Aug 26, 2010 to make the above identified application special.

The petition is **GRANTED.**

A grantable request to participate in the PCT PPH program and petition to make special require:

1) The relationship between the corresponding U.S. application for which participation in the PCT-PPH pilot program is requested and the PCT application satisfies one of the following:

(a) The U.S. application is a national stage entry of the corresponding PCT application.

(b)The U.S. application is a national application which forms the basis for the priority claim in the corresponding PCT application.

(c) The U.S. application is a national stage entry of another PCT application (which can be filed in any competent receiving office) which claims priority to the corresponding PCT application.

(d) The U.S. application is a national application claiming foreign/domestic priority to the corresponding PCT application.

(e) The U.S. application is a continuing application (continuation, divisional, or continuation-in-part) of the U.S. application which satisfies one of the above (a) to (d) scenarios.

(2) The latest work product in the international phase of the PCT application corresponding to the U.S. application indicates at least one claim in the PCT application has novelty, inventive step and industrial applicability. In case any observation is described in Box VIII of the WO/ISA, or the WO/IPEA, or the IPER which forms the basis for the PCT-PPH request, applicant must identify and explain why the claim(s) is/are not subject to any observation described in Box VIII irrespective of whether an amendment is submitted to correct the observation described in Box VIII. The U.S. application will not be eligible to participate in the PCT-PPH pilot program if applicant does not identify and explain why the claim(s) is/are not subject to the observation described in Box VIII.

Applicant may <u>not</u> file a request to participate in the PCT-PPH pilot program on the basis of an International Search Report (ISR) only.

(3) Applicant must:
a. Ensure all the claims in the U.S. application sufficiently correspond or be amended to sufficiently correspond to one or more of those claims indicated as having novelty, inventive step and industrial applicability and free of any observation described in Box VIII in the latest work product of the corresponding PCT application and

b. Submit a claims correspondence table in English;

(4) Substantive Examination of the U.S. application has not begun;

(5) Applicant must submit a copy of:
a. the latest international work product, WO/ISA, or WO/IPEA or PER, which indicated that the claim(s) has/have novelty, inventive step and industrial applicability along with an English translation thereof if the copy of the latest international work product is not in the English language, unless the U.S. application and the corresponding PCT application satisfy the relationship noted in (1)(a) above.

(6) Applicant must submit a copy of:
a. the claims from the corresponding PCT application which were indicated as having novelty, inventive step and industrial applicability in the latest work product of the PCT application,
b. an English translation of the claims and
c. a statement that the English translation is accurate.

If the claims in the U.S. application are identical to the claims from the corresponding PCT application, and are in the English language, applicant may just indicate such in the PCT-PPH request and it will not be necessary for applicant to submit a copy of the claims from the corresponding PCT application.

(7) Applicant must submit:
a. An IDS listing the documents cited in the work products in the international phase of the PCT application corresponding to the U.S. application, namely the WO/ISA, or the WO/IPEA, or the IPER,(unless already submitted in this application)
b. Copies of the documents except U.S. patents or U.S. patent application publications (unless already submitted in this application);

(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 PPH program and petition are now found to comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Accordingly, the Petition is **GRANTED**.

Telephone inquiries concerning this decision should be directed to Kim Huynh at 571-272-4147.

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.

/Kim Huynh/

Kim Huynh
Quality Assurance Specialist,
Technology Center 2400

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SUITE 2600
PHOENIX AZ 85012

MAILED
JUN 24 2011
PCT LEGAL ADMINISTRATION

In re Application of	:	DECISION ON
COLMAN et al	:	
Application No.: 12/811,361	:	
PCT No.: PCT/IL2007/001632	:	
Int. Filing Date: 31 December 2007	:	PETITION
Priority Date: NA	:	
Attorney's Docket No.: 15872.227	:	
For: TUBE VERIFIER	:	UNDER 37 CFR 1.182

This decision is in response to the "PETITION UNDER 37 CFR 1.182," filed on 26 April 2011 to accept entry of the above identified application into the national stage with the corrected PCT number of **PCT/IL2007/001632**. Petitioner has been charged the petition fee of $400.00 to petitioner's Deposit Account.

BACKGROUND

On 30 June 2010, applicants filed a transmittal letter for entry into the national stage in the United States. However, the incorrect PCT number (PCT/US2007/001632) was submitted at the time of filing via EFS-WEB.

On 26 April 2011, petitioner filed a petition under 37 CRF 1.182 stating that at the time of filing the application, the international application number had an error and that this application is a 371 of PCT/IL2007/001632.

DISCUSSION

Petitioner states that the PCT number was incorrectly entered as PCT/US2007/001632 rather than the correct number PCT/IL2007/001632.

Although applicants entered the incorrect PCT serial number at the time of filing the application via EFS-WEB, the correct number PCT/IL2007/001632 is on a copy of the Transmittal Letter (PTO-1390) and the ADS. Accordingly, there is sufficient evidence that the correct international application PCT number is **PCT/IL2007/001632**.

Therefore, petition to accept the correct PCT number of PCT/IL2007/001632 for the instant application is granted, and will be reflected in the filing receipt.

The correct international application **PCT/IL2007/001632** will be matched with the above national stage application. Also, the papers linked to PCT/US2007/001632 will be removed from the above national stage application.

DECISION

The petition under 37 CFR 1.182 is **GRANTED**.

The application is being returned to the United States Designated/Elected Office (DO/EO/US) for processing in accordance with this decision.

Rafael Bacares
PCT Legal Examiner
PCT Legal Office
Telephone: (571) 272-3276
Facsimile: (571) 273-0459

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Commissioner for Patents
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Washington DC 20005-3096

MAILED

APR 11 2011

OFFICE OF PETITIONS

In re Application of	:	
Aaron Sandoval et al.	:	
Application No. 12/811,368	:	DECISION ON PETITION
Filed: November 24, 2010	:	TO WITHDRAW
Attorney Docket No. 081246-0018	:	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 1, 2011.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request was signed by James W. Hill, MD, on behalf of all attorneys/agents associated with customer number 31824. All attorneys/agents associated with customer number 31824 been withdrawn.

The correspondence address has been changed and is copied below.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at 571-272-4618.

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: Aaron Sandoval
185 Loma Prieta Circle
Tracy, CA 95376

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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Alexandria, Virginia 22313-1450
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/811,368	11/24/2010	Aaron Sandoval	081246-0018

CONFIRMATION NO. 6300

POWER OF ATTORNEY NOTICE

31824
MCDERMOTT WILL & EMERY LLP
600 13th Street, NW
Washington, DC 20005-3096

OC000000047066414

Date Mailed: 04/11/2011

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 03/01/2011.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/kainabinet/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

PTO/SB/20PCT-JP (05-10)
Approved for use through 01/31/2012. OMB 0651-0058
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE JAPAN PATENT OFFICE (JPO) AND THE USPTO

Application No.:	12/811,414	Filing Date:	July 1, 2010
First Named Inventor:	Hidehiko NISHINO et al.		
Attorney Docket No.:	146000		
Title of the Invention:	CYLINDRICAL GRINDING APPARATUS AND METHOD FOR GRINDING		

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/JP2009/000204

The international date of the corresponding PCT application(s) is/are: January 21, 2009

I. **List of Required Documents:**

a. **A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above–identified corresponding PCT application(s)**

☒ Is attached.

☐ Is not attached because the document is already in the U.S. application.

b. **A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s).**

☒ Is attached.

☐ Is not attached because the document is already in the U.S. application.

c. **English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.**

This collection of information is required by 35 U.S.C. 119, 37 CFR 1.55, and 37 CFR 1.102(d). The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM BETWEEN THE JPO AND THE USPTO
(continued)

Application No.:	12/811,414
First Named Inventor:	Hidehiko NISHINO et al.

d. **(1) An information disclosure statement listing the documents cited in the international work products (ISR, WO/ISA, WO/IPEA, IPER) of the corresponding PCT application.**

☐ Is attached.

☒ Has already been filed in the above-identified U.S. application on July 1, 2010

(2) Copies of all documents (except) for U.S. patents or U.S. patent application publications)

☐ Are attached.

☒ Have already been filed in the above-identified U.S. application on July 1, 2010

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1 and 4	1 and 4	Claims 1 and 4 of the U.S. application correspond identically to claims 1 and 4, respectively, of the PCT application indicated as having novelty, inventive step and industrial applicability in the PCT application.
2 and 5	2 and 5	Claims 2 and 5 of the U.S. application correspond identically to claims 2 and 5, respectively, of the PCT application indicated as having novelty, inventive step and industrial applicability in the PCT application. Claims 2 and 5 were cited in Box No. VIII of the IPRP regarding clarity. Specifically, it is indicated that claims 2 and 5 reference a "U-character shaped notch," which allegedly does not find descriptive support in the specification. However, claims 2 and 5 of the U.S. application recite "U-shaped notch," which clearly finds support in the specification, for example in paragraph [0035] and Figs. 2A and 2B. The observations in Box No. VIII in the IPRP are not applicable to claims 2 and 5 of the U.S. application, and claims 2 and 5 are thus free of any observation described in Box VIII of the IPRP.
3 and 7	3	Claims 3 and 7 of the U.S. application correspond to claim 3 of the PCT application indicated as having novelty, inventive step and industrial applicability in the PCT application. Claim 3 of the PCT application is a multiple dependent claim depending from claims 1 or 2. Claim 3 of the U.S. application depends from claim 1 (corresponding to PCT application claim 1). Claim 7 of the U.S. application depends from claim 2 (corresponding to PCT application claim 2). Claims 3 and 7 are thus individually dependent claims corresponding to multiple dependent claim 3 of the PCT application.
6 and 8	6	Claims 6 and 8 of the U.S. application correspond to claim 6 of the PCT application indicated as having novelty, inventive step and industrial applicability in the PCT application. Claim 6 of the PCT application is a multiple dependent claim depending from claims 4 or 5. Claim 6 of the U.S. application depends from claim 4 (corresponding to PCT application claim 4). Claim 8 of the U.S. application depends from claim 5 (corresponding to PCT application claim 5). Claims 6 and 8 are thus individually dependent claims corresponding to multiple dependent claim 6 of the PCT application.

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.

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature		Date	February 18, 2011
Name (Print/Typed)	William P. Berridge	Registration Number	30,024
Name (Print/Typed)	Christopher W. Brown	Registration Number	38,025

OLIFF & BERRIDGE, PLC
P.O. Box 320850
Alexandria, Virginia 22320-4850
Telephone: (703) 836-6400

DEPOSIT ACCOUNT USE AUTHORIZATION
Please grant any extension necessary for entry of this filing;
Charge any fee due to our Deposit Account No. 15-0461

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

特許協力条約

発信人　日本国特許庁（国際調査機関）

代理人
好宮幹夫
様

あて名
〒110-0005
日本国東京都台東区上野７丁目６番１１号第一下谷ビル８Ｆ

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）	24. 02. 2009
出願人又は代理人の書類記号　07P00145W0	今後の手続きについては、下記２を参照すること。
国際出願番号 ＰＣＴ／ＪＰ2009／000204	国際出願日（日.月.年）　21. 01. 2009
優先日（日.月.年）　15. 02. 2008	
国際特許分類（ＩＰＣ）Int.Cl. B24B41/06(2006.01)i, B24B5/04(2006.01)i, B28D5/02(2006.01)i, H01L21/304(2006.01)i	
出願人（氏名又は名称） 信越半導体株式会社	

1．この見解書は次の内容を含む。

- [x] 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
- [x] 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
- [x] 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　06. 02. 2009	
名称及びあて先 日本国特許庁（ＩＳＡ／ＪＰ） 郵便番号１００－８９１５ 東京都千代田区霞が関三丁目４番３号	特許庁審査官（権限のある職員）　３Ｃ　３５０５ 金本　誠夫 電話番号　０３－３５８１－１１０１　内線　３３２４

様式ＰＣＴ／ＩＳＡ／２３７（表紙）（２００７年４月）

国際調査機関の見解書

国際出願番号 PCT／JP2009／000204

第Ⅰ欄　見解の基礎

1．言語に関し、この見解書は以下のものに基づき作成した。

☑ 出願時の言語による国際出願

☐ 出願時の言語から国際調査のための言語である _____ 語に翻訳された、この国際出願の翻訳文

（PCT規則12.3(a)及び23.1(b)）

2．☐ この見解書は、PCT規則 91 の規定により国際調査機関が認めた又は国際調査機関に通知された明らかな誤りの訂正を考慮して作成した（PCT規則 43 の 2.1(b)）。

3．この国際出願で開示されたヌクレオチド又はアミノ酸配列に関して、以下に基づき見解書を作成した。

a．タイプ　☐ 配列表

☐ 配列表に関連するテーブル

b．フォーマット　☐ 紙形式

☐ 電子形式

c．提出時期　☐ 出願時の国際出願に含まれていたもの

☐ この国際出願と共に電子形式により提出されたもの

☐ 出願後に、調査のために、この国際調査機関に提出されたもの

4．☐ さらに、配列表又は配列表に関連するテーブルを提出した場合に、出願後に提出した配列若しくは追加して提出した配列が出願時に提出した配列と同一である旨、又は、出願時の開示を超える事項を含まない旨の陳述書の提出があった。

5．補足意見：

国際調査機関の見解書

国際出願番号 PCT／JP2009／000204

第V欄　新規性、進歩性又は産業上の利用可能性についてのPCT規則43の2.1(a)(i)に定める見解、それを裏付ける文献及び説明

1.　見解

新規性（N）	請求の範囲	1－6	有
	請求の範囲		無
進歩性（IS）	請求の範囲	1－6	有
	請求の範囲		無
産業上の利用可能性（IA）	請求の範囲	1－6	有
	請求の範囲		無

2.　文献及び説明

請求の範囲１－６に係る発明は、国際調査報告に引用された文献のいずれにも記載されておらず、当業者にとって自明なものでもない。

国際調査機関の見解書

国際出願番号 PCT／JP2009／000204

第VIII欄　国際出願に対する意見

請求の範囲、明細書及び図面の明瞭性又は請求の範囲の明細書による十分な裏付についての意見を次に示す。

請求の範囲２，５には「U字型の切り欠き」なる記載があるが、明細書及び図面を参酌しても、「切り欠き」が「U字型」であるという記載はない。

P ENT COOPERATION TREATY

PCT/JP2009/000204

From the INTERNATIONAL BUREAU

PCT

NOTIFICATION OF TRANSMITTAL
OF COPIES OF TRANSLATION
OF THE INTERNATIONAL PRELIMINARY REPORT
ON PATENTABILITY
(CHAPTER I OR CHAPTER II
OF THE PATENT COOPERATION TREATY)

(PCT Rules 44*bis*.3(c) and 72.2)

To:

YOSHIMIYA, Mikio
1st Shitaya Bldg. 8F, 6-11
Ueno 7-chome, Taito-ku
Tokyo 1100005
JAPON

Date of mailing *(day/month/year)* 14 October 2010 (14.10.2010)	
Applicant's or agent's file reference 07F00145WO	**IMPORTANT NOTIFICATION**
International application No. PCT/JP2009/000204	International filing date *(day/month/year)* 21 January 2009 (21.01.2009)
Applicant Shin-Etsu Handotai Co., Ltd. et al	

1. **Transmittal of the translation to the applicant.**

☒ The International Bureau transmits herewith a copy of the English translation of the international preliminary report on patentability (Chapter I).

☐ The International Bureau transmits herewith a copy of the English translation of the international preliminary report on patentability (Chapter II).

2. **Transmittal of the copy of the translation to the designated or elected Offices.**

The International Bureau notifies the applicant that copies of that translation have been transmitted to the following designated or elected Offices requiring such translation:

EP

The following designated or elected Offices, having waived the requirement for such a transmittal at this time, will receive copies of that translation from the International Bureau only upon their request:

AE, AG, AL, AM, AO, AP, AT, AU, AZ, BA, BB, BG, BH, BR, BW, BY, BZ, CA, CH, CN, CO, CR, CU, CZ, DE, DK, DM, DO, DZ, EA, EC, EE, EG, ES, FI, GB, GD, GE, GH, GM, GT, HN, HR, HU, ID, IL, IN, IS, KE, KG, KM, KN, KP, KR, KZ, LA, LC, LK, LR, LS, LT, LU, LY, MA, MD, ME, MG, MK, MN, MW, MX, MY, MZ, NA, NG, NI, NO, NZ, OA, OM, PG, PH, PL, PT, RO, RS, RU, SC, SD, SE, SG, SK, SL, SM, ST, SV, SY, TJ, TM, TN, TR, TT, TZ, UA, UG, US, UZ, VC, VN, ZA, ZM, ZW

3. **Reminder regarding translation into (one of) the official language(s) of the elected Office(s).**

The applicant is reminded that, where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary report on patentability (Chapter II).

It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned within the applicable time limit (Rule 74.1). See Volume II of the PCT Applicant's Guide for further details.

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland Facsimile No. +41 22 338 82 70	Authorized officer Gijsbertus Beijer e-mail: pct07.pct@wipo.int

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter I of the Patent Cooperation Treaty)

(PCT Rule 44*bis*)

Applicant's or agent's file reference 07F00145WO	**FOR FURTHER ACTION**	See item 4 below
International application No. PCT/JP2009/000204	International filing date *(day/month/year)* 21 January 2009 (21.01.2009)	Priority date *(day/month/year)* 15 February 2008 (15.02.2008)
International Patent Classification (8th edition unless older edition indicated) See relevant information in Form PCT/ISA/237		
Applicant Shin-Etsu Handotai Co., Ltd.		

1. This international preliminary report on patentability (Chapter I) is issued by the International Bureau on behalf of the International Searching Authority under Rule 44 *bis*.1(a).

2. This REPORT consists of a total of 5 sheets, including this cover sheet.

   In the attached sheets, any reference to the written opinion of the International Searching Authority should be read as a reference to the international preliminary report on patentability (Chapter I) instead.

3. This report contains indications relating to the following items:

☒	Box No. I	Basis of the report
☐	Box No. II	Priority
☐	Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
☐	Box No. IV	Lack of unity of invention
☒	Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
☐	Box No. VI	Certain documents cited
☐	Box No. VII	Certain defects in the international application
☒	Box No. VIII	Certain observations on the international application

4. The International Bureau will communicate this report to designated Offices in accordance with Rules 44*bis*.3(c) and 93*bis*.1 but not, except where the applicant makes an express request under Article 23(2), before the expiration of 30 months from the priority date (Rule 44*bis*.2).

	Date of issuance of this report 05 October 2010 (05.10.2010)
The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland Facsimile No. +41 22 338 82 70	Authorized officer Gijsbertus Beijer e-mail: pt07.pct@wipo.int

PATENT COOPERATION TREATY

TRANSLATION

From the
INTERNATIONAL SEARCHING AUTHORITY

To:

PCT

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43*bis*.1)

	Date of mailing *(day/month/year)*
Applicant's or agent's file reference 07F00145WO	**FOR FURTHER ACTION** See paragraph 2 below

International application No.	International filing date *(day/month/year)*	Priority date *(day/month/year)*
PCT/JP2009/000204	21.01.2009	15.02.2008

International Patent Classification (IPC) or both national classification and IPC

Applicant
Shin-Etsu Handotai Co., Ltd.

1. This opinion contains indications relating to the following items:

- ☒ Box No. I — Basis of the opinion
- ☐ Box No. II — Priority
- ☐ Box No. III — Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV — Lack of unity of invention
- ☒ Box No. V — Reasoned statement under Rule 43*bis*.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI — Certain documents cited
- ☐ Box No. VII — Certain defects in the international application
- ☒ Box No. VIII — Certain observations on the international application

2. **FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1*bis*(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/JP	Date of completion of this opinion	Authorized officer
Facsimile No.		Telephone No.

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/JP2009/000204

Box No. I **Basis of this opinion**

1. With regard to the **language**, this opinion has been established on the basis of:

   ☒ the international application in the language in which it was filed

   ☐ a translation of the international application into _____, which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1(b)).

2. ☐ This opinion has been established taking into account the **rectification of an obvious mistake** authorized by or notified to this Authority under Rule 91 (Rule 43*bis*.1(a))

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:

   a. type of material

   ☐ a sequence listing

   ☐ table(s) related to the sequence listing

   b. format of material

   ☐ on paper

   ☐ in electronic form

   c. time of filing/furnishing

   ☐ contained in the international application as filed

   ☐ filed together with the international application in electronic form

   ☐ furnished subsequently to this Authority for the purposes of search

4. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table(s) relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.

5. Additional comments:

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/JP2009/000204

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	1-6	YES
	Claims		NO
Inventive step (IS)	Claims	1-6	YES
	Claims		NO
Industrial applicability (IA)	Claims	1-6	YES
	Claims		NO

2. Citations and explanations:

The invention as in claims 1-6 is not described in any of the documents cited in the ISR, and would not be obvious to a person skilled in the art.

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/JP2009/000204

Box No. VIII **Certain observations on the international application**

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

Claims 2 and 5 contain the wording "U-character shaped notch", however, if the description and drawings are taken into consideration, there is no wording indicating that "the notch" has a "U-character shape".

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Hidehiko NISHINO et al.

Application No.: 12/811,414

Filed: July 1, 2010

For: CYLINDRICAL GRINDING APPARATUS AND METHOD FOR GRINDING

Group Art Unit:

Examiner:

Docket No.: 146000

TRANSMITTAL OF CLAIMS AND TRANSLATION, AND
AFFIRMATION OF ACCURACY OF TRANSLATION OF CLAIMS

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Attached hereto is a copy of the Japanese language claims of corresponding PCT application PCT/JP2009/000204 indicated to have novelty, inventive step and industrial applicability in the IPRP. Also attached is an English-language translation of the claims. On information and belief, the English-language translation is an accurate translation of the PCT application claims.

Respectfully submitted,

William P. Berridge
Registration No. 30,024

Christopher W. Brown
Registration No. 38,025

WPB:CWB/rav

Date: February 18, 2011

OLIFF & BERRIDGE, PLC
P.O. Box 320850
Alexandria, Virginia 22320-4850
Telephone: (703) 836-6400

DEPOSIT ACCOUNT USE AUTHORIZATION
Please grant any extension necessary for entry of this filing; Charge any fee due to our Deposit Account No. 15-0461

請求の範囲

[1] 少なくとも、円柱状のインゴットを縦置きに載置するテーブルと、前記インゴットの両側の端面を鉛直方向から保持する一対のクランプと、前記インゴットを軸周りに回転駆動させるための回転手段と、前記回転手段の回転軸方向に移動可能な研磨ホイールを具備した前記円柱状のインゴットの側面を研削するための円筒研削装置であって、少なくとも３つのローラーと、前記ローラーを支持するアームから成り、前記インゴットに対して水平方向から進退動して前記ローラーを圧接可能な芯出し手段を具備し、前記テーブルに前記円柱状のインゴットを縦置きに載置し、前記縦置きにしたインゴットを前記テーブルから前記クランプ上に移載してから前記インゴットの両側の端面を前記一対のクランプで鉛直方向に保持し、前記回転手段で前記インゴットを軸周りに回転しながら前記芯出し手段が前記インゴットに対して水平方向から進退動して、前記インゴットの側面に前記ローラーを圧接させることによって、前記回転手段の回転軸と前記インゴットの中心軸を一致させた後、前記インゴットを前記研磨ホイールで研削するものであることを特徴とする円筒研削装置。

[2] 前記テーブルはＵ字型の切り欠きを有することを特徴とする請求項１に記載の円筒研削装置。

[3] 前記芯出し手段は、Ｙ字型のアームに２つのローラーが設けられた芯出し部材がそれぞれ左右対称に１対有するものであることを特徴とする請求項１または請求項２に記載の円筒研削装置。

[4] 円柱状のインゴットの側面を研削する円筒研削装置によるインゴットの研削方法であって、テーブルに前記円柱状のインゴットを縦置きに載置し、前記縦置きにしたインゴットを前記テーブルから前記クランプ上に移載してから前記インゴットの両側の端面を軸周りに回転可能なクランプで鉛直方向に

保持し、前記クランプで保持した前記インゴットを軸周りに回転させながら、少なくとも３つのローラーと、前記ローラーを支持するアームから成る芯出し手段を前記インゴットに対して水平方向から進退動させ、前記インゴットの側面に前記ローラーを圧接させることによって、前記クランプの回転軸と前記インゴットの中心軸を一致させた後、研磨ホイールを前記インゴットの側面に当接させ、前記研磨ホイールを鉛直方向に移動させて、前記インゴットの側面を研削することを特徴とするインゴットの研削方法。

[5] 前記テーブルにＵ字型の切り欠きを設けることを特徴とする請求項４に記載のインゴットの研削方法。

[6] 前記芯出し手段として、Ｙ字型のアームに２つのローラーが設けられた芯出し部材をそれぞれ左右対称に１対有するものを用いることを特徴とする請求項４または請求項５に記載のインゴットの研削方法。

CLAIMS

1. A cylindrical grinding apparatus having at least a table on which a cylindrical ingot is placed in a longitudinal direction, a pair of clamps for holding both end faces of the ingot in a vertical direction, a rotation means for driving to rotate the ingot about a central axis and a grinding wheel movable in the direction of a rotating axis of the rotation means, and grinding a side face of the cylindrical ingot,

the apparatus comprising a centering means composed of at least three rollers and an arm for holding the rollers, the centering means being capable of moving backward and forward against the ingot in a horizontal direction to bring the rollers into pressure contact with the ingot, wherein

the cylindrical ingot is placed on the table in a longitudinal direction, both end faces of the ingot are held vertically with the pair of clamps after moving the ingot placed in a longitudinal direction onto one of the clamps from the table, the centering means moves backward and forward against the ingot in a horizontal direction to bring the rollers into pressure contact with the side face of the ingot while the ingot is rotated about the central axis with the rotation means so that the rotating axis of the rotation means is aligned with the central axis of the ingot, and thereafter the ingot is ground with the grinding wheel.

2. The cylindrical grinding apparatus according to claim 1, wherein the table has a U-shaped notch.

3. The cylindrical grinding apparatus according to claim 1 or claim 2, wherein the centering means includes a pair of centering members composed of a Y-shaped arm provided with two rollers, the centering members being symmetrically arranged respectively.

4. A method for grinding an ingot by using a cylindrical grinding apparatus grinding a side face of a cylindrical ingot, the method comprising the steps of:

placing the cylindrical ingot on a table in a longitudinal direction;

holding both end faces of the ingot vertically with clamps rotatable about a rotating axis after moving the ingot placed in a longitudinal direction onto one of the clamps from the table;

moving a centering means backward and forward against the ingot in a horizontal direction, the centering means being composed of at least three rollers and an arm for holding the rollers, and bringing the rollers into pressure contact with the side face of the ingot while rotating the ingot held with the clamps about a central axis so that the rotating axis of the clamps is aligned with the central axis of the ingot; and thereafter

grinding the side face of the ingot by bringing a grinding wheel into contact with the side face of the ingot and feeding the grinding wheel in a vertical direction.

5. The method for grinding an ingot according to claim 4, wherein the table is provided with a U-shaped notch.

6. The method for grinding an ingot according to claim 4 or claim 5, wherein the centering means is used which includes a pair of centering members composed of a Y-shaped arm provided with two rollers, the centering members being symmetrically arranged respectively.

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.
12/811,414	07/01/2010	Hidehiko Nishino	146000	6947

25944 7590 02/23/2011
OLIFF & BERRIDGE, PLC
P.O. BOX 320850
ALEXANDRIA, VA 22320-4850

EXAMINER
ASHLEY, BOYER DOLINGER

ART UNIT	PAPER NUMBER
3724	

NOTIFICATION DATE	DELIVERY MODE
02/23/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

OfficeAction25944@oliff.com
jarmstrong@oliff.com

UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, VA 22313-1450
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OLIFF & BERRIDGE, PLC
P.O. BOX 320850
ALEXANDRIA VA 22320-4850

In re Application of	:	
NISHINO, HIDEHIKO et al	:	DECISION ON REQUEST TO
Application No. 12/811,414	:	PARTICIPATE IN PATENT
Filed: July 1, 2010	:	PCT/PROSECUTION HIGHWAY
Attorney Docket No. 146000	:	PROGRAM AND PETITION
For: CYLINDRICAL GRINDING APPARATUS	:	TO MAKE SPECIAL
AND METHOD FOR GRINDING	:	37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed Feb. 18, 2011, to make the above-identified application special.

The request and petition are granted.

A grantable request to participate in the PPH pilot program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO/PCT application(s) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of all the office actions from each of the JPO/PCT application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate; and
(6) Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO office action along with copies of documents except U.S. patents or U.S. patent application publications.

In light of the petition being properly submitted, the request to participate in the PPH program and the petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

The applicant is encouraged to cite and submit all relevant prior art references, if any, to facilitate examination in this application. This application will be forwarded to an examiner for examination.

Telephone inquiries concerning this decision should be directed to Henry C. Yuen at 571-272-4856. All other inquiries concerning the examination or status of the application should be directed to Boyer Ashley, SPE of Art Unit 3724, and 571-272-4502 for Class 82/117 and also accessible in the PAIR system at http://www.uspto.gov/ebc.index.html.

Petition is **granted**.

/Henry C. Yuen/

Henry C. Yuen, Special Programs Examiner
Technology Center 3700 – Mechanical Engineering,
Manufacturing and Products
571-272-4856

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

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NOV 23 2010

PCT LEGAL ADMINISTRATION

KNOBBE MARTENS OLSON & BEAR LLP
2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE CA 92614

In re Application of	:	
LAWSON (deceased) et al.	:	DECISION ON
Application No.: 12/811,439	:	
PCT No.: PCT/US2008/088526	:	PAPERS
Int. Filing Date: 30 December 2008	:	
Priority Date: 04 January 2008	:	UNDER 37 CFR 1.42
Attorney's Docket No.: CRBARD.009NP	:	
For: SYNTHETIC POLYISOPRENE FOLEY	:	
CATHETER	:	

The Filing Receipt and NOTICE OF ACCEPTANCE OF APPLICATION UNDER 35 U.S.C. 371 AND 37 CFR 1.495 (Form PCT/DO/EO/903) according the application a 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) date and a 35 U.S.C. 371 date of 21 October 2010, both mailed 29 October 2010, were mailed before the request for status under 37 CFR 1.42 had been considered and are therefore hereby **VACATED**.

This is a decision on the submission filed by applicant on 21 October 2010. The indication that inventor Kenneth Glenn LAWSON is deceased has been treated as a request for status under 37 CFR 1.42.

BACKGROUND

On 30 December 2008, applicant filed international application PCT/US2008/088526 which claimed a priority date of 04 January 2008 and designated the United States. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 16 July 2009. The thirty-month period for paying the basic national fee in the United States expired at midnight on 06 July 2010 (04 July 2010 being a Sunday and 05 July 2010 being a Federal holiday).

On 01 July 2010, applicant filed a transmittal letter for entry into the national stage in the United States accompanied by, *inter alia*, the basic national fee.

On 04 August 2010, the United States Designated/Elected Office (DO/EO/US) mailed a

NOTIFICATION OF MISSING REQUIREMENTS (Form PCT/DO/EO/905) indicating, *inter alia*, that a declaration of inventors in compliance with 37 CFR 1.497(a)-(b) was required.

On 21 October 2010, applicant filed the instant submission which includes a petition/fee for a one-month extension of time and a declaration of inventors. The indication in the declaration that inventor Kenneth Glenn LAWSON is deceased has been treated as a request for status under 37 CFR 1.42.

DISCUSSION

The declaration filed 21 October 2010 is not sufficient because it contains non-initialed alterations on the page signed by Ian CAPSTICK. 37 CFR 1.52(c). "Any changes made in ink in the application or oath prior to signing should be initialed and dated by the applicants prior to execution of the oath or declaration. The Office will require a new oath or declaration if the alterations are not initialed and dated." MPEP § 605.04(a). Item I.

CONCLUSION

For the above reasons, the request for status under 37 CFR 1.42 is **REFUSED**.

Applicant is required to submit a proper declaration within a time period of **TWO (2) MONTHS** from the mail date of this Decision. THIS PERIOD FOR RESPONSE MAY BE EXTENDED UNDER 37 CFR 1.136(a). FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT. Any request for reconsideration of this decision should include a cover letter entitled "Renewed Submission Under 37 CFR 1.42."

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

/Daniel Stemmer/

Daniel Stemmer
Legal Examiner
PCT Legal Affairs
Office of Patent Cooperation Treaty
Legal Administration
Telephone: (571) 272-3301

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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MAR 29 2011

PCT LEGAL ADMINISTRATION

KNOBBE MARTENS OLSON & BEAR LLP
2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE CA 92614

In re Application of	:	
LAWSON (deceased) et al.	:	DECISION ON
Application No.: 12/811,439	:	
PCT No.: PCT/US2008/088526	:	PAPERS
Int. Filing Date: 30 December 2008	:	
Priority Date: 04 January 2008	:	UNDER 37 CFR 1.42
Attorney's Docket No.: CRBARD.009NP	:	
For: SYNTHETIC POLYISOPRENE FOLEY	:	
CATHETER	:	

This is a decision on applicants' renewed submission under 37 CFR 1.42 filed 02 March 2011.

BACKGROUND

On 30 December 2008, applicant filed international application PCT/US2008/088526 which claimed a priority date of 04 January 2008 and designated the United States. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 16 July 2009. The thirty-month period for paying the basic national fee in the United States expired at midnight on 06 July 2010 (04 July 2010 being a Sunday and 05 July 2010 being a Federal holiday).

On 01 July 2010, applicant filed a transmittal letter for entry into the national stage in the United States accompanied by, *inter alia*, the basic national fee.

On 04 August 2010, the United States Designated/Elected Office (DO/EO/US) mailed a NOTIFICATION OF MISSING REQUIREMENTS (Form PCT/DO/EO/905) indicating, *inter alia*, that a declaration of inventors in compliance with 37 CFR 1.497(a)-(b) was required.

On 21 October 2010, applicant filed a submission which included a petition/fee for a one-month extension of time and a declaration of inventors. The indication in the declaration that inventor Kenneth Glenn LAWSON is deceased has properly been treated as a request for status under 37 CFR 1.42.

On 23 November 2010, a decision was mailed refusing applicants' request for status under 37 CFR 1.42. The decision noted that the declaration filed 21 October 2010 is not sufficient because it contains non-initialed alterations on the page signed by Ian Capstick.

On 02 March 2011, applicants filed the instant renewed submission under 37 CFR 1.42 which was accompanied by a petition/fee for a two-month extension of time and a new declaration of inventors.

DISCUSSION

The submission filed 02 March 2011 has been reviewed and has been found in compliance with 37 CFR 1.42. The declaration filed 02 March 2011 is in compliance with 37 CFR 1.497(a)-(b).

CONCLUSION

For the above reasons, the request for status under 37 CFR 1.42 is **ACCEPTED**.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application, including the accordation of a 35 U.S.C. §§ 371(c)(1), (c)(2), and (c)(4) date and a 35 U.S.C. 371 date of **02 March 2011**. (The Filing Receipt and the NOTICE OF ACCEPTANCE OF APPLICATION UNDER 35 U.S.C. 371 AND 37 CFR 1.495 (Form PCT/DO/EO/903), both mailed 29 October 2010, were **VACATED** in the Decision mailed 23 November 2010.)

/Daniel Stemmer/

Daniel Stemmer
Legal Examiner
PCT Legal Affairs
Office of Patent Cooperation Treaty
Legal Administration
Telephone: (571) 272-3301

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20120322

DATE : March 22, 2012

TO SPE OF : ART UNIT 2839

SUBJECT : Request for Certificate of Correction on Patent No.: 8,029,308

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:

The corrections are acceptable, caused due to re-numbering of claims.

/TULSIDAS C PATEL/
Supervisory Patent Examiner.Art Unit 2839

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.
12/811,509	07/01/2010	Sadaki Futagi	733156.417USPC	8080

96896 7590 11/29/2010
Seed Intellectual Property Law Group PLLC
701 Fifth Avenue, Suite 5400
Seattle, WA 98104

EXAMINER
GHAYOUR, MOHAMMAD H

ART UNIT	PAPER NUMBER
2611	

NOTIFICATION DATE	DELIVERY MODE
11/29/2010	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

jeffs.docketing@seedip.com

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Seed Intellectual Property Law Group PLLC
701 Fifth Avenue, Suite 5400
Seattle WA 98104

In re Application of	:	
FUTAGI, SADAKI, et al.	:	DECISION ON REQUEST TO
Application No. 12/811,509	:	PARTICIPATE IN PATENT
Filed: July 1, 2010	:	PROSECUTION HIGHWAY
Attorney Docket No. **733156.417USPC**	:	PROGRAM AND PETITION
	:	TO MAKE SPECIAL UNDER
	:	37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed September 28, 2010 to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the 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) The required petition fee under 37 CFR 1.17(h).

The request to participate in the PPH program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Kenneth Wieder at 571-272-2986.

All other inquiries concerning the examination or status of the application should be directed to Patent Application Information Retrieval (PAIR) system.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

/Kenneth A. Wieder/

Kenneth Wieder
Quality Assurance Specialist
Technology Center 2600
Communications

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

BROUSE MCDOWELL LPA
388 SOUTH MAIN STREET
SUITE 500
AKRON OH 44311

MAILED
OCT 11 2011
OFFICE OF PETITIONS

In re Application of	:	
Lu-Kwang Ju	:	DECISION ON PETITION
Application No. 12/811,542	:	TO WITHDRAW
Filed: July 2, 2010	:	FROM RECORD
Attorney Docket No. **20211.51797**	:	

This is a decision on the request to withdraw as attorney of record under 37 CFR § 1.36(b), filed September 30, 2010.

The request is **NOT APPROVED**.

The request cannot be approved because the Office no longer accept address changes to a new practitioner/customer number or law firm filed with a request, absent the filing of a power of attorney to the new representative.

The Office will only accept correspondence address changes to the most current address information provided for the assignee of the entire interest *who properly became of record under 37 CFR 3.71,* or, if no assignee of the entire interest has properly been made of record, the most current address information provided for the first named inventor. 37 CFR 3.71(c) states:

> *An assignee becomes of record either in a national patent application or a reexamination proceeding by filing a statement in compliance with § 3.73(b) that is signed by a party who is authorized to act on behalf of the assignee.*

The assignee must establish its ownership of the patent to the satisfaction of the Director. In this regard, the statement under 37 CFR 3.73(b) must have either: (i) documentary evidence of a chain of title from the original owner to the assignee (*e.g.*, copy of an executed assignment), and a statement affirming that the documentary evidence of the chain of title from the original owner to the assignee was or concurrently is being submitted for recordation pursuant to § 3.11; or (ii) a statement specifying where documentary evidence of a chain

of title from the original owner to the assignee is recorded in the assignment records of the Office (*e.g.*, reel and frame number).

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to the undersigned at (571) 272-4584.

/JoAnne Burke/
JoAnne Burke
Petitions Examiner
Office of Petitions

- 8 SEP 2010

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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www.uspto.gov

MARSHALL, GERSTEIN & BORUN LLP
233 SOUTH WACKER DRIVE
6300 WILLIS TOWER
CHICAGO IL 60606-6357

In re Application of	:	
GARVEY et al.	:	
Application No.: 12/811,566	:	DECISION
PCT No.: PCT/GB2008/051148	:	
Int. Filing Date: 03 December 2008	:	
Priority Date: 12 December 2007	:	
Attorney's Docket No.: 30131/45520	:	
For: COMPOSITION FOR THE TREATMENT OF	:	
A DETACHED RETINA AND METHOD OF	:	
PRODUCTION THEREOF	:	

This decision is in response to applicants' petition under 37 CFR 1.137(b) filed 02 July 2010 and applicants' submission filed 29 August 2010 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 03 December 2008, applicants filed international application PCT/GB2008/051148, which designated the U.S. and claimed a priority date of 12 December 2007. A copy of the international application was communicated to the USPTO from the International Bureau on 18 June 2009. The thirty-month period for paying the basic national fee in the United States expired at midnight on14 June 2010 (12 June 2010 being a Saturday).

On 02 July 2010, applicants filed a submission for entry into the national stage in the United States which was accompanied by, *inter alia*, the U.S. Basic National Fee and a petition to revive under 37 CFR 1.137(b).

On 06 August 2010, the USPTO issued a NOTIFICATION OF ABANDONMENT (Form PCT/DO/EO/909) indicating that the application was abandoned as to the United States of America for failure to provide a copy of the international application by 30 months.

On 19 August 2010, applicants filed a submission including, *inter alia*, a declaration of inventors.

DISCUSSION

The NOTIFICATION OF ABANDONMENT mailed 06 August 2010 was sent in error because it failed to take into account the petition under 37 CFR 1.137(b) filed 02 July 2010 and is hereby VACATED.

A petition to revive the present application under 37 CFR 1.137(b) must include:

(1) The required reply;
(2) The petition fee;
(3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional.

As to item (1), the U.S. Basic National Fee was submitted on 02 July 2010.

As to item (2), applicant submitted the petition fee on 02 July 2010.

As to item (3), the required statement has been provided.

Declaration of Inventors

The declaration of inventors filed 19 August 2010 is in compliance with 37 CFR 1.497(a)-(b).

CONCLUSION

The petition under 37 CFR 1.137(b) is **GRANTED** for the reasons set forth above.

The NOTIFICATION OF ABANDONMENT mailed 06 August 2010 is VACATED for the reasons set forth above.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application.

/Daniel Stemmer/

Daniel Stemmer
Legal Examiner
PCT Legal Affairs
Office of Patent Cooperation Treaty
Legal Administration
Telephone: (571) 272-3301

United States Patent and Trademark Office

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RATNERPRESTIA
P.O. BOX 980
VALLEY FORGE PA 19482

In re Application of	:	
Rolet et al.	:	
Application No.: 12/811,586	:	
PCT No.: PCT/FR2008/052421	:	
Int. Filing Date: 26 December 2008	:	DECISION
Priority Date: 03 January 2008	:	
Attorney Docket No.: GRY-192US	:	
For: Aircraft Structure Testing Device	:	
Of The Wire Cutter Type	:	

This is with regard to the petition to withdraw the holding of abandonment, filed on 04 April 2011.

BACKGROUND

This international application was filed on 26 December 2008, designated the United States, and claimed an earliest priority date of 03 January 2008. The International Bureau transmitted a copy of the published international application to the USPTO on 09 July 2009. Accordingly, the 30 month time period for paying the basic national fee in the United States expired at midnight on 03 July 2010. Applicants timely filed *inter alia* the basic national fee on 02 July 2010.

On 06 August 2010, a Notification Of Missing Requirements (Form PCT/DO/EO/905) was mailed to counsel, requiring the submission of an oath or declaration compliant with 37 CFR 1.497(a) and (b) and the surcharge under 37 CFR 1.492(h).

DISCUSSION

Petitioner requests withdrawal of the holding of abandonment, on the basis of alleged non-receipt of the Notification mailed on 06 August 2010. As explained in MPEP 711.03(c), and following *Delgar v. Schuyler, 172 USPQ 513 (D.D.C. 1971),* an adequate showing of non-receipt of papers mailed to applicant by the Office must include (1) a statement by the practitioner that the Office action was not received by the practitioner; (2) a statement attesting that a search of the file jacket and docket records indicates that the Office action was not received; and (3) a copy of the docket record where the non-received Office action would have been entered had it been received (the docket records must also be referenced in petitioner's statement).

Petitioner states that "the Notification of Missing Requirements Under 35 U.S.C. 371, which was mailed on August 6, 2010, was not received at the correspondence address of record." This statement is being interpreted as a statement that said Notification was not received by the practitioner, and thereby satisfies requirement (1).

Petitioner further states that "I have conducted a search of the file jacket and docket records associated with the above-identified application, and I have not been able to find any indication that the Notice of Missing Requirements was actually received at the correspondence address of record." Therefore, requirement (2) has been satisfied.

Concerning requirement (3), petitioner has provided a "copy of the master docket record for October 6, 2010." These docket records satisfy requirement (3).

DECISION

The petition is **GRANTED**.

The holding of abandonment is **WITHDRAWN**.

This application is being returned to the Office of Patent Application Processing. Its date under 35 U.S.C. 371(c)(1), (2) and (4) is **04 April 2011**.

/George Dombroske/
George Dombroske
PCT Legal Examiner
Office of PCT Legal Administration
Tel: (571) 272-3283
Fax: (571) 273-0459

07 SEP 2010

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Pearne & Gordon LLP
1801 East 9th Street
Suite 1200
Cleveland OH 44114-3108

In re Application of	:	
Nissen	:	
Application No.: 12/811,616	:	DECISION
PCT No.: PCT/IB2008/000427	:	
Int. Filing Date: 08 February 2008	:	ON
Priority Date: 13 June 2007	:	
Attorney Docket No.: BUGC-46957	:	PETITION
For: Lighted Umbrella	:	

The petition to revive under 37 CFR 1.137(b) filed on 02 July 2010 in the above-captioned application is hereby **GRANTED** as follows:

Petitioner states that "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 C.F.R. § 1.137(b) was unintentional." Said statement is being accepted in satisfaction of 37 CFR 1.137(b)(3).

A review of the application file reveals that applicant has paid the petition fee. The required reply has been filed. No terminal disclaimer is required. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the national stage in the United States of America.

Inspection of the declaration filed on 20 July 2010 reveals that it is acceptable for purposes of compliance with 37 CFR 1.497(a) and (b).

This application is being returned to the Office of Patent Application Processing for further processing. Its date under 35 U.S.C. 371(c)(1), (2) and (4) is **20 July 2010**.

/George Dombroske/
George Dombroske
PCT Legal Examiner
Office of PCT Legal Administration
Tel: (571) 272-3283

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OFFICE OF PETITIONS

BEEM PATENT LAW FIRM
53 W. JACKSON BLVE., SUITE 1352
CHICAGO, IL 60604-3787

Applicant: Lahtineni, et al.
Appl. No.: 12/811,647
International Filing Date: January 2, 2009
Title: ARRANGEMENT IN A PLANETARY GEARING AND A PLANETARY GEAR
Attorney Docket: 0434-0001
Pub. No.: US 2010/0292044 A1
Pub. Date: November 18, 2010

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on December 9, 2010, for the above-identified application.

The request is DISMISSED.

Applicant requests that the application be republished because the patent application publication contains material errors wherein the preliminary amendment to the specification filed with the application on July 2, 2010 was not included in the publication.

37 CFR 1.221 (b) is applicable "only when the Office makes a material mistake which is apparent from Office records.... Any request for a corrected publication or revised patent application publication other than provided as provided in paragraph (a) of this section must be filed within two months from the date of the patent application publication. This period is not extendable." A material mistake must affect the public's ability to appreciate the technical disclosure of the patent application publication, to determine the scope of the patent application publication, or to determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent. [1]

The error noted by requestor with respect to the preliminary amendment is <u>not</u> an Office error. The patent application publication does not include a mistake regarding the failure to include the preliminary amendment to the specification because patent application publications are not required to include preliminary amendments. See 37 CFR 1.215(a). The "failure to include an amendment is not an Office error." See MPEP 1130(b). The publication accurately reflected the specification as filed.

37 C.F.R. 1.215(a) states that the patent application publication may also be based upon amendments to the specification (other than the abstract or the claims) that are reflected in a

[1] <u>Changes to Implement Eighteen-Month Publication of Patent Applications</u>, 65 FR 57023, 57038 (Sept. 20, 2000), 1239, <u>Off. Gaz. Pat. Office Notices</u> 63, 75 (Oct. 10, 2000) (final rule).

substitute specification under § 1.125(b), amendments to the abstract under § 1.121(b), amendments to the claims that are reflected in a complete claim listing under § 1.121(c), and amendments to the drawings under §1.121(d), provided that such substitute specification or amendment is submitted in sufficient time to be entered into the Office file wrapper of the application before technical preparations for publication of the application have begun. (emphasis added) 37 CFR 1.215(c) states that applicant may file an amended copy of the application for publication purposes, but such amendments, including a substitute specification, must be submitted in compliance with the Office electronic filing system requirements, and within one month of the mailing date of the first Office communication that includes a confirmation number for the application, or fourteen months of the earliest filing date for which a benefit is sought under title 35, United States Code, whichever is later.

Applicant is reminded of his duty to conduct a reasonable inquiry before filing a paper before the Office. See MPEP 410.

Applicants' request for a corrected patent application publication on December 9, 2010, may constitute a "failure to engage in reasonable efforts to conclude processing or examination of the application." See 1.704(c). This determination will be made on or after a mailing of a Notice of Allowance.

The applicant is advised that a "request for republication of an application previously published" may be filed under 37 CFR 1.221 (a). Such a request for republication "must include a copy of the application compliance with the Office's electronic filing system requirements and be accompanied by the publication fee set forth in § 1.18 (d) and the processing fee set forth in § 1.17 (i)." If the request for republication does not comply with the electronic filing system requirements, the republication will not take place and the publication fee set forth in § 1.18 (d) will be refunded. The processing fee will be retained.

A guide for filing a request for a Pre-Grant Publication, such as a request for republication, may be found on the link below:

http://www.uspto.gov/patents/process/file/efs/guidance/index.jsp
OR
http://www.uspto.gov/ebc/portal/efs/pgpub_quickstart.pdf

Any request for republication under 37 CFR 1.221(a), must be submitted via the EFS system, as a "Pre-Grant Publication".

Inquiries relating to this matter may be directed to Mark Polutta at (571) 272-7709.

Mark Polutta
Senior Legal Advisor
Office of Patent Legal Administration
Office of the Deputy Commissioner
for Patent Examination Policy

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21839
BUCHANAN, INGERSOLL & ROONEY PC
P.O. Box 1404
Alexandria, VA 22313-1404

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PCT LEGAL ADMINISTRATION

In re Application of
LI *et al*
U.S. Application No.: 12/811,655
PCT No.: PCT/CN2008/01380
Int. Filing Date: 25 July 2008
Priority Date: 05 December 2007
Docket No.: 1033485-000014
For: GRASS TYPE UNBLEACHED PAPER PRODUCTS AND PRODUCTION METHOD THEREOF

DECISION ON PETITION UNDER 37 CFR 1.137(b)

Applicants' petition to revive under 37 CFR 1.137(b) filed on 02 July 2010 with the national stage papers is hereby **GRANTED** as follows:

The proper fees and the petition fee have been paid. Applicants made the required statement pursuant to 37 CFR 1.137(b)(3). A terminal disclaimer is not required. Accordingly, all requirements under 37 CFR 1.137(b) have been satisfied.

A declaration in compliance with 37 CFR 1.497(a) and (b) was provided with the national stage papers on 02 July 2010.

The $130.00 surcharge fee pursuant to 37 CFR 1.492(h) for late filing of the declaration and the $130.00 processing fee pursuant to 37 CFR 1.492(i) for late filing of an English translation has been charged to Deposit Account No. 02-4800 as authorized.

This application is being forwarded to the United States Designated/Elected Office for further processing.

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/811,657	07/02/2010	Kenichi Taura	1163-0814PUS1	9613

2292 7590 10/12/2011
BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH, VA 22040-0747

EXAMINER
TRINH, SONNY

ART UNIT	PAPER NUMBER
2618	

NOTIFICATION DATE	DELIVERY MODE
10/12/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

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**BIRCH STEWART KOLASCH &
BIRCH
PO BOX 747
FALLS CHURCH VA 22040-0747**

In re Application of	**: DECISION ON REQUEST TO**
TAURA et al	**: PARTICIPATE IN THE PATENT**
Application No.: 12/811,657	**: PROSECUTION HIGHWAY**
Filed: 02 June 2010	**: PROGRAM AND PETITION**
Attorney Docket No.: 1163-0814PUS1	**: TO MAKE SPECIAL UNDER**
For: RADIO RECEIVER	**: 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 19 September 2011, to make the above-identified application special.

The request and petition are **GRANTED**.

Discussion

A grantable request to participate in the PPH pilot program and petition to make special require:

1. The U.S. application is

    a. a Paris Convention application which either
        i. validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the JPO, or
        ii. validly claims priority to a PCT application that contains no priority claims, or
    b. a national stage application under the PCT (an application which entered the national stage in the U.S. from a PCT international application after compliance with 35 U.S.C. 371), which PCT application
        i. validly claims priority to an application filed in the JPO, or
        ii. validly claims priority to a PCT application that contains no priority claims, or
        iii. contains no priority claim, or
    c. a so-called bypass application filed under 35 U.S.C. 111(a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application
        i. validly claims priority to an application filed in the JPO, or
        ii. validly claims priority to a PCT application that contains no priority claims, or
        iii. contains no priority claim;

2. Applicant must submit a copy of:
    a. The allowable/patentable claim(s) from the JPO application(s);
    b. An English translation of the allowable/patentable claim(s) and
    c. A statement that the English translation is accurate;
3. Applicant must:
    a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s) and
    b. Submit a claims correspondence table in English;
4. Examination of the U.S. application has not begun;
5. Applicant must submit:
    a. Documentation of prior office action:
        i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claim(s) or
        ii. if the allowable/patentable claims(s) are from a "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
        iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form;
    b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above
    c. A statement that the English translation is accurate;
6. Applicant must submit:
    a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application)
    b. Copies of the documents except U.S. patents or U.S. patent application publications (unless already submitted in this application);

The request to participate in the PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Inquiries concerning this decision should be directed to Lee W. Young at 571-272-4549.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc.index.html.

This application will be forwarded to the examiner for action on the merits commensurate with this decision once this application's formality reviews have been completed.

Lee W. Young
TQAS, Technology Center 2600

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/811,697	07/02/2010	Luigi Cozzuto	P606-US	1234

72932 7590 08/27/2010
Steinfl & Bruno
301 N Lake Ave Ste 810
Pasadena, CA 91101

EXAMINER

ART UNIT	PAPER NUMBER
3651	

MAIL DATE	DELIVERY MODE
08/27/2010	PAPER

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The time period for reply, if any, is set in the attached communication.

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AUG 27 2010

Steinfl & Bruno
301 N Lake Ave Ste 810
Pasadena CA 91101

In re application of Luigi Cozzuto Application No. 12/811,697 Filed: July 2, 2010 For: MOVING STAIRCASE WITH A DOUBLE STEP FLIGHT	**DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(d)**

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed July 2, 2010, to make the above-identified application special.

The request and petition are **DISMISSED**.

A grantable request to participate in the PPH program and petition to make special require:

(1) The U.S. application must disclose an eligible relationship to one or more PCT applications filed in the JPO, EPO or USPTO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the PCT application(s) latest international work product (the written opinion or the IPER) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the PCT application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of the latest international work product from the PCT application containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;
(6) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications; and

The request to participate in the PPH pilot program and petition fail to include:
(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).

Claims 1- 16 of the U.S. Application not sufficiently correspond to the allowable claims 1 - 6 of the PCT application. Specifically, it looks like claim 1 contains modified language such as "an escalator bearing structure"...." each flight comprising uprights and related steps"..."the flights being adapted to slide with respect to the escalator bearing structure and the steps being pivoted in an inner portion of the uprights for rotating freely upwards in case of accidental interposition of foreign bodies"; and in claim 2 "said safety means comprising a circuit for locking the motion if excessive load is applied onto the flights"; in claim 3 "said safety means for locking the motion comprise safety motion switches placed at contact points between said steps and said uprights"; in claim 4 "said platforms being equipped with sensors adapted to lock the already operating escalator if said platforms are subjected to the trampling of another user". These changes alter the scope of the claims resulting in it not sufficiently corresponding to claims 1- 6 of the PCT application PCT/IB2008/053930.

Applicant is given a time period of **ONE MONTH or THIRTY DAYS**, whichever is longer, to correct the deficiencies. **NO EXTENSION OF TIME UNDER 37 CFR 1.136 IS PERMITTED.** If the deficiencies are not corrected with the time period given, the application will await action in its regular turn. All replies to a decision to dismiss must be submitted by EFS-Web using the document description "Petition to make special under Patent Prosecution Highway."

Any inquiry regarding this decision should be directed to Mikado Buiz, Quality Assurance Specialist, at (571) 272-6578.

/ Mikado Buiz /

Mikado Buiz,
Quality Assurance Specialist
Technology Center 3600

MB/MB: 8/26/10

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Luigi COZZUTO	Examiner: to be assigned
Serial No.:	12/811,697	Art Unit: 3651
Filed:	July 2, 2010	Our Ref: P606-US
For:	MOVING STAIRCASE WITH A DOUBLE STEP FLIGHT	Date: September 22, 2010
		Re: ***Response to Decision on Request to Participate in the PCT Patent Prosecution Highway Pilot Program and Petition to Make Special Under 37 CFR 1.102(d)***

RESPONSE TO DECISION ON REQUEST TO PARTICIPATE IN THE PCT PATENT PROSECUTION HIGHWAY PILOT PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(d)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sirs:

This letter is filed as a response to the USPTO Decision on the request to participate in the PCT Patent Prosecution Highway (PCT-PPH) pilot program mailed by the USPTO on August 27, 2010. In this letter, Applicant also encloses the IPRP, which includes the version of the claims enclosed with the IPRP.

In the Decision, the USPTO notes that Applicant's request to participate in the PCT-PPH pilot program fails to meet condition (3).

Applicant submits herewith comments directed to meeting the above condition.

Condition (3)

In the Decision, the USPTO states that "[*t*]*he request to participate in the PPH pilot program and petition fail to include: (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)*".

In the Decision, the USPTO states that "*Claims 1-16 of the U.S. Application not sufficiently correspond to the allowable claims 1-6 of the PCT application*". Applicant respectfully submits that the USPTO has made an error in deciding that the request and petition fail to satisfy condition (3). The USPTO used the claims as given in the international publication number WO 2009/093103, published on July 30, 2009, of PCT application PCT/IB2008/053930. However, the USPTO should be using the version of the claims enclosed with the IPRP of April 23, 2010, which is the latest work product in the international stage. In this letter, Applicant encloses the IPRP, which includes the version of the claims enclosed with the IPRP. Such IPRP, together with the enclosed claims, was already filed with the USPTO when entering the U.S. national stage of the present application.

For instance, in the Decision, the USPTO recites "[*s*]*pecifically, it looks like claim 1 contains modified language such as 'an escalator bearing structure' … 'each flight comprising uprights and related steps' … 'the flights being adapted to slide with respect to the escalator bearing structure and the steps being pivoted in an inner portion of the uprights for rotating freely upwards in case of accidental interposition of foreign bodies*'".

Applicant submits that all of the elements that the USPTO recites in the Decision in regard to the modified language, with one exception, can be found in claim 1 as enclosed with the IPRP. The element not in claim 1 as enclosed with the IPRP is "*in an inner portion of*" in element b) of the claim, which is an element in claim 1 in the preliminary amendment filed on July 2, 2010. This amendment is made in response to remarks given in Box V, paragraph 1, of the IPRP, which suggests that the Applicant "*use as much as possible the literal wording of the disclosure in the international application as filed*" and suggests a

preferable phrasing for claim 1. Applicant has amended claim 1 to comply with the provided phrasing and, therefore, Applicant submits that claim 1 of the U.S. application as amended is not subject to the observation in paragraph 1 of Box V.

For comparison, claim language for claim 1 of the international publication, claim 1 of the claims as enclosed with the IPRP, and claim 1 of the U.S. application is as follows.

International Publication	IPRP	U.S. Application
1. Escalator characterized by:	1. Escalator comprising:	1. Escalator comprising:
	a) an escalator bearing structure;	a) an escalator bearing structure;
a) a first and a second flight, said flights being side by side and parallel, each one constituted by a same number of equidistant steps,	b) a first and a second flight, said flights being side by side and parallel each other, each flight comprising uprights and related steps, each flight being constituted by a same number of equidistant steps, the flights being adapted to slide with respect to the escalator bearing structure and the steps being pivoted to the uprights for rotating freely upwards in case of accidental interposition of foreign bodies;	b) a first and a second flight, said flights being side by side and parallel to each other, each flight comprising uprights and related steps, each flight being constituted by a same number of equidistant steps, the flights being adapted to slide with respect to the escalator bearing structure and the steps being pivoted in an inner portion of the uprights for rotating freely upwards in case of accidental interposition of foreign bodies;
b) motion means, so that the flights have a synchronized reciprocating motion of the pace corresponding to a step, wherein such means can be operated by the user of the same escalator;	b) motion means, so that the flights have a synchronized reciprocating motion of the pace corresponding to a step, wherein such means can be operated by the user of the same escalator;	c) motion means, so that said flights have a synchronized reciprocating motion of the pace corresponding to a step, wherein such means can be operated by the user of the same escalator; and
c) safety means for locking the motion.	c) safety means for locking the motion of the escalator responsive to the rotation of said steps.	d) safety means for locking the motion of the escalator responsive to the rotation of said steps.

Similarly, each of elements in claims 2, 3, and 4, as cited by the USPTO in the Decision, is not found in the international publication but is found in the claims enclosed with the IPRP and the claims in the U.S. application.

Claims 3-6 of the U.S. application remove multiple dependency of claims 3-6 enclosed with the IPRP. Specifically, multiple dependent claims 3-6 enclosed with the IPRP have been split into a plurality of singularly dependent claims 3-16 in the U.S. application.

Applicant submits that comparing claims 1-16 of the U.S. application with claims 1-6 of the claims enclosed with the IPRP will show that claims 1-16 of the U.S. application do correspond with those claims 1-6 shown to be allowable/patentable in the PCT application. Applicant submits that previous comments supplied by the USPTO in the Decision mailed on August 27, 2010, did not take into consideration claims 1-6 of the claims enclosed with the IPRP but instead took into consideration claims 1-6 in the international publication of the PCT application.

In view of the comments to condition (3) above, Applicant submits that all claims 1-16 of the U.S. application sufficiently correspond to the allowable/patentable claims 1-6 in the PCT application, as required by condition (3) of the Decision.

It is submitted that the above comments address the points raised in the Decision and that the Applicant's request and petition should be granted.

The Applicant believes that no fee is due in connection with the submission of the present paper. However, the Commissioner is authorized to charge any additional fee which may be required or credit overpayment to deposit account no. 50-4194. In particular, if this response is not timely filed, then the Commissioner is authorized to treat this response as including a petition to extend the time period pursuant to 37 CFR 1.136 (a) requesting an extension of time of the number of months necessary to make this response timely filed and the petition fee due in connection therewith may be charged to deposit account no. 50-4194. Please ensure that the Attorney Docket Number is referred to when charging any payments or crediting any overpayments for this case.

I hereby certify that this correspondence is being electronically filed on September 22, 2010 by Richard Yo.

/Richard Yo/

Respectfully submitted,

/Alessandro Steinfl Reg. No. 56,448/

Alessandro Steinfl
Attorney for Applicants
Reg. No. 56,448
Customer No.: 72932
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OCT 2 8 2010

Steinfl & Bruno
301 N Lake Ave Ste 810
Pasadena CA 91101

In re application of Luigi Cozzuto Application No. 12/811,697 Filed: July 02, 2010 For: MOVING STAIRCASE WITH A DOUBLE STEP FLIGHT	**DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(d)**

This is a decision on the renewed request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed September 22, 2010, to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

(1) The U.S. application must disclose an eligible relationship to one or more PCT applications filed in the EPO or USPTO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the PCT application(s) latest international work product (the written opinion or the IPER) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the PCT application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of the latest international work product from the PCT application containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;
(6) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

In light of renewed petition, filed on September 22, 2010, the request to participate in the PPH program complies with the above requirements. Therefore, the above-identified application has been accorded "special" status.

All other inquiries concerning the examination or status of the application should be directed to the Patent Application Information Retrieval (PAIR) system.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

Any inquiry regarding this decision should be directed to Mikado Buiz, Quality Assurance Specialist, at (571) 272-6578.

/ Mikado Buiz /

Mikado Buiz,
Quality Assurance Specialist
Technology Center 3600

BM/BM: 10/27/10

UNITED STATES PATENT AND TRADEMARK OFFICE

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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.
12/811,700	07/05/2010	Takamichi Matsushita	CS-05-100704-PCT	1382

22712 7590 02/10/2011
PAUL A. GUSS
PAUL A. GUSS ATTORNEY AT LAW
1211 South Eads Street
No. 1502
ARLINGTON, VA 22202

EXAMINER
DANIELS, MATTHEW J

ART UNIT	PAPER NUMBER
1741	

MAIL DATE	DELIVERY MODE
02/10/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

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FEB 10 2011

CST

In re application of Takamichi Matsushita et al Serial No. 12/811,700 Filed: July 5, 2010 For: METHOD FOR PRODUCING FINE PAPER POWDER AND RESIN COMPOSITION CONTAINING THE SAME	: : : : : : : : :	DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program filed August 18, 2010, and the supplemental request filed on November 4, 2010.

The request and petition are **DISMISSED**.

A grantable request to participate in the PPH program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO, note where the JPO application with similar claims is not the same application from which the U.S. application claims priority that the applicant must identify the relationship between the JPO application with similar claims and the JPO priority application;

(2) Applicant must submit a copy of:
   a. The allowable/patentable claim(s) from the JPO application(s) or if a copy of the allowable/patentable claims is available via the Dossier Access System (DAS) applicant may request the USPTO to obtain a copy from DAS; however, if the USPTO is unable to obtain a copy from the DAS, the applicant will be required to submit a copy;
   b. An English translation of the allowable/ patentable claim(s), if applicable; and
   c. A statement that the English translation is accurate, if applicable;

(3) Applicant must:
   a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s); and
   b. Submit a claims correspondence table in English;

(4) Examination of the U.S. application has not begun;

(5) Applicant must submit:
   a. Documentation of prior office action:
      i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claims(s) or
      ii. if the allowable/patentable claim(s) are from "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
      iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form:
      Further, if a copy of the documents from (i) or (ii) is available via the Dossier Access System (DAS), applicant may request the USPO obtain a copy from the DAS; however, if the USPTO is unable to obtain a copy of the DAS, the applicant will be required to submit a copy;
   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 fail because:

(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.

The present application is the national stage entry of PCT/JP2009/005821. The PCT does not claim priority to any other applications. The Request for Participation in the PPH Program notes that the JPO application is 2010-509609, however applicant has not provided any explanation of the relationship of the Japanese application to the present application or to the PCT.

Applicant is given a time period of **ONE MONTH OR THIRTY DAYS**, whichever is longer, from the mailing date of this decision to correct the deficiencies. **NO EXTENSION OF TIME UNDER 37 CFR 1.136 IS PERMITTED.** If the deficiencies are

not corrected within the time period given, the application with await action in its regular turn.

Any inquiry regarding this decision should be directed to Christine Tierney, Quality Assurance Specialist, at (571) 272-1055.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc/index.html.

/Christine Tierney/

Christine Tierney
Quality Assurance Specialist
Technology Center 1700

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/811,700	07/05/2010	Takamichi Matsushita	CS-05-100704-PCT	1382

22712 7590 03/16/2011
PAUL A. GUSS
PAUL A. GUSS ATTORNEY AT LAW
1211 South Eads Street
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EXAMINER
DANIELS, MATTHEW J

ART UNIT	PAPER NUMBER
1741	

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.

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CST

March 16, 2011

In re application of Takamichi Matsushita et al Serial No. 12/811,700 Filed: July 5, 2010 For: METHOD FOR PRODUCING FINE PAPER POWDER AND RESIN COMPOSITION CONTAINING THE SAME	: : : : : : : : :	DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(a)

This is a decision on the supplemental request to participate in the Patent Prosecution Highway (PPH) program, filed February 23, 2011.

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 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 (i) or (ii) is available via the Dossier Access System (DAS), applicant may request the USPO obtain a copy from the DAS; however, if the USPTO is unable to obtain a copy of the DAS, the applicant will be required to submit a copy;
   b. An English language translation of the 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 fail because:

(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.

Applicant has taken the position that PCT/JP2009/005821 and JPO application 2010-509609 were filed on the same day, and that such a relationship satisfies the requirements for participation in the PPH program.

It is maintained, however, that this relationship has not been addressed in the OG Notice of 28 December 2007. For the present application to be eligible to participate in the PPH program, the JP application would need to be either the priority application claimed in the PCT application, or the JP application would need to be the national stage entry of the PCT application.

Application No. 12/811,700

The application will remain in its regular status and will be taken up by the examiner for action in its regular turn.

Any inquiry regarding this decision should be directed to Christine Tierney, Quality Assurance Specialist, at (571) 272-1055.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc/index.html.

/Christine Tierney/

Christine Tierney
Quality Assurance Specialist
Technology Center 1700

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/811,700	07/05/2010	Takamichi Matsushita	CS-05-100704-PCT	1382

22712 7590 05/13/2011
PAUL A. GUSS
PAUL A. GUSS ATTORNEY AT LAW
1211 South Eads Street
No. 1502
ARLINGTON, VA 22202

EXAMINER
CORDRAY, DENNIS R

ART UNIT	PAPER NUMBER
1741	

MAIL DATE	DELIVERY MODE
05/13/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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MAY 13 2011

CST

In re application of Takamichi Matsushita Serial No. 12/811,700 Filed: July 5, 2010 For: METHOD FOR PRODUCING FINE PAPER POWDER AND RESIN COMPOSITION CONTAINING THE SAME	:	DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(a)

This is a decision on the supplemental request to participate in the Patent Prosecution Highway (PPH) program filed March 28, 2011.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO, note where the JPO application with similar claims is not the same application from which the U.S. application claims priority that the applicant must identify the relationship between the JPO application with similar claims and the JPO priority application;

(2) Applicant must submit a copy of:
   a. The allowable/patentable claim(s) from the JPO application(s) or if a copy of the allowable/patentable claims is available via the Dossier Access System (DAS) applicant may request the USPTO to obtain a copy from DAS; however, if the USPTO is unable to obtain a copy from the DAS, the applicant will be required to submit a copy;
   b. An English translation of the allowable/ patentable claim(s), if applicable; and
   c. A statement that the English translation is accurate, if applicable;

(3) Applicant must:
   a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s); and

b. Submit a claims correspondence table in English;

(4) Examination of the U.S. application has not begun;

(5) Applicant must submit:
a. Documentation of prior office action:
i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claims(s) or
ii. if the allowable/patentable claim(s) are from "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form:
Further, if a copy of the documents from a or b is available via the Dossier Access System (DAS), applicant may request the USPO obtain a copy from the DAS; however, if the USPTO is unable to obtain a copy of the DAS, the applicant will be required to submit a copy;
b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above if applicable; and
c. A statement that the English translation is accurate; and

(6) Applicant must submit:
a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application)
b. Copies of documents except U.S. patents or U.S. patent application publications (unless already submitted in this application).

The request to participate in the PPH program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

Any inquiry regarding this decision should be directed to Christine Tierney, Quality Assurance Specialist, at (571) 272-1055.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc/index.html.

/Christine Tierney/

Christine Tierney
Quality Assurance Specialist
Technology Center 1700

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Alexandria, VA 22313-1450
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MARTIN D. MOYNIHAN d/b/a PRTSI, INC.
P.O. BOX 16446
ARLINGTON VA 22215

MAILED
MAR 08 2012
OFFICE OF PETITIONS

In re Application of	:	
Altman et al.	:	
Application No. 12/811,702	:	ON PETITION
Filed: 09/16/2010	:	
Attorney Docket No. 48954	:	

This is in response to the PETITION TO ACCEPT COLOR DRAWINGS/PHOTOGRAPHS, received on July 05, 2010, with the original application papers, which is treated as a petition under 37 CFR 1.84(a)(2) filed in the United States Patent and Trademark Office (USPTO) on September 16, 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).

The petition does not comply with 37 CFR 1.84(a)(2)(iii) in that the present petition does not include an amendment to the specification contained on a separate paper (See 37 CFR 1.121(h), nor is the amendment in compliance with 37 CFR 1.121(b). Rather, the amendment is physically part of the petition and is therefore unacceptable.

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."

Petitioners state that the necessity for the Color Drawings is to accurately present the key that goes with Figure 12.

Petitioner's argument has been considered, but is not persuasive. The Office has determined 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 such, color drawings or photographs are not necessary for an understanding of the invention sought to be patented. The petition is therefore 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 2857.

Telephone inquiries regarding this decision should be directed to Senior Petitions Attorney Douglas I. Wood at (571)272-3231.

Jose' G. Dees
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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MARTIN D MOYNIHAN d/b/a PRTSI
PO BOX 16446
ARLINGTON VA 22215

MAILED

FEB 13 2012

OFFICE OF PETITIONS

In re Application of	:	DECISION
Richter, et al.	:	ON PETITION
Application No. 12/811,710	:	
Filed: July 6, 2010	:	
Attorney Docket Number: 49293	:	

This is in response to the petition under 37 CFR 1.84(a)(2), filed July 6, 2010, for acceptance of color drawings.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled, "Renewed Petition under 37 CFR 1.84(a)(2)". No further petition fee is required for a renewed petition.

A grantable petition under 37 C.F.R. 1.84(a)(2) must be accompanied by the following:

(1) The fee set forth in 37 C.F.R. 1.17(h);

(2) Three (3) sets of color drawings, or one (1) set if filed via EFS, and

(3) The specification contains appropriate language referring to the color drawings as the first paragraph in that portion of the specification relating to the brief description of the drawings.

In addition, MPEP 608.02 states that a petition to accept color drawings will only be granted when the Office "has determined that a color drawing or photograph is the only practical medium by which to disclose in a printed utility patent the subject matter to be patented."

Here, the Office has determined that color drawings are not the only practical medium by which to disclose the subject matter. See, e.g. MPEP 608.02, Section IX, which states that drawing symbols can be used to indicate various materials where the material is an important feature of the invention.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petitions
Commissioner for Patents
PO Box 1450
Alexandria VA 22313-1450

By FAX: 571-273-8300
Attn: Office of Petitions

The application is being forwarded to Group Art Unit 2823.

Telephone inquiries regarding this decision should be directed to the undersigned at (571)272-3207.

Cliff Congo
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

DT WARD, P.C.
292 MAIN STREET.
SUITE 2
GROTON, MA 01450

MAILED
SEP 09 2011
OFFICE OF PETITIONS

Applicant: Rothbauer, et al.
Appl. No.: 12/811,712
International Filing Date: January 8, 2009
Title: FLUORESCENT TWO-HYBRID (F2H) ASSAY FOR DIRECT VISUALIZATION OF PROTEIN INTERACTIONS IN LIVING CELLS
Attorney Docket No.: 2001.1000US
Pub. No.: 2010/0285487 A1
Pub. Date: November 7, 2010

This is a decision on the request for correction of patent application publication under 37 CFR 1.221(b), received on January 7, 2011, for the above-identified application.

The request is DISMISSED.

Applicant requests that the application be republished because the patent application publication contains material error on the front page of the publication wherein the Foreign Application priority data was not included.

37 CFR 1.221 (b) is applicable "only when the Office makes a material mistake which is apparent from Office records.... Any request for a corrected publication or revised patent application publication other than provided as provided in paragraph (a) of this section must be filed within two months from the date of the patent application publication. This period is not extendable." A material mistake must affect the public's ability to appreciate the technical disclosure of the patent application publication, to determine the scope of the patent application publication, or to determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent. [1]

The error in the foreign priority data on the front page of the publication is an Office mistake, but it is not a material mistake as required by 37 CFR 1.221(b). The error in the priority data on the front page of the publication is not a material mistake because it does not affect the public's ability to appreciate the technical disclosure of the patent application publication, to determine the scope of the patent application publication or to determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent.

[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 No. 12/811,712

Applicants are encouraged to use and submit an **eADS** (PTO/SB/14) as an EFS-Web Fillable Form, rather than a scanned PDF image, to benefit from having the data loaded directly into USPTO electronic systems. For questions contact the Patent EBC (Electronic Business Center):
Telephone: 1-866-217-9197 (toll-free) or E-mail: ebc@uspto.gov
571-272-4100 (local)

It would greatly benefit the Office if **applicant did not provide copies of papers**, which were previously submitted and/or **a complete copy of the pre-grant publication**, as it unnecessarily increases the cost to the Office. See 37 CFR 1.4(b). A request for corrected publication need only point out what was printed incorrectly in the application, where the error occurs in the publication and where the correct text or drawing is found in the application papers. Marked up relevant copies of the applications papers and the pre-grant publication may facilitate processing of the request, where it is not readily apparent where the error occurs. If it is not clear why the error is a material error, further explanation may be warranted.

The applicant is advised that a "request for republication of an application previously published" may be filed under 37 CFR 1.221(a). Such a request for republication "must include a copy of the application compliance with the Office's electronic filing system requirements and be accompanied by the publication fee set forth in § 1.18(d) and the processing fee set forth in § 1.17(i)." If the request for republication does not comply with the electronic filing system requirements, the republication will not take place and the publication fee set forth in § 1.18(d) will be refunded. The processing fee will be retained.

A guide for filing a request for a Pre-Grant Publication, such as a request for republication, may be found on the link below:

http://www.uspto.gov/patents/process/file/efs/guidance/index.jsp

http://www.uspto.gov/ebc/portal/efs/pgpub_quickstart.pdf

Any request for republication under 37 CFR 1.221(a), must be submitted via the EFS system, as a "Pre-Grant Publication".

Inquiries relating to this matter may be directed to Mark Polutta at (571) 272-7709.

Mark Polutta
Senior Legal Advisor
Office of Patent Legal Administration
Office of the Deputy Commissioner
for Patent Examination Policy

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

ROBERT PLATT BELL
REGISTERED PATENT ATTORNEY
P.O. BOX 13165
JEKYLL ISLAND, GA 31527

MAILED

NOV 12 2010

OFFICE OF PETITIONS

In re Application of	:	
Johan Martensson	:	
Application No. 12/811,717	:	DECISION ON PETITION
Filed: September 15, 2010	:	TO WITHDRAW
Attorney Docket No. LUND-0024	:	FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed October 20, 2010.

The request is **APPROVED**.

The request was signed by Robert Platt Bell on behalf of the practitioners of record associated with Customer Number 021261.

Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to inventor Johan Martensson at the address indicated below.

Telephone inquiries concerning this decision should be directed to Irvin Dingle at (571) 272-3210.

Irvin Dingle
Petitions Examiner
Office of Petitions

cc: Johan Martensson
Askhagsvagen 37
Linkoping, Sweden S-689 16

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/811,717	09/15/2010	Johan Märtensson	LUND-0024

CONFIRMATION NO. 1700

POWER OF ATTORNEY NOTICE

21261
ROBERT PLATT BELL
REGISTERED PATENT ATTORNEY
P.O. BOX 13165
Jekyll Island, GA 31527

OC000000044415240

Date Mailed: 11/10/2010

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 10/20/2010.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/idingle/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/811,717	09/15/2010	Johan Märtensson	LUND-0024

CONFIRMATION NO. 1700

POA ACCEPTANCE LETTER

Johan Martensson
Askhagsvagen 37
Linkoping, S-689 16
SWEDEN

OC000000044415241

Date Mailed: 11/10/2010

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 10/20/2010.

The Power of Attorney in this application is accepted. Correspondence in this application will be mailed to the above address as provided by 37 CFR 1.33.

/idingle/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

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LERNER, DAVID, LITTENBERG,
KRUMHOLZ & MENTLIK
600 SOUTH AVENUE WEST
WESTFIELD NJ 07090

MAIL

SEP 29 2010

DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

In re Application of	:	
POLTORAK, ALEXANDER	:	DECISION ON REQUEST TO
Application No. 12/811,740	:	PARTICIPATE IN PATENT
Filed: June 06, 2010	:	PROSECUTION HIGHWAY
Att. Docket No. POLTOR 3.3-003	:	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 07, 2010 to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PCT-PPH pilot program and petition to make special require:

(1) The U.S. application be (a) a national stage entry of the corresponding PCT application, or (b) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (c) a national stage application that claims domestic/foreign priority to the corresponding PCT application, (d) a national application which forms the basis for the priority claim in the corresponding PCT application, or (e) a continuation application of the U.S. application which satisfies one of the above (a) to (d) scenarios.
(2) A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the corresponding PCT application(s) which indicates at least one claim in the PCT application has novelty, inventive step, and industrial applicability.
(3) A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the corresponding PCT application(s).
(4) English translations of the documents in (2) and (3) (if the documents are not in the English language).
(5) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the claims which were indicated as having novelty, inventive step, and industrial applicability in the corresponding PCT application(s).
(6) Examination of the U.S. application has not begun; and

(7) An information disclosure statement listing the documents cited in the international work products (ISR, WO/ISA. WO/IPEA, IPER) of the corresponding PCT application(s) and copies of all of the documents cited in the international work products of the PCT application (unless copies have already been filed in the U.S. application) corresponding to the U.S. application except U.S. patents or U.S. patent application publications.

The request to participate in the PCT-PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Michael Horabik at 571-272-3068.

All other inquiries concerning the examination or status of the application should be directed to Patent Application Information Retrieval (PAIR) system.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

/Michael Horabik/

Michael Horabik
Quality Assurance Specialist
Technology Center 2600
Communications

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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FLSMIDTH
2040 Avenue C
Bethlehem PA 18017

MAILED
MAY 23 2011
PCT LEGAL ADMINISTRATION

In re Application of :
HUNDEBOL :
U.S. Application No.: 12/811,767 : DECISION ON PETITION
PCT No.: PCT/EP2008/065744 :
Int. Filing Date: 11 November 2008 : UNDER 37 CFR 1.137(b)
Priority Date: 05 January 2007 :
Attorney Docket No.: 2874-6567 :
For: APPARATUS AND METHOD FOR COOLING :
KILN EXHAUST GASES IN A KILN BYPASS :

The petition to revive under 37 CFR 1.137(b) filed 25 April 2011 in the above-captioned application is hereby **GRANTED** as follows:

Applicant's statement that "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional" and the prompt filing of the petition satisfies the requirement of 37 CFR 1.137(b)(3).

A review of the application file reveals that applicant has now provided a statement as to the unintentional delay in providing an executed declaration of the inventor which was supplied on 14 April 2011. The requirements of 37 CFR 1.137(b) have been satisfied. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

This application is being forwarded to the United States Designated/Elected Office (US/DO/EO) for continued processing.

Derek A. Putonen
Attorney Advisor
Office of PCT Legal Administration
Tel: (571) 272-3294

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25 AUG 2010

Browdy and Neimark, P.L.L.C.
624 Ninth Street, NW
Suite 300
Washington, D.C. 20001-5303

In re Application of
WEGKAMP et al
Application No.: 12/811,782
PCT No.: PCT/NL2008/050769
Int. Filing Date: 05 December 2008
Priority Date: 06 December 2007
Attorney Docket No.: WEGKAMP-1
For: INCREASED FOLATE PRODUCTION LEVELS IN LACTOBACILLUS FERMENTING MELON JUICE

DECISION ON PETITION FOR REVIVAL OF ABANDONED APPLICATION UNDER 37 CFR 1.137(b)

This decision is issued in response to applicants' petition under 37 CFR 1.137(a) filed 06 July 2010, treated herein as a petition under 37 CFR 1.137(b) to revive the above-entitled application.[1]

The petition is **GRANTED**.

The above-identified application was abandoned on 07 June 2010 for failure to pay the basic national fee 30 months from the priority date for international application PCT/NL2008/050769. Accordingly, by operation of law, the above-identified application became abandoned at midnight, 06 June 2010.

37 CFR 1.137(b) permits the filing of a petition to revive an abandoned application where the abandonment resulted from an unintentional delay. A grantable petition under this section must include: (1) the required reply, unless previously filed; (2) the petition fee required by law; (3) a statement that the "entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional;" and (4) any terminal disclaimer and fee required pursuant to 37 CFR 1.137(c). Items (1) - (4) have been satisfied.

[1]The present petition is incorrectly titled as a Petition under 37 CFR 1.137(a). Based on the contents of the present petition, the petition has been treated herein under 37 CFR 1.137(b). If this is an incorrect interpretation of the petition papers, Petitioner must immediately notify the Office of PCT Legal Administration of such error.

This application is being forwarded to the United States Designated/Elected Office (US/DO/EO) for continued processing including the issuance of a Notification of Missing Requirements (Form PCT/DO/EO/905) indicating that an oath or declaration along with the $130 surcharge for filing the oath or declaration after the thirty-month period is required.

Anthony Smith
Attorney-Advisor
Office of Petitions/Office of PCT Legal Administration
Telephone: (571) 272-3298

30 AUG 2010

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United States Patent and Trademark Office
P.O. Box 1450
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OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P.
1940 DUKE STREET
ALEXANDRIA VA 22314

In re Application of	:	
SUGITA, et al.	:	
Application No.: 12/811,787	:	
PCT No.: PCT/JP2008/065082	:	DECISION ON PAPERS
Int. Filing Date: 25 August 2008	:	
Priority Date: 09 January 2008	:	UNDER 37 CFR 1.42
Attorney Docket No.: 361658US0PCT	:	
For: APPARATUS AND PROCESS FOR	:	
PRODUCING SOLID FUEL	:	

This decision is in response to applicant's declaration filed 06 July 2010. The filed combined declaration and power of attorney is being treated as a request for status under 37 CFR 1.42. No petition fee is due.

BACKGROUND

On 25 August 2008, applicant filed international application PCT/JP2008/065082, which claimed priority to an earlier application filed 09 January 2008. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 16 July 2009. Pursuant to 37 CFR 1.495, the thirty-month period for paying the basic national fee in the United States expired at midnight on 09 July 2010.

On 06 July 2010, applicant filed a transmittal letter for entry into the national stage in the United States which was accompanied by the requisite basic national fee as required by 35 U.S.C. 371(c)(1); an English translation of the international application, an executed combined declaration and power of attorney, an Information Disclosure Statement, an Application Data Sheet and a preliminary amendment.

DISCUSSION

37 CFR 1.42 When the Inventor is Dead, states, in part:

"In case of the death of the inventor, the legal representative (executor, administrator, etc.) of the deceased inventor may make the necessary oath or declaration, and apply for and obtain the patent."

The declaration submitted on 06 July 2010 is executed by Yuko Sugita as legal representative of the estate of deceased co-inventor, Satoru Sugita. The declaration provides the citizenship, residence and mailing address for both the deceased inventor and the signing legal

representative per 37 CFR 1.497(a)(3). In addition, this information has been provided for co-inventor Takuo Shigehisa who has also signed the declaration. As such, it is proper to grant applicant's request for status pursuant to 37 CFR 1.42.

CONCLUSION

Applicant's request for status under 37 CFR 1.42 is **GRANTED**.

This application has an international application filing date of 25 August 2008 and will be given a date of **06 July 2010** under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).

This application is being returned to the DO/EO/US for processing in accordance with this decision.

Derek A. Putonen
Attorney Advisor
Office of PCT Legal Administration
Tel: (571) 272-3294

UNITED STATES PATENT AND TRADEMARK OFFICE

1-6 AUG 2010

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Oyen, Wiggs, Green & Mutala Llp
480 - The Station
601 West Cordova Street
Vancouver BC V6B 1G1 Canada

In re Application of:	:	
PETTIGREW et al.	:	
Application No.: 12/811,812	:	
PCT No.: PCT/CA2008/002122	:	DECISION ON
Int. Filing Date: 05 December 2008	:	RENEWED PETITION
Priority Date: 07 December 2007	:	UNDER 37 CFR 1.137(b)
Attorney Docket No.: C784 0006/GNM	:	
For: SHOCK-ABSORBING SEAT SYSTEM	:	

This decision is issued in response to applicant's renewed petition under 37 CFR 1.137(b), filed 29 July 2010, to revive the above-entitled application. The petition is **GRANTED**.

The above-identified application was abandoned on 07 June 2010 for failure to pay the basic national fee 30 months from the priority date for international application no. PCT/CA2008/002122.

37 CFR 1.137(b) permits the filing of a petition to revive an abandoned application where the abandonment resulted from an unintentional delay. A grantable petition under this section must include: (1) the required reply, unless previously filed; (2) the petition fee required by law; (3) a statement that the "entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional;" and (4) any terminal disclaimer and fee required pursuant to 37 CFR 1.137(c). Items (1), (2) and (4) have been previously satisfied.

As to item (3) above, applicant's statement that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional" meets the requirements of 37 CFR 1.137(b)(3).

This application is being returned to the United States Designated/Elected Office for processing in accordance with this decision.

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Tel: (571) 272-3298

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/811,857	07/07/2010	Yuji Kitora	13006.165	2375

46668 7590 05/31/2011
FILDES & OUTLAND, P.C.
20916 MACK AVENUE, SUITE 2
GROSSE POINTE WOODS, MI 48236

EXAMINER
CHEN, VIVIAN

ART UNIT	PAPER NUMBER
1787	

MAIL DATE	DELIVERY MODE
05/31/2011	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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EL

May 31, 2011

In re application of Kitora, et al. Serial No. 12/811857 Filed: July 07, 2010 For: **RESIN COMPOSITION, LAMINATE USING THE SAME, AND MOLDED BODY USING THE LAMINATE**	: : : : : : :	DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a) to make the above-identified application special filed April 26, 2011.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO, note where the JPO application with similar claims is not the same application from which the U.S. application claims priority that the applicant must identify the relationship between the JPO application with similar claims and the JPO priority application;

(2) Applicant must submit a copy of:
   a. The allowable/patentable claim(s) from the JPO application(s) or if a copy of the allowable/patentable claims is available via the Dossier Access System (DAS) applicant may request the USPTO to obtain a copy from DAS; however, if the USPTO is unable to obtain a copy from the DAS, the applicant will be required to submit a copy;
   b. An English translation of the allowable/ patentable claim(s), if applicable; and
   c. A statement that the English translation is accurate, if applicable;

(3) Applicant must:
   a. Ensure all the independent claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s); and
   b. Submit a claims correspondence table in English;

(4) Examination of the U.S. application has not begun;

(5) Applicant must submit:

a. Documentation of prior office action:
   i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claims(s) or
   ii. if the allowable/patentable claim(s) are from "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
   iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form;
   Further, if a copy of the documents from (i) or (ii) is available via the Dossier Access System (DAS), applicant may request the USPO obtain a copy from the DAS; however, if the USPTO is unable to obtain a copy of the DAS, the applicant will be required to submit a copy; and
b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above if applicable; and

(6) Applicant must submit:

a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application)
b. Copies of documents except U.S. patents or U.S. patent application publications (unless already submitted in this application).

The request to participate in the PPH program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

Any inquiry regarding this decision should be directed to Emily M. Le, Supervisory Patent Examiner, at (571) 272-0903.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc/index.html.

/ Emily M. Le/

Emily M. Le
Supervisory Patent Examiner,
Technology Center 1700

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/811,860	07/07/2010	Ayako Kawase	14006/157	2400

23838 7590 11/07/2011
KENYON & KENYON LLP
1500 K STREET N.W.
SUITE 700
WASHINGTON, DC 20005

EXAMINER
LEWIS, BEN

ART UNIT	PAPER NUMBER
1726	

MAIL DATE	DELIVERY MODE
11/07/2011	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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11/7/11

In re application of	:	DECISION ON REQUEST TO
Ayako Kawase	:	PARTICIPATE IN PATENT
Serial No. 12/811,860	:	PROSECUTION HIGHWAY
Filed: July 07, 2010	:	PROGRAM AND
Attorney Docket No: 14006/157	:	PETITION TO MAKE SPECIAL
	:	UNDER 37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a) to make the above-identified application special filed September 30, 2011.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO, note where the JPO application with similar claims is not the same application from which the U.S. application claims priority that the applicant must identify the relationship between the JPO application with similar claims and the JPO priority application;

(2) Applicant must submit a copy of:
   a. The allowable/patentable claim(s) from the JPO application(s) or if a copy of the allowable/patentable claims is available via the Dossier Access System (DAS) applicant may request the USPTO to obtain a copy from DAS; however, if the USPTO is unable to obtain a copy from the DAS, the applicant will be required to submit a copy;
   b. An English translation of the allowable/ patentable claim(s), if applicable; and
   c. A statement that the English translation is accurate, if applicable;

(3) Applicant must:
   a. Ensure all the independent claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s); and
   b. Submit a claims correspondence table in English;

(4) Examination of the U.S. application has not begun;

(5) Applicant must submit:
   a. Documentation of prior office action:

i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claims(s) or
ii. if the allowable/patentable claim(s) are from "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form;
Further, if a copy of the documents from (i) or (ii) is available via the Dossier Access System (DAS), applicant may request the USPO obtain a copy from the DAS; however, if the USPTO is unable to obtain a copy of the DAS, the applicant will be required to submit a copy; and

b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above if applicable; and

(6) Applicant must submit:

a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application)
b. Copies of documents except U.S. patents or U.S. patent application publications (unless already submitted in this application).

The request to participate in the PPH program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

Any inquiry regarding this decision should be directed to Blaine Copenheaver, Quality Assurance Specialist, at (571) 272-1156.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc/index.html.

/Blaine Copenheaver/

Blaine Copenheaver
Quality Assurance Specialist
Technology Center 1700

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/811,874	07/07/2010	Abhay Karandikar	8920-000037/US/NP	2457

27572 7590 10/18/2010
HARNESS, DICKEY & PIERCE, P.L.C.
P.O. BOX 828
BLOOMFIELD HILLS, MI 48303

EXAMINER

ART UNIT	PAPER NUMBER
2465	

MAIL DATE	DELIVERY MODE
10/18/2010	PAPER

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The time period for reply, if any, is set in the attached communication.

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COMMISSIONER FOR PATENTS
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WASHINGTON, D.C. 20231
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HARNESS, DICKEY & PIERCE, P.L.C.
P.O. BOX 828
BLOOMFIELD HILLS MI 48303

MAILED

OCT 15 2010

DIRECTOR OFFICE
TECHNOLOGY CENTER 2400

In re Application of:
KARANDIKAR, et al.
Application No.: 12/811,874
Filed: July 7, 2010
For: METHOD TO DEVELOP HIERARCHICAL RING BASED TREE FOR UNICAST AND/OR MULTICAST TRAFFIC

DECISION ON PETITION UNDER 37 C.F.R. ∋ 1.84(a)(2) TO ACCEPT COLOR DRAWINGS

This is a decision on the petition under 37 C.F.R. 1.84(a)(2), filed July 7, 2010, requesting acceptance of color drawings

The petition is **GRANTED**.

REGULATIONS AND PRACTICE

37 C.F.R. § 1.84(a)(2) states:

(2) *Color.* On rare occasions, color drawings may be necessary as the only practical medium by which to disclose the subject matter sought to be patented in a utility or design patent application or the subject matter of a statutory invention registration. The color drawings must be of sufficient quality such that all details in the drawings are reproducible in black and white in the printed patent. Color drawings are not permitted in international applications (see PCT Rule 11.13), or in an application, or copy thereof, submitted under the Office electronic filing system. The Office will accept color drawings in utility or design patent applications and statutory invention registrations only after granting a petition filed under this paragraph explaining why the color drawings are necessary. Any such petition must include the following:

(i) The fee set forth in § 1.17(h);

(ii) Three (3) sets of color drawings;

(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.

OG Notice 1348 OG 389 (Nov 24, 2009) - Legal Framework for Electronic Filing System - Web (EFS-Web) (21Oct2009) states:

> ...The requirement for three (3) sets of color drawings under 37 CFR 1.84(a)(2)(ii) is not applicable to color drawings submitted via EFS-Web. Therefore, only one set of such color drawings is necessary when filing via EFS-Web.

DECISION

The petition, filed July 7, 2010 satisfies conditions (i)-(iii); condition (ii) is satisfied per OG Notice 1348 OG 389). Thus, the petition is **GRANTED**.

Any inquiry regarding this decision should be directed the undersigned whose telephone number is (571) 272-3126.

/Chau Nguyen/

Chau Nguyen, WQAS
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UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
P.O. Box 1450
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APR 22 2011

PCT LEGAL ADMINISTRATION

FOLEY AND LARDNER LLP
SUITE 500
3000 K STREET NW
WASHINGTON DC 20007

In re Application of LABERGE et al.
Application No.: 12/811,903
PCT No.: PCT/IB09/05019
Int. Filing: 09 January 2009
Priority Date: 09 January 2008
Attorney Docket No.:
For: METHOD AND CONSTRUCTS FOR INCREASING RECOMBINANT PROTEIN PRODUCTION IN PLANTS DEHYDRATION STRESS

: DECISION ON
: PETITION
: UNDER 37 CFR 1.47(a)

This is a decision on applicant's Petition Under 37 CFR 1.47(a) filed in the United States Patent and Trademark Office on 28 January 2011. Applicant's request for a four month extension of time is granted.

BACKGROUND

On 29 July 2010, a Notification of Missing Requirements (FORM PCT/DO/EO/905) was mailed to applicant indicating, *inter alia*, that an oath or declaration, in accordance with 37 CFR 1.497(a) and (b), and the surcharge for filing the oath or declaration after the thirty month period, was required.

On 28 January 2011, applicant filed a response to the 905 along with a petition under 37 CFR 1.47(a) and a declaration, executed by the joint inventor on behalf of the nonsigning inventor. The petition under 37 CFR 1.47(a) in an attempt to satisfy the requirements of 35 U.S.C. 371(c)(4), requested the acceptance of the application without the signature of inventor SOUAD AZELMAT, alleging that the inventor refuses to sign the application.

DISCUSSION

A petition under 37 CFR §1.47(a) must be accompanied by (1) the fee under 37 CFR §1.17(h), (2) factual proof that the non-signing joint inventor(s) refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the non-signing inventor(s), and (4) an oath or declaration by each available joint inventor on his or her own behalf and on behalf of the non-signing joint inventor(s).

Applicant has satisfied Item (1) with the requisite $200 petition fee.

With respect to Item (2), the statements of Ms. Guylaine Poirier and Dr. Martin Bonenfant, in support of the petition, were submitted. Ms. Poirier's statement indicates that on 23 November and 13 December 2010, at Ms. Azelmat's request, Ms. Poirier emailed a complete copy of application papers to the nonsigning inventor's email address. Dr. Bonenfant's statement indicates that he had corresponded with the nonsigning inventor via emails requesting

her signature on the declaration. Ms. Azelmat apparently responded that she was promised first named inventor status in a 22 December 2010 email. Dr. Bonenfant replied on the same date that the inventor's contribution is not reflected by inventor order and requested a copy of the agreement to be named first inventor. Thereafter, on 06, 09, 13 and 20 January 2011, Dr. Bonenfant requested a signed declaration. As of 26 January 2011, Ms. Azelmat has not answered the email or signed the declaration. Copies of the supporting emails were submitted in the French language. However, English translations of all the email exhibits which are relied upon is required before it cannot be concluded that Ms. Azelmat refuses to sign the application. Item (2) is not yet satisfied.[1] Documentary evidence to support facts alleged in the petition or any statement of facts should be submitted.

With regard to Item (3), the last known address of inventor AZELMAT was provided. Item (3) is satisfied.

With regard to Item (4) above, the 37 CFR 1.47(a) applicant submitted a declaration signed by the joint inventors on behalf of the nonsigning inventor. The declaration is acceptable as it is in compliance with 37 CFR 1.497(a) and (b).

As discussed above, Item (2) is not satisfied. Thus, Petitioner has not satisfied the requirements of 37 CFR 1.47(a). Accordingly, it is inappropriate to accord the national stage application status under 37 CFR §1.47(a) at this time.

CONCLUSION

The petition under 37 CFR §1.47(a) is **DISMISSED WITHOUT PREJUDICE**.

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[1] MPEP Section 409.03(d) II. Refusal to Join, states in pertinent part:

> Where a refusal of the inventor to sign the application papers is alleged, the circumstances of the presentation of the application papers and of the refusal must be specified in a statement of facts by the person who presented the inventor with the application papers and/or to whom the refusal was made. Statements by a party not present when an oral refusal is made will not be accepted. *Proof that a bona fide attempt was made to present a copy of the application papers (specification, including claims, drawings, and oath or declaration) to the nonsigning inventor for signature*, but the inventor refused to accept delivery of the papers or expressly stated that the application papers should not be sent, may be sufficient. When there is an express oral refusal, that fact along with the time and place of the refusal must be stated in the statement of facts. When there is an express written refusal, a copy of the document evidencing that refusal must be made part of the statement of facts. The document may be redacted to remove material not related to the inventor's reasons for refusal.
>
> When it is concluded by the 37 CFR 1.47 applicant that a nonsigning inventor's conduct constitutes a refusal, all facts upon which the conclusion is based should be stated in a statement of facts in support of the petition or directly in the petition. *If there is documentary evidence to support facts alleged in the petition or any statement of facts, such evidence should be submitted.* Whenever a nonsigning inventor gives a reason for refusing to sign the application oath or declaration, that reason should be stated in the petition.

(Emphasis added.)

Any reconsideration on the merits of the petition under 37 CFR §1.47(a) must be filed within TWO (2) MONTHS from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR §1.47(a)." No petition fee is required. Any further extensions of time available may be obtained under 37 CFR 1.136(a).

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

/Cynthia M. Kratz/
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WASHINGTON DC 20007

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PCT LEGAL ADMINISTRATION

In re Application of LABERGE et al.
Application No.: 12/811,903
PCT No.: PCT/IB09/05019
Int. Filing: 09 January 2009
Priority Date: 09 January 2008
Attorney Docket No.: 025200-0121
For: METHOD AND CONSTRUCTS FOR INCREASING RECOMBINANT PROTEIN PRODUCTION IN PLANTS DEHYDRATION STRESS

: DECISION ON
: PETITION
:UNDER 37 CFR 1.47(a)

This is a decision on applicant's Petition Under 37 CFR 1.47(a) filed in the United States Patent and Trademark Office on 22 June 2011.

BACKGROUND

The procedural history of this application was set forth in the decision mailed on 22 April 2011 and is incorporated herein by reference.

On 22 June 2011, Applicant filed the renewed petition under 37 CFR 1.47(a) in an attempt to satisfy the requirements of 35 U.S.C. 371(c)(4), requested the acceptance of the application without the signature of inventor SOUAD AZELMAT, alleging that the inventor refuses to sign the application.

DISCUSSION

A petition under 37 CFR §1.47(a) must be accompanied by (1) the fee under 37 CFR §1.17(h), (2) factual proof that the non-signing joint inventor(s) refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the non-signing inventor(s), and (4) an oath or declaration by each available joint inventor on his or her own behalf and on behalf of the non-signing joint inventor(s).

Applicant has previously satisfied Items (1), (3) and (4).

With respect to Item (2), Petitioner submitted the statements of Ms. Guylaine Poirier and Dr. Martin Bonenfant, with supporting documents[1], providing firsthand confirmation that

[1] Ms. Poirier's statement indicates that on 23 November and 13 December 2010, at Ms. Azelmat's request, Ms. Poirier emailed a complete copy of application papers to the nonsigning inventor's email address. Dr. Bonenfant's statement indicates that he had corresponded with the nonsigning inventor via emails requesting her signature on the declaration. Ms. Azelmat responded in a 22 December 2010 email that she was promised first named inventor status. Dr. Bonenfant replied on the same date that the inventor's contribution is not reflected by

requests for signature accompanied by a copy of the application were forwarded to the non-signing inventor via email and that the inventor has not responded to such requests. These materials provide an acceptable showing that the non-signing inventor has refused to execute the application. With the renewed petition, applicant provided the English translations of the supporting documents. It can now be concluded that Ms. Azelmat, by her conduct, refuses to sign the application. Item (2) is therefore satisfied. Thus, Petitioner has satisfied the requirements of 37 CFR 1.47(a). Accordingly, it is appropriate to accord the national stage application status under 37 CFR §1.47(a) at this time.

CONCLUSION

The petition under 37 CFR §1.47(a) is **GRANTED.**

The U.S. Designated/Elected Office has accepted the application as a 37 CFR 1.47(a) application using the declarations filed 28 January 2011. The application has an international filing date of 09 January 2009 under 35 U.S.C. 363, and a date of 28 January 2011 under 35 U.S.C. 371(c).

As provided in 37 CFR 1.47(a), a notice of the filing of this application will be forwarded to the non-signing inventor at his respective last known address of record. Also, a notice of the filing of this application will be published in the Official Gazette.

/Cynthia M. Kratz/
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inventor order and requested a copy of the agreement to be named first inventor. Thereafter, on 06, 09, 13 and 20 January 2011, Dr. Bonenfant requested a signed declaration. As of 26 January 2011, Ms. Azelmat did not answered the email or signed the declaration. Copies of the supporting emails were submitted in the French language with English translations with the renewed petition.

UNITED STATES PATENT AND TRADEMARK OFFICE

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SOUAD AZELMAT
888 RUE DE VILLERS
APT. 130
SAINTE-FOY
QUEBEC, CANADA G1V 5B5

MAILED

AUG 31 2011

PCT LEGAL ADMINISTRATION

In re Application of LABERGE et al.
Application No.: 12/811,903
PCT No.: PCT/IB09/05019
Int. Filing: 09 January 2009
Priority Date: 09 January 2008
Attorney Docket No.: 025200-0121
For: METHOD AND CONSTRUCTS FOR INCREASING RECOMBINANT PROTEIN PRODUCTION IN PLANTS DEHYDRATION STRESS

Dear Ms. Azelmat:

You are named as an inventor in the above identified United States patent application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. § 116. Should a patent be granted, you will be designated as an inventor.

As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. If you care to join in the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

/Cynthia M. Kratz/
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JAN 13 2011

PCT LEGAL ADMINISTRATION

BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH VA 22040-0747

In re Application of	:	
DÖRFNÄS, Lars, et al.	:	
Application No.: 12/811,930	:	DECISION ON
PCT No.: PCT/EP2008/068222	:	
Int. Filing Date: 23 December 2008	:	REQUEST
Priority Date: 08 January 2008	:	
Attorney Docket No.: 6046-0101PUS1	:	UNDER 37 CFR 1.42
For: POWER CONVERTER WITH	:	
DISTRIBUTED CELL CONTROL	:	

A review of the declaration reveals an indication that inventor Roland Siljeström is deceased. Applicants' submission has been treated as a request for status under 37 CFR 1.42.

BACKGROUND

On 29 July 2010, the Office mailed Notification of Missing Requirements (Form PCT/DO/EO/905) indicating that an oath or declaration of the inventors, the surcharge for late filing of the search fee, examination fee or oath or declaration, the search fee and examination fees were required.

On 01 September 2010, applicants submitted a preliminary amendment and a copy of the International Preliminary Report on Patentability (Form PCT/IPEA/409).

On 25 October 2010, the Office mailed Notification of Defective Response (Form PCT/DO/EO/916) indicating that all of the requirements of the Notification of Missing Requirements were still required, setting a one month time limit or the time remaining in the Notification of Missing Requirements.

On 29 October 2010, applicants filed this request for status under 37 CFR 1.42, accompanied by, *inter alia*, the surcharge fee, the search fee and examination fee.

DISCUSSION

The Notification of Defective Response (Form PCT/DO/EO/916) mailed 25 October 2010 issued in error. The applicable time period for response was the one set in the Notification of Missing Requirements mailed 29 July 2010. The 01 September 2010 submission was not in response to the Notification of Missing Requirements and was not "substantially a complete reply to the non-final Office action, but consideration of some matter or compliance with some requirement [had] been inadvertently omitted,". 37 CFR 1.135(c). The fee for an extension of

time in the first month will be charged to deposit account no. 02-2448, as authorized.

Under 35 U.S.C. §117, legal representatives of deceased inventors may make application for patent upon compliance with the requirements and on the same terms and conditions applicable to the inventor. The "legal representative (executor, administrator, etc.) of the deceased inventor may make the necessary oath or declaration, and apply for and obtain the patent." 37 CFR 1.42.

The declaration must list the inventors and the inventors' citizenships and the legal representative and the legal representative's citizenship, residence and postal address. See 37 CFR 1.497. The declaration lists the information for the all the inventors, but not for the legal representative. As such, the declaration does not satisfy 37 CFR 1.497(a)-(b) and 37 CFR 1.42.

CONCLUSION

For the above reasons, the request for status under 37 CFR 1.42 is **REFUSED**.

The Notification of Defective (Form PCT/DO/EO/916) mailed 25 October 2010 is **VACATED**.

Applicant is required to submit a declaration in compliance with 37 CFR 1.497 and 1.42, within a time period of **TWO (2) MONTHS** from the mail date of this Decision. THIS PERIOD FOR RESPONSE MAY BE EXTENDED UNDER 37 CFR 1.136(a). FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT. Any request for reconsideration of this decision should include a cover letter entitled "Renewed Submission Under 37 CFR 1.42."

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

/Erin P. Thomson/

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UNITED STATES PATENT AND TRADEMARK OFFICE

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APR 26 2011

PCT LEGAL ADMINISTRATION

BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
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In re Application of	:	
DÖRFNÄS, Lars, et al.	:	
Application No.: 12/811,930	:	DECISION ON
PCT No.: PCT/EP2008/068222	:	
Int. Filing Date: 23 December 2008	:	REQUEST
Priority Date: 08 January 2008	:	
Attorney Docket No.: 6046-0101PUS1	:	UNDER 37 CFR 1.42
For: POWER CONVERTER WITH	:	
DISTRIBUTED CELL CONTROL	:	

This is a decision on applicants' renewed request for status under 37 CFR 1.42, filed in the United States Patent and Trademark Office on 23 February 2011.

BACKGROUND

On 13 January 2011, the Office mailed Decision On Request Under 37 CFR 1.42, refusing applicants' request for status.

On 23 February 2011, applicants filed this renewed request for status under 37 CFR 1.42.

DISCUSSION

Under 35 U.S.C. §117, legal representatives of deceased inventors may make application for patent upon compliance with the requirements and on the same terms and conditions applicable to the inventor. The "legal representative (executor, administrator, etc.) of the deceased inventor may make the necessary oath or declaration, and apply for and obtain the patent." 37 CFR 1.42.

The 23 February 2011 and 29 October 2010 declarations together list the inventors and their citizenships and the legal representative and the legal representative's citizenship, residence and postal address, satisfying 37 CFR 1.42 and 37 CFR 1.497(a)-(b).

CONCLUSION

For the above reasons, the request for status under 37 CFR 1.42 is **GRANTED**.

This application is being forwarded to the National Stage Processing Division of the Office of Patent Application Processing for further action consistent with this decision.

/Erin P. Thomson/

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Attorney Advisor
PCT Legal Administration

Telephone: (571) 272-3292

PTO/SB/20PCT-JP (05-10)
Approved for use through 01/31/2012. OMB 0651-0058
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE JAPAN PATENT OFFICE (JPO) AND THE USPTO

Application No.:	12/811,940	Filing Date:	July 7, 2010
First Named Inventor:	Yukari SUZUKI et al.		
Attorney Docket No.:	146015		
Title of the Invention:	METHOD FOR MANUFACTURING COMPOUND SEMICONDUCTOR SUBSTRATE, COMPOUND SEMICONDUCTOR SUBSTRATE AND LIGHT EMITTING DEVICE		

THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT HTTP://WWW.USPTO.GOV/EBC/EFS_HELP.HTML.

APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PROGRAM.

The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.

The corresponding PCT application number(s) is/are: PCT/JP2009/000101

The international date of the corresponding PCT application(s) is/are: January 14, 2009

I. **List of Required Documents:**

a. **A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above–identified corresponding PCT application(s)**

☒ Is attached.

☐ Is not attached because the document is already in the U.S. application.

b. **A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s).**

☒ Is attached.

☐ Is not attached because the document is already in the U.S. application.

c. **English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.**

This collection of information is required by 35 U.S.C. 119, 37 CFR 1.55, and 37 CFR 1.102(d). The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM BETWEEN THE JPO AND THE USPTO

(continued)

Application No.:	12/811,940
First Named Inventor:	Yukari SUZUKI et al.

d. **(1) An information disclosure statement listing the documents cited in the international work products (ISR, WO/ISA, WO/IPEA, IPER) of the corresponding PCT application.**

☐ Is attached.

☒ Has already been filed in the above-identified U.S. application on July 7, 2010

(2) Copies of all documents (except) for U.S. patents or U.S. patent application publications)

☐ Are attached.

☒ Have already been filed in the above-identified U.S. application on July 7, 2010

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1-6 are canceled		
7, 8, 11 and 12	1, 2, 4 and 5	Claims 7, 8, 11 and 12 of the U.S. application correspond identically to claims 1, 2, 4 and 5, respectively, of the PCT application indicated as having novelty, inventive step and industrial applicability in the PCT application.
9 and 10	3	Claims 9 and 10 of the U.S. application correspond to claim 3 of the PCT application indicated as having novelty, inventive step and industrial applicability in the PCT application. Claim 3 of the PCT application is a multiple dependent claim depending from claims 1 and 2. Claim 9 of the U.S. application depends from claim 7 (corresponding to PCT application claim 1). Claim 10 of the U.S. application depends from claim 8 (corresponding to PCT application claim 2). Claims 9 and 10 are thus individually dependent claims corresponding to multiple dependent claim 3 of the PCT application.
13 and 14	6	Claims 13 and 14 of the U.S. application correspond to claim 6 of the PCT application indicated as having novelty, inventive step and industrial applicability in the PCT application. Claim 6 of the PCT application is a multiple dependent claim depending from claims 4 and 5. Claim 13 of the U.S. application depends from claim 11 (corresponding to PCT application claim 4). Claim 14 of the U.S. application depends from claim 12 (corresponding to PCT application claim 5). Claims 13 and 14 are thus individually dependent claims corresponding to multiple dependent claim 6 of the PCT application.

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.

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature		Date	February 16, 2011
Name (Print/Typed)	William P. Berridge	Registration Number	30,024
Name (Print/Typed)	Christopher W. Brown	Registration Number	38,025

OLIFF & BERRIDGE, PLC
P.O. Box 320850
Alexandria, Virginia 22320-4850
Telephone: (703) 836-6400

DEPOSIT ACCOUNT USE AUTHORIZATION
Please grant any extension necessary for entry of this filing;
Charge any fee due to our Deposit Account No. 15-0461

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

PATENT COOPERATION TREATY

PCT/JP2009/000101

From the INTERNATIONAL BUREAU

PCT

NOTIFICATION CONCERNING TRANSMITTAL OF COPY OF INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY (CHAPTER I OF THE PATENT COOPERATION TREATY)

(PCT Rule 44bis.1(c))

To:

YOSHIMIYA, Mikio
1st Shitaya Bldg. 9F
6-11, Ueno 7-chome, Taito-ku
Tokyo 1100005
JAPON

Date of mailing *(day/month/year)* 05 August 2010 (05.08.2010)	
Applicant's or agent's file reference 07F00098WO	IMPORTANT NOTICE

International application No.	International filing date *(day/month/year)*	Priority date *(day/month/year)*
PCT/JP2009/000101	14 January 2009 (14.01.2009)	25 January 2008 (25.01.2008)

Applicant: Shin-Etsu Handotai Co., Ltd. et al

The International Bureau transmits herewith a copy of the international preliminary report on patentability (Chapter I of the Patent Cooperation Treaty)

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland	Authorized officer Yoshiko Kuwahara
Facsimile No. +41 22 338 82 70	e-mail: pt07.pct@wipo.int

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter I of the Patent Cooperation Treaty)

(PCT Rule 44*bis*)

Applicant's or agent's file reference 07F00098WO	**FOR FURTHER ACTION**	See item 4 below
International application No. PCT/JP2009/000101	International filing date *(day/month/year)* 14 January 2009 (14.01.2009)	Priority date *(day/month/year)* 25 January 2008 (25.01.2008)
International Patent Classification (8th edition unless older edition indicated) See relevant information in Form PCT/ISA/237		
Applicant Shin-Etsu Handotai Co., Ltd.		

1. This international preliminary report on patentability (Chapter I) is issued by the International Bureau on behalf of the International Searching Authority under Rule 44 *bis*.1(a).

2. This REPORT consists of a total of 4 sheets, including this cover sheet.

   In the attached sheets, any reference to the written opinion of the International Searching Authority should be read as a reference to the international preliminary report on patentability (Chapter I) instead.

3. This report contains indications relating to the following items:

☒	Box No. I	Basis of the report
☐	Box No. II	Priority
☐	Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
☐	Box No. IV	Lack of unity of invention
☒	Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
☐	Box No. VI	Certain documents cited
☐	Box No. VII	Certain defects in the international application
☐	Box No. VIII	Certain observations on the international application

4. The International Bureau will communicate this report to designated Offices in accordance with Rules 44*bis*.3(c) and 93*bis*.1 but not, except where the applicant makes an express request under Article 23(2), before the expiration of 30 months from the priority date (Rule 44*bis* .2).

	Date of issuance of this report 27 July 2010 (27.07.2010)
The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland Facsimile No. +41 22 338 82 70	Authorized officer Yoshiko Kuwahara e-mail: pt07.pct@wipo.int

特許協力条約

発信人　日本国特許庁（国際調査機関）

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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）	10. 02. 2009
出願人又は代理人の書類記号　07F00098WO	今後の手続きについては、下記2を参照すること。
国際出願番号 ＰＣＴ／ＪＰ２００９／０００１０１	国際出願日（日.月.年）　14. 01. 2009
優先日（日.月.年）　25. 01. 2008	
国際特許分類（ＩＰＣ）Int.Cl. H01L33/00(2006.01)i, H01L21/205(2006.01)i	
出願人（氏名又は名称） 信越半導体株式会社	

1．この見解書は次の内容を含む。

- [x] 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
- [x] 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　28. 01. 2009	
名称及びあて先 日本国特許庁（ＩＳＡ／ＪＰ） 郵便番号１００－８９１５ 東京都千代田区霞が関三丁目４番３号	特許庁審査官（権限のある職員）　2K　3498 松崎　純邦 電話番号　03－3581－1101　内線　3255

国際調査機関の見解書

国際出願番号 PCT／JP2009／000101

第Ⅰ欄　見解の基礎

1．言語に関し、この見解書は以下のものに基づき作成した。

☑ 出願時の言語による国際出願

☐ 出願時の言語から国際調査のための言語である _____ 語に翻訳された、この国際出願の翻訳文

（PCT規則12.3(a)及び23.1(b)）

2．☐ この見解書は、PCT規則 91 の規定により国際調査機関が認めた又は国際調査機関に通知された明らかな誤りの訂正を考慮して作成した（PCT規則 43 の 2.1(b)）。

3．この国際出願で開示されたヌクレオチド又はアミノ酸配列に関して、以下に基づき見解書を作成した。

a．タイプ　☐ 配列表

☐ 配列表に関連するテーブル

b．フォーマット　☐ 紙形式

☐ 電子形式

c．提出時期　☐ 出願時の国際出願に含まれていたもの

☐ この国際出願と共に電子形式により提出されたもの

☐ 出願後に、調査のために、この国際調査機関に提出されたもの

4．☐ さらに、配列表又は配列表に関連するテーブルを提出した場合に、出願後に提出した配列若しくは追加して提出した配列が出願時に提出した配列と同一である旨、又は、出願時の開示を超える事項を含まない旨の陳述書の提出があった。

5．補足意見：

国際調査機関の見解書

国際出願番号 PCT／JP2009／000101

第V欄　新規性、進歩性又は産業上の利用可能性についてのＰＣＴ規則43の2.1(a)(i)に定める見解、それを裏付ける文献及び説明

1.　見解

新規性（N）	請求の範囲	1-6	有
	請求の範囲		無
進歩性（ＩＳ）	請求の範囲	1-6	有
	請求の範囲		無
産業上の利用可能性（ＩＡ）	請求の範囲	1-6	有
	請求の範囲		無

2.　文献及び説明

文献１：JP 2005-150664 A（信越半導体株式会社）
2005.06.09, 全文、全図
文献２：WO 2007/088841 A1（信越半導体株式会社）
2007.08.09, 全文、全図
文献３：JP 2004-296707 A（信越半導体株式会社）
2004.10.21, 全文、全図
文献４：JP 2000-196139 A（シャープ株式会社）
2000.07.14, 全文、全図
文献５：JP 2005-277218 A（信越半導体株式会社）
2005.10.06, 全文、全図
文献６：JP 2004-260109 A（信越半導体株式会社）
2004.09.16, 全文、全図
文献７：JP 2003-023177 A（シャープ株式会社）
2003.01.24, 全文、全図
文献８：JP 2000-269145 A（シャープ株式会社）
2000.09.29, 全文、全図
文献９：JP 2002-203987 A（株式会社東芝）
2002.07.19, 全文、全図

請求の範囲１－６

請求の範囲１－６に係る発明は、国際調査報告で引用された文献１－９に対して進歩性を有する。

文献１－９にはＧａＡｓ基板を除去した後で、かつｎ型ＧａＰを成長させる前に、アンモニアを含有させた水素雰囲気で熱処理することが記載されておらず、しかもその点は、界面での炭素濃度と酸素濃度を低減させるから当業者といえども容易に想到し得ないものである。

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter I of the Patent Cooperation Treaty)

(PCT Rule 44*bis*)

Applicant's or agent's file reference 07F00098WO	**FOR FURTHER ACTION**	See item 4 below
International application No. PCT/JP2009/000101	International filing date *(day/month/year)* 14 January 2009 (14.01.2009)	Priority date *(day/month/year)* 25 January 2008 (25.01.2008)
International Patent Classification (8th edition unless older edition indicated) See relevant information in Form PCT/ISA/237		
Applicant Shin-Etsu Handotai Co., Ltd.		

1. This international preliminary report on patentability (Chapter I) is issued by the International Bureau on behalf of the International Searching Authority under Rule 44 *bis*.1(a).

2. This REPORT consists of a total of 5 sheets, including this cover sheet.

   In the attached sheets, any reference to the written opinion of the International Searching Authority should be read as a reference to the international preliminary report on patentability (Chapter I) instead.

3. This report contains indications relating to the following items:

☒	Box No. I	Basis of the report
☐	Box No. II	Priority
☐	Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
☐	Box No. IV	Lack of unity of invention
☒	Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
☐	Box No. VI	Certain documents cited
☐	Box No. VII	Certain defects in the international application
☐	Box No. VIII	Certain observations on the international application

4. The International Bureau will communicate this report to designated Offices in accordance with Rules 44*bis*.3(c) and 93*bis*.1 but not, except where the applicant makes an express request under Article 23(2), before the expiration of 30 months from the priority date (Rule 44*bis* .2).

	Date of issuance of this report 31 August 2010 (31.08.2010)
The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland Facsimile No. +41 22 338 82 70	Authorized officer Gijsbertus Beijer e-mail: pt07.pct@wipo.int

PATENT COOPERATION TREATY

TRANSLATION

From the
INTERNATIONAL SEARCHING AUTHORITY

To:

PCT

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43*bis*.1)

Date of mailing *(day/month/year)*	
Applicant's or agent's file reference 07F00098WO	**FOR FURTHER ACTION** See paragraph 2 below

International application No.	International filing date *(day/month/year)*	Priority date *(day/month/year)*
PCT/JP2009/000101	14.01.2009	25.01.2008

International Patent Classification (IPC) or both national classification and IPC

Applicant
Shin-Etsu Handotai Co., Ltd.

1. This opinion contains indications relating to the following items:

- [x] Box No. I — Basis of the opinion
- [ ] Box No. II — Priority
- [ ] Box No. III — Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- [ ] Box No. IV — Lack of unity of invention
- [x] Box No. V — Reasoned statement under Rule 43*bis*.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- [ ] Box No. VI — Certain documents cited
- [ ] Box No. VII — Certain defects in the international application
- [ ] Box No. VIII — Certain observations on the international application

2. **FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1*bis*(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/JP	Date of completion of this opinion	Authorized officer
Facsimile No.		Telephone No.

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/JP2009/000101

Box No. I **Basis of this opinion**

1. With regard to the **language**, this opinion has been established on the basis of:

   ☒ the international application in the language in which it was filed

   ☐ a translation of the international application into _____, which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1(b)).

2. ☐ This opinion has been established taking into account the **rectification of an obvious mistake** authorized by or notified to this Authority under Rule 91 (Rule 43*bis*.1(a))

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:

   a. type of material

   ☐ a sequence listing

   ☐ table(s) related to the sequence listing

   b. format of material

   ☐ on paper

   ☐ in electronic form

   c. time of filing/furnishing

   ☐ contained in the international application as filed

   ☐ filed together with the international application in electronic form

   ☐ furnished subsequently to this Authority for the purposes of search

4. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table(s) relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.

5. Additional comments:

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/JP2009/000101

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	1-6	YES
	Claims		NO
Inventive step (IS)	Claims	1-6	YES
	Claims		NO
Industrial applicability (IA)	Claims	1-6	YES
	Claims		NO

2. Citations and explanations:

Document 1: JP 2005-150664 A (Shin-Etsu Handotai Co., Ltd.), 09 June 2005, entire text, all drawings

Document 2: WO 2007/088841 A1 (Shin-Etsu Handotai Co., Ltd.), 09 August 2007, entire text, all drawings

Document 3: JP 2004-296707 A (Shin-Etsu Handotai Co., Ltd.), 21 October 2004, entire text, all drawings

Document 4: JP 2000-196139 A (Sharp Corp.), 14 July 2000, entire text, all drawings

Document 5: JP 2005-277218 A (Shin-Etsu Handotai Co., Ltd.), 06 October 2005, entire text, all drawings

Document 6: JP 2004-260109 A (Shin-Etsu Handotai Co., Ltd.), 16 September 2004, entire text, all drawings

Document 7: JP 2003-023177 A (Sharp Corp.), 24 January 2003, entire text, all drawings

Document 8: JP 2000-269145 A (Sharp Corp.), 29 September 2000, entire text, all drawings

Document 9: JP 2002-203987 A (Toshiba Corp.), 19 July 2002, entire text, all drawings

Claims 1-6

The invention as in claims 1-6 involves an inventive step in relation to documents 1-9 cited in the ISR.

Performing heat treatment in an ammonia-containing hydrogen

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**

atmosphere after a GaAs substrate is removed and before an n-type GaP substrate is grown is not disclosed in any of documents 1-9, and further the feature reduces the carbon concentration and the oxygen concentration at an interface; therefore, even a person skilled in the art could not easily have conceived thereof.

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Yukari SUZUKI et al.

Group Art Unit: 2811

Application No.: 12/811,940

Examiner:

Filed: July 7, 2010

Docket No.: 146015

For: METHOD FOR MANUFACTURING COMPOUND SEMICONDUCTOR SUBSTRATE, COMPOUND SEMICONDUCTOR SUBSTRATE AND LIGHT EMITTING DEVICE

TRANSMITTAL OF CLAIMS AND TRANSLATION, AND AFFIRMATION OF ACCURACY OF TRANSLATION OF CLAIMS

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Attached hereto is a copy of the Japanese language claims of corresponding PCT application PCT/JP2009/000101 indicated to have novelty, inventive step and industrial applicability in the IPRP. Also attached is an English-language translation of the claims. On information and belief, the English-language translation is an accurate translation of the PCT application claims.

Respectfully submitted,

William P. Berridge
Registration No. 30,024

Christopher W. Brown
Registration No. 38,025

WPB:CWB/rav

Date: February 16, 2011

OLIFF & BERRIDGE, PLC
P.O. Box 320850
Alexandria, Virginia 22320-4850
Telephone: (703) 836-6400

DEPOSIT ACCOUNT USE AUTHORIZATION
Please grant any extension necessary for entry of this filing; Charge any fee due to our Deposit Account No. 15-0461

請求の範囲

[1] 少なくとも、ＧａＡｓ基板上にＡｌＧａＩｎＰからなる４元発光層をエピタキシャル成長させる工程と、該４元発光層の前記基板と反対側となる片方の主表面（第一主面）にｐ型ＧａＰ窓層を気相成長させる工程と、前記ＧａＡｓ基板を除去する工程と、該ＧａＡｓ基板が除去された側の前記発光層の主表面（第二主面）にｎ型ＧａＰ窓層をエピタキシャル成長させる工程とを有する化合物半導体基板の製造方法において、

前記ＧａＡｓ基板を除去する工程の後、前記ｎ型ＧａＰ窓層をエピタキシャル成長させる工程の前に、アンモニアを含有させた水素雰囲気で熱処理する工程を有することを特徴とする化合物半導体基板の製造方法。

[2] 前記アンモニアを含有させた水素雰囲気で熱処理する工程は、３００℃以上の温度域で積算１０分以上熱処理する工程とすることを特徴とする請求項１に記載の化合物半導体基板の製造方法。

[3] 前記アンモニアを含有させた水素雰囲気は、アンモニアの体積含有量が０．０１％以上であることを特徴とする請求項１または請求項２に記載の化合物半導体基板の製造方法。

[4] 少なくとも、ＡｌＧａＩｎＰからなる４元発光層と、該４元発光層の片方の主表面（第一主面）側に形成されたｐ型ＧａＰ窓層と、前記４元発光層のもう一方の主表面（第二主面）側に形成されたｎ型ＧａＰ窓層とを有する化合物半導体基板において、

前記４元発光層と前記ｎ型ＧａＰ窓層の界面である前記４元発光層の第二主面は、炭素濃度が1.0×10^{17}／cm^3以下であり、かつ酸素濃度が1.0×10^{19}／cm^3以下であることを特徴とする化合物半導体基板。

[5] 前記４元発光層の第二主面は、炭素濃度が1.0×10^{17}／cm^3以下であ

り、かつ酸素濃度が１．０×１０^{18}／ｃｍ^{3}以下であることを特徴とする請求項４に記載の化合物半導体基板。

[6] 請求項４または請求項５に記載の化合物半導体基板を用いて製造されたものであることを特徴とする発光素子。

CLAIMS

1. A method for manufacturing a compound semiconductor substrate, including at least the processes of epitaxially growing a quaternary light emitting layer composed of AlGaInP on a GaAs substrate; vapor-phase growing a p-type GaP window layer on one of main surfaces (a first main surface) of the quaternary light emitting layer, the first main surface being opposite to the GaAs substrate; removing the GaAs substrate; and epitaxially growing an n-type GaP window layer on the other main surface (a second main surface) of the light emitting layer, the second main surface being located at a side where the GaAs substrate is removed; wherein

the method comprising the process of performing a heat treatment under a hydrogen atmosphere containing ammonia after the process of removing the GaAs substrate and before the process of epitaxially growing the n-type GaP window layer.

2. The method for manufacturing a compound semiconductor substrate according to claim 1, wherein in the process of performing the heat treatment under the hydrogen atmosphere containing the ammonia, the heat treatment is performed at a temperature region of 300 °C or more for 10 minutes or more in total.

3. The method for manufacturing a compound semiconductor substrate according to claim 1 or claim 2, wherein a volume content of the ammonia is 0.01% or more in the hydrogen atmosphere containing the ammonia.

4. A compound semiconductor substrate comprising at least a quaternary light emitting layer composed of AlGaInP; a p-type GaP window layer formed on one of main surfaces (a first main surface) of the quaternary light emitting layer; and an n-type GaP window layer formed on the other main surface (a second main surface) of the quaternary light emitting layer; wherein

the second main surface of the quaternary light emitting layer is an interface between the quaternary light emitting layer and the n-type GaP window layer, and has a carbon concentration of $1.0 \times 10^{17}/cm^3$ or less and an oxygen concentration of $1.0 \times 10^{19}/cm^3$ or less.

5. The compound semiconductor substrate according to claim 4, wherein the second main surface of the quaternary light emitting layer has a carbon concentration of $1.0 \times 10^{17}/cm^3$ or less and an oxygen concentration of $1.0 \times 10^{18}/cm^3$ or less.

6. A light emitting device fabricated by using the compound semiconductor substrate according to claim 4 or claim 5.

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/811,940	07/07/2010	Yukari Suzuki	146015	2931

25944 7590 03/23/2011
OLIFF & BERRIDGE, PLC
P.O. BOX 320850
ALEXANDRIA, VA 22320-4850

EXAMINER
WRIGHT, TUCKER J

ART UNIT	PAPER NUMBER
2891	

NOTIFICATION DATE	DELIVERY MODE
03/23/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

OfficeAction25944@oliff.com
jarmstrong@oliff.com

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

OLIFF & BERRIDGE, PLC
P.O. BOX 320850
ALEXANDRIA VA 22320-4850

In re Application of	**: DECISION ON REQUEST TO**
SUZUKI et al.	**: PARTICIPATE IN THE PATENT**
Application No.: 12/811,940	**: PROSECUTION HIGHWAY**
Filed: 07 July 2010	**: PROGRAM AND PETITION**
Attorney Docket No.: 146015	**: TO MAKE SPECIAL UNDER**
For: METHOD FOR MANUFACTURING COMPOUND SEMICONDUCTOR SUBSTRATE ...	**: 37 CFR 1.102(a)**

This is a decision on the request to participate in the PCT Patent Prosecution Highway (PCT-PPH) pilot program and the petition under 37 CFR 1.102(a), filed 16 February 2011, to make the above-identified application special.

The request and petition are **GRANTED**.

Discussion

A grantable request to participate in the PCT-PPH pilot program and petition to make special require:

(1) The U.S. application must disclose an eligible relationship to one or more PCT applications where the ISA or IPEA are the JPO, EPO, KIPO, IPAU, or USPTO;

(2) At least one claim in the PCT application has novelty, inventive step, and industrial applicability and must be free of any observations in Box VIII in the latest work product in the international stage or applicant must identify and explain why the claim(s) is/are not subject to the observation in Box VIII;

(3) Applicant must submit a copy of the claim(s) from the PCT application(s) that have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate, if the claims are not in the English language;

(4) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the claim(s) that have novelty, inventive step, and industrial applicability in the PCT application(s);

(5) Examination of the U.S. application has not begun;

(6) Applicant must submit a copy of the latest international work product from the PCT application indicating that the claim(s) have novelty, inventive step, and industrial applicability

along with an English translation thereof (if not in English);

(7) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

The request to participate in the PCT-PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Lee W. Young at 571-272-4549.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc.index.html.

This application will be forwarded to the examiner for action on the merits commensurate with this decision once this application's formality reviews have been completed.

Lee W. Young
TQAS Technology Center 2800 - Semiconductors,
Electrical & Optical Systems & Components

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Decision Date : May 18,2011

In re Application of :

Yungryel Ryu

Application No : 12811943

Filed : 29-Nov-2010

Attorney Docket No : MOXT-108-US

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 May 18,2011

The request is **APPROVED.**

The request was signed by D. Jacobs (registration no. 31770) on behalf of all attorneys/agents associated with Customer Number 45464 . All attorneys/agents associated with Cusotmer Number 45464 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	Yungryel Ryu
Name2	MOXTRONICS, INC.
Address 1	4439 Ish Drive
Address 2	
City	Simi Valley
State	CA
Postal Code	93063
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	12811943
Filing Date	29-Nov-2010
First Named Inventor	Yungryel Ryu
Art Unit	2811
Examiner Name	
Attorney Docket Number	MOXT-108-US
Title	HIGH-PERFORMANCE HETEROSTRUCTURE LIGHT EMITTING DEVICES AND METHODS

◉ Please withdraw me as attorney or agent for the above identified patent application and the practitioners of record associated with Customer Number: 45464

The reason(s) for this request are those described in 37 CFR:

10.40(c)(1)(iv)

Certifications

☒ I/We have given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intend to withdraw from employment

☒ I/We have delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled

☒ I/We have notified the client of any responses that may be due and the time frame within which the client must respond

Change the correspondence address and direct all future correspondence to the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71:

Name	Yungryel Ryu MOXTRONICS, INC.
Address	4439 Ish Drive
City	Simi Valley
State	CA
Postal Code	93063
Country	US

I am authorized to sign on behalf of myself and all withdrawing practitioners.	
Signature	/D. Jacobs/
Name	D. Jacobs
Registration Number	31770

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

JACOBS & KIM LLP
1050 WINTER STREET
SUITE 1000, #1082
WALTHAM, MA 02451-1401

MAILED
JUN 03 2011
OFFICE OF PETITIONS

In re Application	:	
Ryu et al.	:	DECISION ON PETITION
Application No. 12/811,943	:	TO WITHDRAW FROM RECORD
Filed: November 29, 2010	:	
Attorney Docket No. MOXT-108-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 April 8, 2011.

The request is **DISMISSED** because it is moot.

A review of the file record indicates that a duplicate petition under 37 C.F.R. 1.36(b) was filed via Electronic Filing System (EFS) and automatically granted by EFS on May 18, 2011.

Accordingly, the earlier filed request to withdraw under 37 C.F.R. § 1.36(b) is not necessary and hereby moot.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-6059.

A. Kelley-Collier

Alicia Kelley-Collier
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

DORSEY & WHITNEY LLP - NEW YORK
ATTENTION: INTELLECTUAL PROPERTY - PATENT DOCKET
51 WEST 52ND STREET
NEW YORK, NY 10019-6119

MAILED
NOV 04 2011
OFFICE OF PETITIONS

Applicants: LING, et al.
Appl. No.: 12/811,987
International Filing Date: January 7, 2009
Title: METHOD, SYSTEM, AND COMPUTER-ACCESSIBLE MEDIUM FOR ASSESSMENT OF GLYCOSAMINOGLYCAN CONCENTRATION IN VIVO BY CHEMICAL EXCHANGE SATURATION TRANSFER
Attorney Docket: P189614.US.3 - 475396-002
Pub. No.: US 2011/0054299 A1
Pub. Date: March 3, 2011

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on April 5, 2011, for the above-identified application.

The request is dismissed.

Applicant requests that the application be republished because the patent application publication contains material error wherein the assignee's name is not printed on the first 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 instant request does not identify a material mistake in the publication made by the Office under 37 CFR 1.221(b) with respect to the name of the assignee. Omitting an assignee's name is not a material mistake because it does not affect the public's ability to appreciate the technical disclosure of the patent application publication, to determine the scope of the patent application

[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).

publication or to determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent. See MPEP 1130. Applicants should not file requests for corrected publication when a publication includes error in assignment information or missing assignment information.

Applicant is encouraged to use and submit an eADS (PTO/SB/14) as an EFS-Web Fillable Form, rather than a scanned PDF image, to benefit from having the data loaded directly into USPTO electronic systems. For questions, contact the Patent EBC (Electronic Business Center):

Telephone: 1-866-217-9197 (toll-free) or E-mail: ebc@uspto.gov.
571-272-4100 (local)

The applicant is advised that a "request for republication of an application previously published" may be filed under 37 CFR 1.221(a). Such a request for republication "must include a copy of the application compliance with the Office's electronic filing system requirements and be accompanied by the publication fee set forth in § 1.18(d) and the processing fee set forth in § 1.17(i)." If the request for republication does not comply with the electronic filing system requirements, the republication will not take place and the publication fee set forth in § 1.18(d) will be refunded. The processing fee will be retained.

A guide for filing a request for a Pre-Grant Publication, such as a request for republication, may be found on the link below:

http://www.uspto.gov/patents/process/file/efs/guidance/index.jsp

http://www.uspto.gov/ebc/portal/efs/pgpub_quickstart.pdf

Any request for republication under 37 CFR 1.221(a), must be submitted via the EFS system, as a "Pre-Grant Publication".

Inquiries relating to this matter may be directed to Sherry D. Brinkley at (571) 272-3204.

/Christopher Bottorff/

Christopher Bottorff
Petitions Examiner
Office of Petitions

PTO/SB/20PCT-KR (06-10)
Approved for use through 01/31/2015. OMB 0651-0058
U.S. Patent and Trademark Office; U.S DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY – PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE KOREAN INTELLECTUAL PROPERTY OFFICE (KIPO) AND THE USPTO

Application No.:	12/812,030	First Named Inventor:	Robert Siconolfi
Filing Date:	September 22, 2010	Attorney Docket No.:	8531-92186-US
Title of the Invention:	BRAKING SYSTEM WITH LINEAR ACTUATOR		

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/US2009/030782

The international filing date of the corresponding PCT application(s) is/are: January 12, 2009

I. List of Required Documents:

a. **A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above-identified corresponding PCT application(s)**

☐ is attached.

☑ is not attached because the document is already in the U.S. application.

b. **A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s)**

☐ is attached.

☑ is not attached because the document is already in the U.S. application.

c. **English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.**

d. **(1) An information disclosure statement listing the documents cited in the international work products (ISR, WO/ISA, WO/IPEA, IPER) of the corresponding PCT application.**

☐ is attached.

☑ has already been filed in the above-identified U.S. application on March 31, 2011

(2) Copies of all documents (except for U.S. patents or U.S. patent application publications)

☐ are attached.

☑ have already been filed in the above-identified U.S. application on March 31, 2011

This collection of information is required by 35 U.S.C. 119, 37 CFR 1.55, and 37 CFR 1.102(d). The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.

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.:	12/812,030	First Named Inventor:	Robert Siconolfi

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT application	Explanation regarding the correspondence
1-58	1-58	IDENTICAL

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature /David M. Kogan/	Date February 16, 2012
Name (Print/Typed) David M. Kogan	Registration Number 50,868

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

MAILED

NOV 19 2010

PCT LEGAL ADMINISTRATION

HARNESS, DICKEY & PIERCE, P.L.C.
P.O. BOX 828
BLOOMFIELD HILLS MI 48303

In re Application of
YESHIMA et al.
Application No.: 12/812,033
PCT No.: PCT/JP09/050038
Int'l Filing Date: 06 January 2009
Priority Date: 11 January 2008
Attorney Docket No.: 15810-000006/US/NP
For: MECHANICAL SEAL SLIDING MEMBER AND MECHANICAL SEAL

Decision on

Petition Under

37 CFR 1.182 & 1.137(b)

This is a decision on a petition under 37 CFR 1.182 filed in the United States Patent and Trademark Office on 12 October 2010 to correct the international application number. Applicant also submitted a petition under 37 CFR 1.137(b) to revive the international application unintentionally abandoned.

BACKGROUND

On 08 July 2010, applicant filed a request for entry into the national stage in the United States which was accompanied by, *inter alia*, the U.S. Basic National Fee. The papers were assigned serial number 12/812,033. The international application PCT/JP**08**/050038 was indicated on the transmittal letter and on the Electronic Acknowledgement Receipt. However, the declaration filed on the same date identified PCT international application PCT/JP**09**/050038.

On 17 August 2010, a Notification of Abandonment was sent to applicant indicating that the basic national fee was not provided by the thirty month period.

On 12 October 2010, the instant petition under 37 CFR 1.182 was filed.

DISCUSSION

Applicant's petition under 37 CFR 1.182 to correct the international application no. to PCT/JP**09**/050038 on the national stage papers filed on 08 July 2010 is **GRANTED**. The $400 petition fee was paid.

A review of the PCT International application reveals that applicant's error in using the international application number caused the USPTO to calculate the expiration date from the priority date of 21 November 2007. Thus, the thirty month period appeared to be 11 May 2010. The corrected international application number causes the thirty month period to expire on 11 July 2010. Applicant paid the basic national fee on 08 July 2010. Thus, the international application PCT/JP09/050038 is not abandoned. Therefore, the Notification of Abandonment was erroneously mailed and is hereby **VACATED**.

In light of the above, applicant's petition under 37 CFR 1.137(b) to revive is dismissed as moot. The $1620 petition fee will be refunded to applicant's deposit account.

CONCLUSION

Applicant's petition under 37 CFR 1.182 to correct the international application no. to PCT/JP09/050038 on the national stage papers filed on 08 July 2010 is **GRANTED**.

The 17 August 2010 Notification of Abandonment is **VACATED**. The petition under 37 CFR 1.137(b) is **DISMISSED as moot.**

The USPTO records will identify the present application **12/812,033** as the national stage of **PCT/JP09/050038.**

The application will be forwarded to the United States Designated/Elected Office for further processing. The 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date is 12 October 2010.

/Cynthia M. Kratz/
Cynthia M. Kratz
Attorney Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3286

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450

MAILED
FEB 28 2012
OFFICE OF PETITIONS

DR. MARK M. FRIEDMAN
Moshe Aviv Tower, 54th Floor, 7 Jabotinsky St.
Ramat Gan 52520 IL ISRAEL

In re Application of : DECISION ON REQUEST TO
Efrat ROTEM et al. : PARTICIPATE IN PPH PROGRAM
Application No. 12/812,036 : AND PETITION TO MAKE SPECIAL
Filed: August 9, 2010 : UNDER 37 CFR 1.102(a)
Atty. Docket No.: 26/1001 :
For: SYSTEM AND METHOD FOR NAVIGATING A REMOTE CONTROL VEHICLE PAST OBSTACLES

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 12, 2012 to make the above-identified application special.

The petition and request are **GRANTED**.

A grantable request to participate in the PPH (patent prosecution highway) program and petition to make special require:

(1) the U.S. application is a Paris Convention application which either validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the JPO (Japanese Patent Office) or claims priority to a PCT application that contains no priority claims. Alternatively, it can be a national stage application under the PCT which validly claims priority to an application filed in the JPO or claims priority to a PCT application that contains no priority claims. It can also be a "bypass application" filed under 35 U.S.C. 111(a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application validly claims priority to an application filed in the JPO or claims priority to a PCT application that contains no priority claims, or contains no priority claim;

(2) applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation is accurate;

(3) all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);

(4) examination of the U.S. application has not begun;

(5) applicant must submit a copy of all the office actions from each of the JPO application(s) containing the allowability/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate; and

(6) applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO office action along with copies of documents except U.S. patents or U.S. patent application publications.

The request to participate in the PPH program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Robert DeWitty, Petition Attorney, Office of Petitions at 571-272-8427.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc/index.html.

This application will be forwarded to Technology Center Art Unit 3627 for action commensurate with this decision.

Thurma K Page

David Bucci
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/812,080	07/08/2010	Yuji Yokochi	SAA-124-A	3981

21828 7590 06/17/2011
CARRIER BLACKMAN AND ASSOCIATES
43440 WEST TEN MILE ROAD
EATON CENTER
NOVI, MI 48375

EXAMINER

ART UNIT	PAPER NUMBER
2482	

NOTIFICATION DATE	DELIVERY MODE
06/17/2011	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):

cbalaw@gmail.com
cbalaw@ameritech.net
wblackman@ameritech.net

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Carrier Blackman and Associates
43440 West Ten Mile Road
Eaton Center
Novi MI 48375

In re Application of: Yuji Yokochi et al.
Application No. 12/812,080
Filed: 07/08/2010
For: VEHICLE PERIPHERY MONITORING DEVICE, VEHICLE, VEHICLE PERIPHERY MONITORING PROGRAM, AND VEHICLE PERIPHERY MONITORING METHOD

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 8/11/2010, 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 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) As of May 25, 2010, the USPTO has eliminated the fee for the petition to make special under the PPH programs.

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

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.
12/812,088	07/08/2010	Yoon-Ho Kim	LGCHEM 3.3-149	4130

86765 7590 01/12/2011
LGCHEM
Lerner, David, Littenberg, Krumholz & Mentlik, LLP
600 South Avenue West
Westfield, NJ 07090

EXAMINER

ART UNIT	PAPER NUMBER
1762	

NOTIFICATION DATE	DELIVERY MODE
01/12/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

eOfficeAction@ldlkm.com

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

CST

January 11, 2011

In re application of Yoon-Ho Kim et al Serial No. 12/812,088 Filed: July 8, 2010 For: IMPACT STREGTH MODIFIERS FOR THERMOPLASTIC POLYESTER	: : : : : :	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 23, 2010.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the KIPO, note where the KIPO application with similar claims is not the same application from which the U.S. application claims priority that the applicant must identify the relationship between the KIPO application with similar claims and the KIPO priority application;

(2) Applicant must submit a copy of:
   a. The allowable/patentable claim(s) from the KIPO application(s) or if a copy of the allowable/patentable claims is available via the Dossier Access System (DAS) applicant may request the USPTO to obtain a copy from DAS; however, if the USPTO is unable to obtain a copy from the DAS, the applicant will be required to submit a copy;
   b. An English translation of the allowable/ patentable claim(s), if applicable; and
   c. A statement that the English translation is accurate, if applicable;

(3) Applicant must:
   a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the KIPO application(s); and
   b. Submit a claims correspondence table in English;

(4) Examination of the U.S. application has not begun;

(5) Applicant must submit:
   a. Documentation of prior office action:
      i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the KIPO application(s) containing the allowable/patentable claims(s) or
      ii. if the allowable/patentable claim(s) are from "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
      iii. if the KIPO application is a first action allowance then no office action from the KIPO is necessary should be indicated on the request/petition form:
      Further, if a copy of the documents from (i) or (ii) is available via the Dossier Access System (DAS), applicant may request the USPO obtain a copy from the DAS; however, if the USPTO is unable to obtain a copy of the DAS, the applicant will be required to submit a copy;
   b. An English language translation of the KIPO Office action from (5)(a)(i)-(ii) above if applicable; and
   c. A statement that the English translation is accurate; and

(6) Applicant must submit:
   a. An IDS listing the documents cited by the KIPO examiner in the KIPO office action (unless already submitted in this application)
   b. Copies of documents except U.S. patents or U.S. patent application publications (unless already submitted in this application).

The request to participate in the PPH program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

Any inquiry regarding this decision should be directed to Christine Tierney, Quality Assurance Specialist, at (571) 272-1055.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc/index.html.

/Christine Tierney/

Christine Tierney
Quality Assurance Specialist
Technology Center 1700

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.:	12/812,105	Filing Date:	July 8, 2010
First Named Inventor:	Stephen Philip AIREY		
Attorney Docket No.:	146021		
Title of the Invention:	ACTIVE PIXEL SENSOR APPARATUS FOR USE IN A STAR TRACKER DEVICE		

THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT HTTP://WWW.USPTO.GOV/EBC/EFS_HELP.HTML.

APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PROGRAM.

The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.

The corresponding PCT application number(s) is/are: PCT/EP2008/000109

The international date of the corresponding PCT application(s) is/are: January 9, 2008

I. **List of Required Documents:**

a. **A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above–identified corresponding PCT application(s)**

☐ Is attached.

☒ Is not attached because the document is already in the U.S. application.

b. **A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s).**

☒ Is attached.

☐ Is not attached because the document is already in the U.S. application.

c. **English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.**

This collection of information is required by 35 U.S.C. 119, 37 CFR 1.55, and 37 CFR 1.102(d). The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.

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.:	12/812,105
First Named Inventor:	Stephen Philip AIREY

d. **(1) An information disclosure statement listing the documents cited in the international work products (ISR, WO/ISA, WO/IPEA, IPER) of the corresponding PCT application.**

☐ Is attached.

☒ Has already been filed in the above-identified U.S. application on July 8, 2010

(2) Copies of all documents (except) for U.S. patents or U.S. patent application publications)

☐ Are attached.

☒ Have already been filed in the above-identified U.S. application on July 8, 2010

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1	1	U.S. claim 1 is substantially identical to the PCT claim 1.
2	2	U.S. claim 2 is substantially identical to the PCT claim 2.
3	3	U.S. claim 3 is substantially identical to the PCT claim 3. U.S. claim 3 differs from PCT claim 3 in that U.S. claim 3 does not include the multiple dependency.
4	4	U.S. claim 4 is substantially identical to the PCT claim 4.
5	5	U.S. claim 5 is substantially identical to the PCT claim 5.
6	6	U.S. claim 6 is substantially identical to the PCT claim 6. U.S. claim 6 differs from PCT claim 6 in that U.S. claim 6 does not include the multiple dependency.
7	7	U.S. claim 7 is substantially identical to the PCT claim 7. U.S. claim 7 differs from PCT claim 7 in that U.S. claim 7 does not include the multiple dependency.
8	8	U.S. claim 8 is substantially identical to the PCT claim 8. U.S. claim 8 differs from PCT claim 8 in that U.S. claim 8 does not include the multiple dependency.
9	9	U.S. claim 9 is substantially identical to the PCT claim 9.
10	10	U.S. claim 10 is substantially identical to the PCT claim 10. U.S. claim 10 differs from PCT claim 10 in that U.S. claim 10 does not include the multiple dependency.
11	11	U.S. claim 11 is substantially identical to the PCT claim 11. U.S. claim 11 differs from PCT claim 11 in that U.S. claim 11 does not include the multiple dependency.
12	12	U.S. claim 12 is substantially identical to the PCT claim 12. U.S. claim 12 differs from PCT claim 12 in that U.S. claim 12 does not include the multiple dependency.
13	13	U.S. claim 13 is substantially identical to the PCT claim 13. U.S. claim 13 differs from PCT claim 13 in that U.S. claim 13 does not include the multiple dependency.
14	14	U.S. claim 14 is substantially identical to the PCT claim 14. U.S. claim 14 differs from PCT claim 14 in that U.S. claim 14 does not include the multiple dependency.

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.

15	15	U.S. claim 15 is substantially identical to the PCT claim 15.

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature	Date October 20, 2010
Name (Print/Typed) James A. Oliff	Registration Number 27,075
Name (Print/Typed) Vitaliy Orekhov	Registration Number 66,731

OLIFF & BERRIDGE, PLC
P.O. Box 320850
Alexandria, Virginia 22320-4850
Telephone: (703) 836-6400

DEPOSIT ACCOUNT USE AUTHORIZATION
Please grant any extension necessary for entry of this filing;
Charge any fee due to our Deposit Account No. 15-0461

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

I. List of Required Documents

b. A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s)

Claims in the corresponding PCT application that are amended under PCT Article 34 indicated as having novelty, inventive step and industrial applicability

Claims

1. Active-Pixel-Sensor apparatus for use in a star tracker device including an imager chip (10), said imager chip (10) comprising an array (13) of photo-diodes operating as optical pixels, and a logic circuit (14) being configured for:
   - reading out a pixel signal depending on an amount of light irradiated during a predetermined integration time (T) and resetting the optical pixel upon termination of the predetermined integration time (T);
   - processing the pixel signals and to output the modified signals; and
   - performing a non-destructive readout of the pixel signal during the integration time (T),

   characterized in that

   the logic circuit (14) is further configured for:
   - detecting whether or not a discontinuity has occurred in the pixel signal during the integration time, and for
   - modifying the signal depending on the result of this detection.

2. Active-Pixel-Sensor device according to claim 1, **characterized in that** the logic circuit (14) is an on-chip the logic circuit provided on said imager chip (10).

3. Active-Pixel-Sensor device according to one of claims 1 and 2, **characterized in that** the logic circuit (14) is further configured to
   - periodically perform the non-destructive readout during the integration time (T),
   - determine the difference (D_1, D_5) between the results of subsequent non-destructive readouts, and
   - detect the discontinuity by comparing the thus determined difference (D_1, D_5) with a predetermined threshold value.

4. Active Pixel Sensor device according to claim 3,
characterized in that the logic circuit (14) is configured
   - to determine an output signal value by repeatedly adding increments to a base value,
   - to use the previously determined differencebetween the results of subsequent non-destructive readouts as said increment if the difference is below said predetermined threshold value and to
   - use an extrapolated difference value as the increment if the previously determined difference exceeds said predetermined threshold value.

5. Active Pixel Sensor device according to claim 4,
characterized in that the logic circuit (14) comprises storage means (30) for storing at least one difference value (D_4) and to determine said extrapolated difference value based the stored difference value (D_4).

6. Active Pixel Sensor device according to claim 4 or 5,
characterized in that the logic circuit (14) is configured to determine said extrapolated difference value by averaging at least two difference values determined prior to the detection of the jump.

7. Active Pixel Sensor device according to one of claims 4 - 6, **characterized in that** the logic circuit (14) is configured to output a default value of the modified signal if a number of stored previously determined difference values falls short of a predetermined minimum number.

8. Active Pixel Sensor device according to one of the preceding claims,
characterized in that said photo-diodes are of CMOS type.

9. Active Pixel Sensor device according to claim 8, **characterized in that** the logic circuit (14) is configured to perform said non-destructive readout by determining a gate voltage of said photo-diodes.

10. Active Pixel Sensor device according to one of the preceding claims, **characterized in that** the logic circuit (14) is configured modify the signal by using a gradient of the signal determined prior to the jump to perform an extrapolation.

11. Active Pixel Sensor device according to one of the preceding claims, **characterized by** comprising means (32) for managing a windowed readout of the imager chip (10).

12. Active Pixel Sensor according to one of the preceding claims, **characterized in that** the logic circuit (14) is configured to perform correlated double sampling upon readout of the array (13) of photo-diodes.

13. Active Pixel Sensor according to one of the preceding claims, **characterized in that** the logic circuit (14) is configured calculate and subtract a background intensity level from the pixel signal.

14. Active Pixel Sensor device according to one of the preceding claims, **characterized by** comprising means (38) for activating or de-activating at least one signal processing function of the des the logic circuit.

15. Method for on-chip data processing in an Active-Pixel-Sensor apparatus for use in a star tracker device including an imager chip (10), said imager chip (10) comprising an array (13) of photo-diodes operating as optical pixels, the method comprising the steps of:

- reading out a pixel signal depending on an amount of light irradiated during a predetermined integration time (T) and resetting the optical pixel upon termination of the predetermined integration time (T);
- processing the pixel signals and to output the modified signals; and
- performing a non-destructive readout of the pixel signal during the integration time (T),

characterized by

further comprising the steps of:

- detecting whether or not a discontinuity has occurred in the pixel signal during the integration time, and
- modifying the signal depending on the result of this detection.

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.
12/812,105	09/30/2010	Stephen Philip Airey	146021	4249

25944 7590 01/27/2011
OLIFF & BERRIDGE, PLC
P.O. BOX 320850
ALEXANDRIA, VA 22320-4850

EXAMINER

ART UNIT	PAPER NUMBER
2422	

NOTIFICATION DATE	DELIVERY MODE
01/27/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

OfficeAction25944@oliff.com
jarmstrong@oliff.com

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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Alexandria, VA 22313-1450
www.uspto.gov

OLIFF & BERRIDGE, PLC
P.O. BOX 320850
ALEXANDRIA VA 22320-4850

In re Application of: Stephen Airey
Application No. 12/812,105
Filed: September 30, 2010
For: ACTIVE PIXEL SENSOR APPARATUS FOR USE IN A STAR TRACKER DEVICE

DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(d)

MAILED

JAN 27 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 October 20, 2010, to make the above-identified application special.

The petition is **GRANTED**.

A grantable request to participate in the PCT PPH program and petition to make special require:

(1) The relationship between the corresponding U.S. application for which participation in the PCT-PPH pilot program is requested and the PCT application satisfies one of the following:

(a) The U.S. application is a national stage entry of the corresponding PCT application.

(b)The U.S. application is a national application which forms the basis for the priority claim in the corresponding PCT application.

(c) The U.S. application is a national stage entry of another PCT application (which can be filed in any competent receiving office) which claims priority to the corresponding PCT application.

(d) The U.S. application is a national application claiming foreign/domestic priority to the corresponding PCT application.

(e) The U.S. application is a continuing application (continuation, divisional, or continuation-in-part) of the U.S. application which satisfies one of the above (a) to (d) scenarios.

(2) The latest work product in the international phase of the PCT application corresponding to the U.S. application indicates at least one claim in the PCT application has novelty, inventive step and industrial applicability. In case any observation is described in Box VIII of the WO/ISA, or WO/IPEA, or IPER which forms the basis for the PCT-PPH request, applicant must identify and explain why the claim(s) is/are not subject to any observation described in Box VIII irrespective of whether an amendment is submitted to correct the observation described in Box VIII.

(3) All the claims in each U.S. application for which a request for participation in the PCT-PPH pilot program is made must sufficiently correspond to or be mended to sufficiently correspond to one or more of those claims indicated as having novelty, inventive step and industrial applicability and free of any observation described in Box VIII in the latest work product of the corresponding PCT application.

(4) Substantive examination of the U.S. application for which participation in the PCT-PPH pilot program is requested has not begun.

(5) Applicant must submit a copy of the latest international work product which indicated that the claim(s) has/have novelty, inventive step and industrial applicability along with an English translation thereof if the copy of the latest international work product is not in the English language.

(6) Applicant must submit a copy of the claims from the corresponding PCT application which were indicated as having novelty, inventive step and industrial applicability in the latest work product of the PCT application along with an English translation thereof and a statement that the English translation is accurate if the claims are not in the English language. Applicant is required to submit a claims correspondence table in English. The claims correspondence table must indicate how all the claims in the U.S. application sufficiently correspond to the claims indicated as having novelty, inventive step and industrial applicability in the latest international work product.

(7) Applicant must submit an information disclosure statement (IDS) listing the documents cited in the international work products (ISR, WOIISA, WOIIPEA, PER) of the PCT.

(8) Applicant must submit a petition fee under 37 CFR 1.17(h) for the petition to make special under 37 CFR 1.102(d).

(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

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.
12/812,137	07/08/2010	Yusuke Inaida	J-10-0282	4479

71799 7590 12/14/2010
Mr. Jackson Chen
6535 N. STATE HWY 161
IRVING, TX 75039

EXAMINER

ART UNIT	PAPER NUMBER
2473	

NOTIFICATION DATE	DELIVERY MODE
12/14/2010	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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: INAIDA, YUSUKE
Application No. **12812137**
Filed: July 8, 2010
For: MULTICARRIER COMMUNICATION BASE STATION DEVICE AND SUBCARRIER ALLOCATION METHOD

DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(d)

MAILED
DEC 13 2010
DIRECTOR OFFICE
TECHNOLOGY CENTER 2400

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed November 9, 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 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

The request to participate in the PPH program and petition are found to comply with all the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Hassan Kizou at 571-272-3088

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc/index.html.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

/Hassan Kizou/

Hassan Kizou
Quality Assurance Specialist
Technology Center 2400

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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MAILED

DEC 15 2010

PCT LEGAL ADMINISTRATION

WOODCOCK WASHBURN LLP
CIRA CENTRE, 12TH FLOOR
2929 ARCH STREET
PHILADELPHIA PA 19104-2891

In re Application of	:	
DUNWOODY, et al.	:	DECISION ON PETITION
Application No.: 12/812,157	:	
PCT No.: PCT/EP2009/050326	:	UNDER 37 CFR 1.182
Int. Filing Date: 13 January 2009	:	
Priority Date: 18 January 2008	:	
Attorney's Docket No.: CC-5409	:	
For: CAN END	:	

This decision is response to applicant's "Response to Notice of Missing Requirements" filed in the United States Patent and Trademark Office (USPTO) on 12 August 2010. The petition is being treated as a petition under 37 CFR 1.182. As authorized, the $400.00 petition fee will be charged to Deposit Account No.: 23-3050.

BACKGROUND

On 05 August 2010, applicant was mailed a "Notification of Defective Response" (Form PCT/DO/EO/916) indicating that the second listed inventor's name was different on the declaration than the name on the published international application. Applicant was afforded two months to file a proper reply.

On 12 August 2010, applicant filed the present petition under 37 CFR 1.182.

DISCUSSION

The Manual of Patent Examination Procedure (MPEP) at 605.04(c) details the procedures for proceeding where an inventor changes his or her name. It states that in cases where an inventor's name has been changed after the application has been filed and the inventor desires to change his or her name on the application, he or she must submit a petition under 37 CFR 1.182. The petition must include an affidavit signed with both names and setting forth the procedure whereby the change of name was effected, or a certified copy of the court order. Applicant has not supplied either of these items. As such, it is not possible to grant applicant's petition at this time.

CONCLUSION

Applicant's petition under 37 CFR 1.182 is **DISMISSED without prejudice**.

Applicant is hereby afforded **TWO (2) MONTHS** to file a proper response as detailed above. The response should be titled, "Renewed Petition Under 37 CFR 1.182." No additional petition fee is required.

Any further correspondence with respect to this matter should be directed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration or electronically filed utilizing the USPTO's EFS-Web electronic filing system.

Derek A. Putonen
Attorney Advisor
Office of PCT Legal Administration
Tel: (571) 272-3294

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Woodcock Washburn, LLP
Cira Centre, 12th Floor
2929 Arch Street
Philadelphia, PA 19104-2891

MAILED
MAR 22 2011
PCT LEGAL ADMINISTRATION

In re Application of	:	
DUNWOODY, et al.	:	DECISION ON RENEWED
Application No.: 12/812,157	:	
PCT No.: PCT/EP2009/050326	:	PETITION UNDER
Int. Filing Date: 13 January 2009	:	
Priority Date: 18 January 2008	:	37 CFR 1.182
Attorney's Docket No.: CC-5409	:	
For: CAN END	:	

This decision is response to applicant's renewed petition under 37 C.F.R. 1.182 filed in the United States Patent and Trademark Office (USPTO) on 15 February 2011.

BACKGROUND

On 15 December 2010, applicant was mailed a decision dismissing applicant's petition under 37 CFR 1.182. Applicant was afforded two months to file any request for reconsideration.

On 15 February 2011, applicant filed the present renewed petition under 37 CFR 1.182.

DISCUSSION

The present renewed petition is accompanied by an affidavit setting forth the procedure whereby the change of name of inventor Paillet was effected; namely by marriage. The declaration is executed by Mrs. Paillet using her current married name and her maiden name. As such, it is appropriate to grant applicant's renewed petition at this time. Further, a review of the application file reveals that with the filing of the present renewed petition, all of the requirements of 35 U.S.C. 371 for entry into the national stage in the United States have been satisfied.

CONCLUSION

The renewed petition under 37 CFR 1.182 to change the inventor's name from Laure Helene Marie Brehelin to Laure Helene Marie Paillet is **GRANTED**.

The application has an international filing date of 13 January 2009 under 35 U.S.C. 363 and will be given a date of **08 July 2010** under 35 U.S.C. 371 (c)(1), (c)(2) and (c)(4).

This application is being forwarded to the United States Designated/Elected Office (US/DO/EO) for further processing in accordance with this decision.

Derek A. Putonen
Attorney Advisor
Office of PCT Legal Administration
Tel: (571) 272-3294

PTO/SB/20PCT-JP (05-10)
Approved for use through 01/31/2012. OMB 0651-0058
U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE JAPAN PATENT OFFICE (JPO) AND THE USPTO

Attorney Docket No.: 0599-0266PUS1

Application No:	12/812,199	Filing date:	July 08, 2010
First Named Inventor:	Takafumi OTSU		
Title of the Invention:	PLASMA DISPLAY MEMBER AND METHOD FOR MANUFACTURING PLASMA DISPLAY MEMBER		

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/JP2009/051404

The international date of the corresponding PCT application(s) is/are: January 29, 2009

I. List of Required Documents:

a. **A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above–identified corresponding PCT application(s)**

- [✔] Is attached.
- [ ] Is not attached because the document is already in the U.S. application.

b. **A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s).**

- [✔] Is attached.
- [ ] Is not attached because the document is already in the U.S. application.

c. **English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.**

This collection of information is required by 35 U.S.C. 119, 37 CFR 1.55, and 37 CFR 1.102(d). The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.

Approved for use through 01/31/2012. OMB 0651-0058
U.S.Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM BETWEEN THE JPO AND THE USPTO

(continued)

Application No.:	12/812,199
First Named Inventor:	Takafumi OTSU

d. **(1) An information disclosure statement listing the documents cited in the international work products (ISR, WO/ISA, WO/IPEA, IPER) of the corresponding PCT application.**

☐ Is attached

☑ Has already been filed in the above-identified U.S. application on July 8, 2010

(2) Copies of all documents (except) for U.S. patents or U.S. patent application publications)

☐ Are attached.

☑ Have already been filed in the above-identified U.S. application on July 8, 2010

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1	1	Substantially Identical
2	2	Substantially Identical
3	3	Substantially Identical
4	4	Substantially Identical
5	5	Substantially Identical

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature	Date October 5, 2010
Name (Print/Typed) Andrew D. Meikle	Registration Number 32868

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.
12/812,199	07/08/2010	Takafumi Otsu	0599-0266PUS1	4903

2292 7590 11/16/2010
BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH, VA 22040-0747

EXAMINER

ART UNIT	PAPER NUMBER
2879	

NOTIFICATION DATE	DELIVERY MODE
11/16/2010	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

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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	
OTSU et al.	**: DECISION ON REQUEST TO**
Application No.: 12/812,199	**: PARTICIPATE IN THE PCT PATENT**
Filed: 08 July 2010	**: PROSECUTION HIGHWAY PILOT**
Attorney Docket No.: 0599-0266PUS1	**: PROGRAM AND PETITION**
For: PLASMA DISPLAY MEMBER	**: TO MAKE SPECIAL UNDER**
AND METHOD FOR	**: 37 CFR 1.102(d)**
MANUFACTURING PLASMA	
DISPLAY MEMBER	

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 05 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 (1-2) and (5-7) above are considered to have been met. However, the request to participate in the PPH pilot program and petition fails meet condition (3) and possibly (4).

Regarding the requirement of condition (3), applicant failed to submit an English translation of the claims from the PCT application that have novelty, inventive step, and industrial applicability and a statement that the English translation is accurate.

Regarding the requirement of condition (4), it cannot be determined whether the claims of the instant application sufficiently correspond to the claims of the PCT application since applicant failed to submit an English translation of the claims.

Applicant is given **ONE** opportunity within a time period of **ONE MONTH or THIRTY DAYS**, whichever is longer, from the mailing date of this decision to correct the deficiencies. **NO EXTENSION OF TIME UNDER 37 CFR 1.136 IS PERMITTED.** If the deficiencies are not corrected with the time period given, the application will await action in its regular turn.

Response must be filed via the Electronic Filing System (EFS) with the Document Code PPH.PCT.652. Any preliminary amendments and IDS submitted with the PPH documents must be separately indexed as a preliminary amendment and IDS, respectively.

Telephone inquiries concerning this decision should be directed to Lee W. Young at 571-272-4549.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc/index.html.

Lee W. Young
TQAS Technology Center 2800 - Semiconductors,
Electrical & Optical Systems & Components

Docket No.: 0599-0266PUS1
(Patent)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent Application of:	Takafumi OTSU et al.		
Application No.:	12/812,199	Confirmation No.:	4903
Filed:	July 08, 2010	Art Unit:	2879
For:	PLASMA DISPLAY MEMBER AND METHOD FOR MANUFACTURING PLASMA DISPLAY MEMBER	Examiner:	Not Yet Assigned

SUPPLEMENTAL REQUEST FOR PCT PATENT PROSECUTION HIGHWAY PILOT PROGRAM BETWEEN JPO AND USPTO

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Responsive to the USPTO Decision dated November 16, 2010 dismissing the initial PPH Request filed October 5, 2010, the following remarks and supplemental submissions are provided in order to properly complete the Request.

The USPTO Decision stated that, while the requirements of items (1), (2) and (5)-(7) were satisfied, Applicant did not submit a copy of the claims from the PCT Application together with a verified English translation of item (3) such that a determination of the sufficiency of correspondence to the present claims of item (4) could not be made. In order to satisfy items (3) and (4), submitted with this Supplemental Request are: [1] the corresponding PCT Application patent claims in the original language (Japanese) together with a verified English translation thereof; and [2] the PCT Written Opinion of the ISA in the original language (Japanese) together with an English

translation thereof. It is respectfully submitted that these document satisfy items (3) and (4) such that the present PPH Request should now be granted. It is also noted that the translated PCT Application claims correspond to the claims of the present application.

In addition to the above, it is noted that Applicant actually did already submit the above documents with the initial PPH Request filed on October 5, 2010. A review of the image file wrapper on PAIR shows that all of these documents on located under the document code "REM" and the document description "Applicant Arguments/Remarks made in an Amendment".

If any questions arise in the above matters, please contact Applicant's representative, Andrew D. Meikle (Reg. No. 32,868), in the Washington Metropolitan Area at the phone number listed below.

If necessary, the Director is hereby authorized in this, concurrent, and future replies to charge any fees required during the pendency of the above-identified application or credit any overpayment to Deposit Account No. 02-2448.

Dated: December 2, 2010

Respectfully submitted,

By _____

Andrew D. Meikle
Registration No.: 32868
BIRCH, STEWART, KOLASCH & BIRCH, LLP
8110 Gatehouse Road, Suite 100 East
P.O. Box 747
Falls Church, VA 22040-0747
703-205-8000

Attachment

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/812,199	07/08/2010	Takafumi Otsu	0599-0266PUS1	4903

2292 7590 12/15/2010
BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH, VA 22040-0747

EXAMINER

ART UNIT	PAPER NUMBER
2879	

NOTIFICATION DATE	DELIVERY MODE
12/15/2010	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

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BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH VA 22040-0747

In re Application of	
OTSU et al.	**: DECISION ON REQUEST TO**
Application No.: 12/812,199	**: PARTICIPATE IN THE PCT PATENT**
Filed: 08 July 2010	**: PROSECUTION HIGHWAY PILOT**
Attorney Docket No.: 0599-0266PUS1	**: PROGRAM AND PETITION**
For: PLASMA DISPLAY MEMBER	**: TO MAKE SPECIAL UNDER**
AND METHOD FOR	**: 37 CFR 1.102(a)**
MANUFACTURING PLASMA	
DISPLAY MEMBER	

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 05 October 2010 and renewed on 02 December 2010, to make the above-identified application special.

The request and petition are **GRANTED**.

Discussion

A grantable request to participate in the PCT-PPH pilot program and petition to make special require:

(1) The U.S. application must disclose an eligible relationship to one or more PCT applications where the ISA or IPEA are the JPO, EPO, KIPO, or USPTO;

(2) At least one claim in the PCT application has novelty, inventive step, and industrial applicability and must be free of any observations in Box VIII in the latest work product in the international stage or applicant must identify and explain why the claim(s) is/are not subject to the observation in Box VIII;

(3) Applicant must submit a copy of the claim(s) from the PCT application(s) that have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate, if the claims are not in the English language;

(4) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the claim(s) that have novelty, inventive step, and industrial applicability in the PCT application(s);

(5) Examination of the U.S. application has not begun;

(6) Applicant must submit a copy of the latest international work product from the PCT application indicating that the claim(s) have novelty, inventive step, and industrial applicability

along with an English translation thereof and a statement that the English translation is accurate if the latest international work product is not in the English language;

(7) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

The request to participate in the PCT-PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Lee W. Young at 571-272-4549.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc.index.html.

This application will be forwarded to the examiner for action on the merits commensurate with this decision once this application's formality reviews have been completed.

Lee W. Young
TQAS Technology Center 2800 - Semiconductors,
Electrical & Optical Systems & Components

UNITED STATES PATENT AND TRADEMARK OFFICE

12 AUG 2010

Commissioner for Patents
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www.uspto.gov

MCCARTER & ENGLISH, LLP STAMFORD
CANTERBURY GREEN
201 BROAD STREET, 9TH FLOOR
STAMFORD CT 06901

In re Application of	:	
BURATTINI	:	DECISION ON PETITION
Application No.: 12/812,207	:	
PCT No.: PCT/IB2008/002474	:	UNDER 37 CFR 1.137(b)
Int. Filing Date: 23 September 2008	:	
Priority Date: 24 September 2007	:	
Atty. Docket No.: 99759.00024	:	
For: BREAK-OPEN SINGLE-DOSE SEALED	:	
PACKAGE	:	

The petition to revive under 37 CFR 1.137(b) filed 08 July 2010 in the above-captioned application is hereby **GRANTED** as follows:

Applicant's statement that "the entire delay in filing the required reply form the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional" and the prompt filing of the petition satisfies the requirement of 37 CFR 1.137(b)(3).

A review of the application file reveals that applicant has provided the proper reply in the form of payment of the full, U.S. Basic National Fee. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for treatment in accordance with this decision.

Derek A. Putonen
Attorney Advisor
Office of PCT Legal Administration
Tel: (571) 272-3294

UNITED STATES PATENT and TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
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P.O BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

MICHAEL O. SCHEINBERG
P.O. BOX 164140
AUSTIN TX 78716-4140

In re Application of	:	
Fei et al	:	DECISION ON RENEWED
Application No: 12/812,221	:	
PCT No.: PCT/US2009/030671	:	MAILED
Int. Filing Date: 09 January 2009	:	PETITION UNDER
Priority Date: 09 January 2008	:	DEC 30 2010
Attorney's Docket No.: F623	:	
For: MULTIBEAM SYSTEM	:	37 CFR 1.47(a) PCT LEGAL ADMINISTRATION

This decision is in response to applicants' " SUPPLEMENTAL TO PETITION UNDER 37 CFR 1.47(a)TO ACCEPT APPLICATION EXECUTED BY LESS THAN ALL OF THE INVENTORS," filed on 18 November 2010.

BACKGROUND

On 09 January 2009, applicants filed international application PCT/US2009/030671, which claimed priority of an earlier application filed 09 January 2008.

On 08 July 2010, applicants filed a Transmittal Letter for entry into the national stage in the United States of America. Filed with the Transmittal Letter was, inter alia, the requisite basic national fee. No executed oath or declaration from the inventors accompanied the Transmittal Letter at such time.

On 28 July 2010, the United States Designated/Elected Office (DO/EO/US) mailed a "NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)" (Form PCT/DO/EO/905)

On 28 October 2010, petitioner filed a petition under 37 CFR 1.47(a) accompanied, inter alia, an executed Declaration without the signatures of co-inventors Noel Smith and Paul P. Tesch.

On 18 November 2010, petitioner filed this supplemental communication to petition previously filed accompanied, inter alia, an executed declaration that includes the signature of the previous non-signing co-inventors Noel Smith and Paul P. Tesch.

DISCUSSION

The renewed filing includes a declaration executed by the previously non-signing co-inventors . As such the declaration is now signed by all the co-inventors. Noel Smith and Paul P. Tesch

Accordingly, the declaration complies with 37 CFR 1.497(a) and (b).

CONCLUSION

The petition under 37 CFR 1.47(a) is **MOOT.**

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for continued processing consistent with this decision.

Rafael Bacares
PCT Legal Examiner
PCT Legal Office
Telephone: (571) 272-3276
Facsimile: (571) 273-0459

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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APPLIED MATERIALS/BSTZ
BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP
1279 OAKMEAD PARKWAY
SUNNYVALE, CA 94085-4040

MAILED
APR 20 2011
PCT LEGAL ADMINISTRATION

In re Application of :
SU et al. :
U.S. Application No.: 12/812,222 :
PCT No.: PCT/US2009/031831 :
Int. Filing Date: 23 January 2009 :
Priority Date: 31 January 2008 :
Attorney Docket No.: 011007USP/AEP/. . . . :
For: CLOSED LOOP MOCVD DEPOSITION CONTROL :

DECISION ON PETITION

This decision is issued in response to applicants' "Petition under 37 CFR 1.47(b)" filed 14 February 2011 treated herein as a petition under 37 CFR 1.47(a). Applicants are requesting to accept the application without the signature of joint-inventor, Sandeep NIJHAMWAN.

BACKGROUND

On 23 January 2009, applicants filed international application PCT/US2009/031831. Pursuant to 37 CFR 1.495, the period for paying the basic national fee in the United States expired 30 months from the priority date, 31 July 2010.

On 08 July 2010, applicants filed a transmittal letter for entry into the national stage in the United States, which accompanied by, inter alia: the basic national fee, an application data sheet, and a copy of the international application.

On 13 August 2010, the United States Designated/Elected Office (DO/EO/US) mailed a Notification of Missing Requirements (Form PCT/DO/EO/905) requiring an oath or declaration in compliance with 37 CFR 1.497(a) and (b). The notification set a two-month time limit in which to respond.

On 14 February 2011, applicants filed the present petition under 37 CFR 1.47(a) and a four month extension of time.

DISCUSSION

A petition under 37 CFR 1.47(a) must be accompanied by: (1) the fee under 37 CFR 1.17, (2) factual proof that the missing joint inventor refuses to execute the application or

cannot be reached after diligent effort, (3) a statement of the last known address of the missing inventor, and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and behalf of the nonsigning joint inventor. Applicants have satisfied Item (1), (3) and (4)

Regarding item (2) above, section 409.03(d) of the Manual of Patent Examining Procedure (M.P.E.P.), states in relevant part:

> Where inability to find or reach a nonsigning inventor "after diligent effort" is the reason for filing under 37 CFR 1.47, a statement of facts should be submitted that fully describes the exact facts which are relied on to establish that a diligent effort was made....The statement of facts must be signed, where at all possible, by a person having firsthand knowledge of the facts recited therein. Statements based on hearsay will not normally be accepted. Copies of documentary evidence such as internet searches, certified mail return receipts, cover letters of instructions, telegrams, that support a finding that the nonsigning inventor could not be found or reached should be made part of the statement. The steps taken to locate the whereabouts of the nonsigning inventor should be included statement of facts. It is important that the statement contain facts as opposed to conclusions.
>
> * * *
>
> Where a refusal of the inventor to sign the application papers is alleged, the circumstances of the presentation of the application papers and of the refusal must be specified in a statement of facts by the person who presented the inventor with the application papers and/or to whom the refusal was made. Statements by a party not present when an oral refusal is made will not be accepted.
>
> Proof that a bona fide attempt was made to present a copy of the application papers (specification, including claims, drawings, and oath or declaration) to the nonsigning inventor for signature, but the inventor refused to accept delivery of the papers or expressly stated that the application papers should not be sent, may be sufficient. When there is an express oral refusal, that fact along with the time and place of the refusal must be stated in the statement of facts. When there is an express written refusal, a copy of the document evidencing that refusal must be made part of the statement of facts.

A review of the present petition reveals that petitioner has not shown that a bona fide attempt was made to present the application papers (specification, claims, drawings, and oath/declaration) to Sandeep NIJHAMWAN. Karen Hearron states that a copy of the application papers were sent via FedEx to Sandeep NIJHAMWAN on February 07, 2011. However, Ms. Hearron fails to include evidence to demonstrate that the materials were actually received by the nonsigning inventor. A review of the Fed Ex tracking report reveals that the package was released without a signature and is unclear if these papers

were actually received by Sandeep NIJHAMWAN. Under these circumstances, where the Office is being asked to accept the silence of the nonsigning inventor's as evidence of a refusal to sign, petitioner must provide some evidence that the application materials have been received by the nonsigning applicant.

Additionally, it is unclear whether the petitioner is asserting that the nonsigning inventor (Sandeep NIJHAMWAN) has refused to execute the application or cannot be located to execute the application. If Sandeep NIJHAMWAN cannot be located, applicants must show that alternative means were employed, such as a search of telephone and/or Internet directories, in an attempt to locate the nonsigning inventors. As stated above, copies of documentary evidence such as a certified mail return receipt, cover letter of instruction, telegrams, etc., should be supplied by a person having firsthand knowledge of the facts. Therefore, item (2) has not been satisfied.

For the reasons stated above, it would not be appropriate to accept the application without the signature of Sandeep NIJHAMWAN under 37 CFR 1.47(a) at this time.

CONCLUSION

The petition under 37 CFR 1.47(a) is **DISMISSED** without prejudice.

If reconsideration on the merits of this petition is desired, a proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)." No additional petition fee is required.

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

Anthony Smith
Attorney-Advisor
Office PCT Legal Administration
Tel.: 571-272-3298
Facsimile: 571-273-0459

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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Applied Materials/BSTZ
Blakely Sokoloff Taylor & Zafman LLP
1279 Oakmead Parkway
Sunnyvale, CA 94085-4040

MAILED
AUG 31 2011
PCT LEGAL ADMINISTRATION

In re Application of :
SU et al. :
U.S. Application No.: 12/812,222 :
PCT No.: PCT/US2009/031831 :
Int. Filing Date: 23 January 2009 :
Priority Date: 31 January 2008 :
Attorney Docket No.: 011007USP/AEP/. . . . :
For: CLOSED LOOP MOCVD DEPOSITION CONTROL :

DECISION ON PETITION

In a decision mailed by this Office on 20 April 2011, applicants' petition under 37 CFR 1.47(a) was dismissed without prejudice for failing to satisfy all the requirements of a grantable petition. Specifically, petitioner had not submitted adequate evidence that the nonsigning inventor (Sandeep NIJHAMWAN) had received a copy of the complete application papers and refused to execute the application.

On 16 June 2011, petitioner filed the renewed petition considered herein. The 37 CFR 1.47(a) applicants provided evidence that a complete copy of the subject application was sent to the nonsigning inventor. The documents provided to Sandeep NIJHAMWAN included instructions to sign and return the declaration. These materials provide the required firsthand statement regarding the delivery to the nonsigning inventor (Sandeep NIJHAMWAN) of a copy of the complete application, and the nonsigning inventor's refusal to execute the application, with documentary evidence supporting the statement. The petition under 37 CFR 1.47(a) is **GRANTED**.

The application is accepted without the signature of nonsigning inventor, Sandeep NIJHAMWAN. A notice of the acceptance of the application will be published in the Official Gazette, and a letter informing the nonsigning inventor of the application will be forwarded to the inventor's last-known address, as set forth in the petition.

The application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations for further processing.

Anthony Smith
Attorney-Advisor
Office PCT Legal Administration
Tel.: 571-272-3298

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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www.uspto.gov

Sandeep NIJHAMWAN
1024 Seena Avenue
Los Altos, CA 94024

MAILED
AUG 31 2011
PCT LEGAL ADMINISTRATION

In re Application of
SU et al.
U.S. Application No.: 12/812,222
PCT No.: PCT/US2009/031831
Int. Filing Date: 23 January 2009
Priority Date: 31 January 2008
Attorney Docket No.: 011007USP/AEP/. . . .
For: CLOSED LOOP MOCVD DEPOSITION CONTROL

Dear Sandeep NIJHAMWAN:

You are named as an inventor in the above identified United States patent application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor.

As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. If you care to join in the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3298
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Counsel of Record:
Applied Materials/BSTZ
Blakely Sokoloff Taylor & Zafman LLP
1279 Oakmead Parkway
Sunnyvale, CA 94085-4040

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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/812,236	07/27/2010	Markus Enzelberger	MS065PCTUS	5525

7590 02/29/2012

MorphoSys AG
Lena-Christ-Str.
48
Martinsried/Planegg, 82152
GERMANY

EXAMINER
QIAN, CELINE X

ART UNIT	PAPER NUMBER
1636	

NOTIFICATION DATE	DELIVERY MODE
02/29/2012	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.

Mimi Farmer

Patent Publication Branch
Office of Data Management

FORM PET651D (Rev. 08/07)

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/812,243	07/09/2010	Vittorio Palmieri	362491US6PCT	5620

22850 7590 09/07/2010
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P.
1940 DUKE STREET
ALEXANDRIA, VA 22314

EXAMINER

ART UNIT	PAPER NUMBER
3749	-

NOTIFICATION DATE	DELIVERY MODE
09/07/2010	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patentdocket@oblon.com
oblonpat@oblon.com
jgardner@oblon.com

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P.
1940 DUKE STREET
ALEXANDRIA VA 22314

In re Application of	:	
PALMIERI, VITTORIO	:	DECISION ON PETITION
Application No. 12/812,243	:	TO MAKE SPECIAL UNDER
Filed: July 9, 2010	:	THE GREEN TECHNOLOGY
Attorney Docket No. 362491US5PCT	:	PILOT PROGRAM
Title of Invention: VACUUM SOLAR THERMAL PANEL WITH A VACUUM TIGHT GLASS-METAL SEALING		

This is a decision on the petition under 37 CFR 1.102, filed July 12, 2010, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010).

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 and be filed prior to the date of the notice, December 8, 2009.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of

the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The instant petition complies with items 1 – 8 above. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquires concerning this decision should be directed to Henry Yuen at 571-272-4856.

The application is being forwarded to the Technology Center Art Unit 3749 for action on the merits commensurate with this decision.

/Henry C. Yuen/

Henry C. Yuen
Quality Assurance Specialist
Technology Center 3700

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GRAYBEAL JACKSON LLP
400 - 108TH AVENUE NE
SUITE 700
BELLEVUE, WA 98004

MAILED
FEB 04 2011
PCT LEGAL ADMINISTRATION

In re Application of BRUZZONE	:	
U.S. Application No.: 12/812,288	:	
PCT Application No.: PCT/IB2009/000015	:	DECISION
Int. Filing Date: 08 January 2009	:	
Priority Date Claimed: 09 January 2008	:	
Attorney Docket No.: 2323-034-03 (E7004/09-US)	:	
For: AIRBAG COVER	:	

This is in response to applicant's petition filed 06 January 2011, which is being treated under 37 CFR 1.47(b).

BACKGROUND

On 08 January 2009, applicant filed international application PCT/IB2009/000015, which claimed priority of an earlier Italy application filed 09 January 2008. A copy of the international application was communicated to the USPTO from the International Bureau on 16 July 2009. The thirty-month period for paying the basic national fee in the United States expired on 09 July 2010.

On 09 July 2010, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

On 12 August 2010, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905), which indicated that an oath or declaration in compliance with 37 CFR 1.497 must be filed.

On 06 January 2011, applicant filed the present petition under 37 CFR 1.47(b).

DISCUSSION

A petition under 37 CFR 1.47(b) must be accompanied by: (1) the fee under 37 CFR 1.17(i), (2) factual proof that the inventor refuses to execute the application or cannot be reached

after diligent effort, (3) a statement of the last known address of the inventor, (4) an oath or declaration by the 37 CFR 1.47(b) applicant on behalf of and as agent for the non-signing inventor, (5) proof that the 37 CFR 1.47(b) applicant has sufficient proprietary interest in the application, and (6) a showing that such action is necessary to preserve the rights of the parties or to prevent irreparable damage. See 37 CFR 1.47(b).

With regard to item (1) above, the requisite fee has been provided.

With regard to item (2) above, MPEP 409.03(d) states in relevant part,

> A refusal by an inventor to sign an oath or declaration when the inventor has not been presented with the application papers does not itself suggest that the inventor is refusing to join the application unless it is clear that the inventor understands exactly what he or she is being asked to sign and refuses to accept the application papers. A copy of the application papers should be sent to the last known address of the nonsigning inventor, or, if the nonsigning inventor is represented by counsel, to the address of the nonsigning inventor's attorney. . . . It is reasonable to require that the inventor be presented with the application papers before a petition under 37 CFR 1.47 is granted since such a procedure ensures that the inventor is apprised of the application to which the oath or declaration is directed. In re Gray, 115 USPQ 80 (Comm'r Pat. 1956).
>
> Where a refusal of the inventor to sign the application papers is alleged, the circumstances of the presentation of the application papers and of the refusal must be specified in a statement of facts by the person who presented the inventor with the application papers and/or to whom the refusal was made. Statements by a party not present when an oral refusal is made will not be accepted.
>
> Proof that a bona fide attempt was made to present a copy of the application papers (specification, including claims, drawings, and oath or declaration) to the nonsigning inventor for signature, but the inventor refused to accept delivery of the papers or expressly stated that the application papers should not be sent, may be sufficient. When there is an express oral refusal, that fact along with the time and place of the refusal must be stated in the statement of facts. When there is an express written refusal, a copy of the document evidencing that refusal must be made part of the statement of facts. The document may be redacted to remove material not related to the inventor's reasons for refusal.
>
> When it is concluded by the 37 CFR 1.47 applicant that a nonsigning inventor's conduct constitutes a refusal, all facts upon which that conclusion is based should be stated in the statement of facts in support of the petition or directly in the petition. If there is documentary evidence to support facts alleged in the petition or in any statement of facts, such evidence should be submitted. Whenever a nonsigning inventor gives a reason for refusing to sign the application oath or declaration, that reason should be stated in the petition.

The petition states that inventor Michela Bruzzone refuses to sign the application papers. Petitioner has adequately demonstrated that a bona fide attempt was made to present a copy of the application papers to Ms. Bruzzone for signature (see affidavit of Matteo Maccagnan, ¶8). Furthermore, the petition sufficiently illustrates that Ms. Bruzzone refuses to sign. In particular, Ms. Bruzzone made an express oral refusal to sign during a conversation with Dr. Maccagnan (see Maccagnan affidavit, ¶10) and an express written refusal to sign in an electronic mail

message dated 21 September 2010 (see Exhibit E). Thus, it can be concluded with reasonable certainty that Ms. Bruzzone refuses to join in the application.

With regard to item (3) above, the petition fails to state the last known address of the nonsigning inventor.

With regard to item (4) above, an oath or declaration executed by the 37 CFR 1.47(b) applicant on behalf of and as agent for the nonsigning inventor has not been provided.

With regard to item (5) above, the 37 CFR 1.47(b) applicant must prove that, as of the date the application was deposited in the Patent and Trademark Office, (A) the invention has been assigned to the applicant, or (B) the inventor has agreed in writing to assign the invention to the applicant, or (C) the applicant otherwise has sufficient proprietary interest in the subject matter to justify filing of the application. MPEP 409.03(f).

In the present case, item (C) above applies. With respect to item (C), MPEP 409.03(f) states,

> If the invention has not been assigned, or if there is no written agreement to assign, the 37 CFR 1.47(b) applicant must demonstrate that he or she otherwise has a sufficient proprietary interest in the matter.
>
> A proprietary interest obtained otherwise than by assignment or agreement to assign may be demonstrated by an appropriate legal memorandum to the effect that a court of competent jurisdiction (federal, state, or foreign) would by the weight of authority in that jurisdiction award title of the invention to the 37 CFR 1.47(b) applicant. The facts in support of any conclusion that a court would award title to the 37 CFR 1.47(b) applicant should be made of record by way of an affidavit or declaration of the person having firsthand knowledge of same. The legal memorandum should be prepared and signed by an attorney at law familiar with the law of the jurisdiction involved. A copy (in the English language) of a statute (if other than the United States statute) or a court decision (if other than a reported decision of a federal court or a decision reported in the United States Patents Quarterly) relied on to demonstrate a proprietary interest should be made of record.

The petition states that Ferrari S p̀ a ("Ferrari") has proprietary interest in the present invention. Therefore petitioner must establish a chain of title from inventor Bruzzone to Ferrari. The submitted legal memorandum (see Maccagnan affidavit, ¶¶13-15) states that Ferrari obtained proprietary interest in the present invention by virtue of Article 64 of the Italian Patent Law. However, the presented facts do not adequately support the conclusion drawn by the memorandum. Specifically, Article 64 sets forth that the invention must be made in performance of the employment relationship. However, the petition does not include an affidavit from a person with firsthand knowledge of the inventive activity being the object of Ms. Bruzzone's employment relationship with Ferrari. Evidence that Ms. Bruzzone was employed by Ferrari at the time of the present invention falls short of evidence that Ms. Bruzzone made the present invention as a direct result of her employment relationship. Absent a statement from a person who was personally aware of Ms. Bruzzone making the present invention for Ferrari, it would not be reasonable to conclude at the present time that Ferrari has sufficient proprietary interest.

With regard to item (6) above, an adequate statement regarding preservation of the rights of the parties and/or prevention of irreparable damage has been provided.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.47(b) is DISMISSED without prejudice.

If reconsideration on the merits of the petition is desired, a proper response must be filed within TWO (2) MONTHS from the mail date of this decision. Failure to timely file a proper response will result in ABANDONMENT of the application. Extensions of time are available under 37 CFR 1.136(a). Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(b)". No additional petition fee is required.

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

Bryan Lin

Bryan Lin
PCT Legal Examiner
PCT Legal Office

Telephone: 571-272-3303
Facsimile: 571-273-0459

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MAILED

JUL 27 2011

PCT LEGAL ADMINISTRATION

GRAYBEAL JACKSON LLP
400 - 108TH AVENUE NE
SUITE 700
BELLEVUE, WA 98004

In re Application of BRUZZONE	:	
U.S. Application No.: 12/812,288	:	
PCT Application No.: PCT/IB2009/000015	:	DECISION
Int. Filing Date: 08 January 2009	:	
Priority Date Claimed: 09 January 2008	:	
Attorney Docket No.: 2323-034-03 (E7004/09-US)	:	
For: AIRBAG COVER	:	

This is in response to applicant's renewed petition under 37 CFR 1.47(b) filed 06 June 2011.

BACKGROUND

On 08 January 2009, applicant filed international application PCT/IB2009/000015, which claimed priority of an earlier Italy application filed 09 January 2008. A copy of the international application was communicated to the USPTO from the International Bureau on 16 July 2009. The thirty-month period for paying the basic national fee in the United States expired on 09 July 2010.

On 09 July 2010, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

On 12 August 2010, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905), which indicated that an oath or declaration in compliance with 37 CFR 1.497 must be filed.

On 06 January 2011, applicant filed a petition under 37 CFR 1.47(b).

On 04 February 2011, this Office mailed a decision dismissing the 06 January 2011 petition.

On 06 June 2011, applicant filed the instant renewed petition under 37 CFR 1.47(b).

DISCUSSION

A petition under 37 CFR 1.47(b) must be accompanied by: (1) the fee under 37 CFR 1.17(i), (2) factual proof that the inventor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the inventor, (4) an oath or declaration by the 37 CFR 1.47(b) applicant on behalf of and as agent for the non-signing inventor, (5) proof that the 37 CFR 1.47(b) applicant has sufficient proprietary interest in the application, and (6) a showing that such action is necessary to preserve the rights of the parties or to prevent irreparable damage. See 37 CFR 1.47(b).

Applicant previous satisfied items (1), (2), and (6) above.

With regard to item (3) above, the petition states the last known address of the nonsigning inventor.

With regard to item (4) above, an oath or declaration executed by the 37 CFR 1.47(b) applicant on behalf of and as agent for the nonsigning inventor has been provided.

With regard to item (5) above, the 37 CFR 1.47(b) applicant must prove that, as of the date the application was deposited in the Patent and Trademark Office, (A) the invention has been assigned to the applicant, or (B) the inventor has agreed in writing to assign the invention to the applicant, or (C) the applicant otherwise has sufficient proprietary interest in the subject matter to justify filing of the application. MPEP 409.03(f).

In the present case, item (C) above applies. With respect to item (C), MPEP 409.03(f) states,

> If the invention has not been assigned, or if there is no written agreement to assign, the 37 CFR 1.47(b) applicant must demonstrate that he or she otherwise has a sufficient proprietary interest in the matter.
>
> A proprietary interest obtained otherwise than by assignment or agreement to assign may be demonstrated by an appropriate legal memorandum to the effect that a court of competent jurisdiction (federal, state, or foreign) would by the weight of authority in that jurisdiction award title of the invention to the 37 CFR 1.47(b) applicant. The facts in support of any conclusion that a court would award title to the 37 CFR 1.47(b) applicant should be made of record by way of an affidavit or declaration of the person having firsthand knowledge of same. The legal memorandum should be prepared and signed by an attorney at law familiar with the law of the jurisdiction involved. A copy (in the English language) of a statute (if other than the United States statute) or a court decision (if other than a reported decision of a federal court or a decision reported in the United States Patents Quarterly) relied on to demonstrate a proprietary interest should be made of record.

The petition states that Ferrari S p a ("Ferrari") has proprietary interest in the present invention. Therefore petitioner must establish a chain of title from inventor Bruzzone to Ferrari. The submitted legal memorandum (see Maccagnan affidavit, ¶¶13-15) states that Ferrari obtained proprietary interest in the present invention by virtue of Article 64 of the Italian Patent

Law. The petition includes an affidavit from a person with firsthand knowledge of the inventive activity being the object of Ms. Bruzzone's employment relationship with Ferrari. Therefore, it can be concluded with reasonable certainty that Ferrari has sufficient proprietary interest.

CONCLUSION

For the reasons above, the renewed petition under 37 CFR 1.47(b) is GRANTED.

The application has an International Filing Date under 35 U.S.C. 363 of 08 January 2009, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 06 June 2011.

As set forth in 37 CFR 1.47(a), a notice of the filing of this application will be forwarded to the nonsigning inventor at the last known address of record and will be published in the *Official Gazette*.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision.

Bryan Lin
PCT Legal Examiner
PCT Legal Office

Telephone: 571-272-3303
Facsimile: 571-273-0459

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MAILED

JUL 27 2011

PCT LEGAL ADMINISTRATION

Michela Bruzzone
Via Pirandello 6/7
41043 Formigine (MO)
ITALY

In re Application of BRUZZONE
U.S. Application No.: 12/812,288
PCT Application No.: PCT/IB2009/000015
Int. Filing Date: 08 January 2009
Priority Date Claimed: 09 January 2008
For: AIRBAG COVER

Dear Michela Bruzzone:

You are named as the inventor in the above-captioned United States national stage application, filed under the provisions of 37 CFR 1.47(b) and 35 U.S.C. 118. Should a patent be granted, you will be designated as the inventor.

As the named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost set forth in 37 CFR 1.19) or to make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. If you choose to join in the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Bryan Lin

Bryan Lin
PCT Legal Examiner
PCT Legal Office
Telephone: 571-272-3303
Facsimile: 571-273-0459

GRAYBEAL JACKSON LLP
400 - 108TH AVENUE NE
SUITE 700
BELLEVUE, WA 98004
Attorney Docket No.: 2323-034-03 (E7004/09-US)

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	12812310
Filing Date	09-Jul-2010
First Named Inventor	Bradley Sharp
Art Unit	3775
Examiner Name	THOMAS BARRETT
Attorney Docket Number	P401290
Title	TISSUE RETRACTOR AND METHOD 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: 46155

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 address of the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71, associated with Customer Number: 24955

I am authorized to sign on behalf of myself and all withdrawing practitioners.

Signature	/Alexander R. Schlee/
Name	Alexander R. Schlee
Registration Number	55912

UNITED STATES 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 17,2011

In re Application of :

Bradley Sharp

Application No : 12812310

Filed : 09-Jul-2010

Attorney Docket No : P401290

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 17,2011

The request is **APPROVED**

The request was signed by Alexander R. Schlee (registration no. 55912) on behalf of all attorneys/agents associated with Customer Number 46155 . All attorneys/agents associated with Customer Number 46155 have been withdrawn.

Since there are no remaining attorneys of record, all future communications from the Office will be directed to the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71, with Customer number 24955 .

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